

ORDINANCE NO. 1447

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED IN REZONING CASE PZ-1-17, A CITY-INITIATED REZONING, FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL, CONVENTIONAL HOMES PERMITTED ("RS-10") TO MEDIUM/HIGH DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL BY PLANNED DEVELOPMENT, CONVENTIONAL HOMES PERMITTED ("RS-5/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Evelyn Subdivision plat was recorded on May 19, 1948; and

WHEREAS, the City of Apache Junction was incorporated in 1978 and the zoning that was applied to the Evelyn Subdivision was Medium Density Single-Family Residence Zone, Conventional Home Permitted ("CR-3"); and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the City adopted a new zoning ordinance and zoning district maps, and the subject properties were given a new zoning designation of Medium Density Single-Family Detached Residential, Conventional Homes Permitted ("RS-10"); and

WHEREAS, due to encroachments of buildings, staff has observed a majority of the setbacks and lot sizes in this neighborhood have been nonconforming both under the previous "CR-3" zoning as well as the new "RS-10" zoning; and

WHEREAS, for the purpose of correcting and/or alleviating the nonconformities in the Evelyn Subdivision, on January 17, 2017, as recommended by planning staff, the Apache Junction City Council directed staff to initiate a corrective rezoning for the neighborhood from "RS-10" to "RS-5/PD"; and

WHEREAS, on April 25, 2017, the Planning and Zoning Commission, in a public hearing, voted to recommend approval of rezoning case PZ-1-17 by a vote of 7 to 0; and

WHEREAS, the Mayor and City Council finds that the proposed rezoning conforms to all of the applicable criteria as specified in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-1 Residential Use Regulations and Article 1-4: Zoning Districts, Section 1-4-3 Planned Development ("PD") District.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

#### SECTION I IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land legally described as:

Lots 3 through 94, Evelyn Subdivision, recorded in Book 5 of maps, Page 41, Pinal County Recorder's Office;

be and hereby is amended from Medium Density Single-Family Detached Residential, Conventional Homes Permitted on 10,000 square foot minimum lots ("RS-10") to Medium/High Density Single-Family Detached Residential by Planned Development, Conventional Homes Permitted on 5,000 square foot minimum lots ("RS-5/PD"), subject to the following conditions:

- 1) The bulk regulations for RS-5 found in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-2 Residential Bulk Regulations, Table 5-2 Residential Bulk Regulations, shall be modified as depicted below:

<u>Main Structure Setbacks</u>		<u>Accessory Structure Setbacks</u>	
Front	20'	Front	20'
Side	5'	Side	3'
Street Side	10'	Street Side	10'
Rear	10'	Rear	3'

- 2) For any nonconforming lots or structures, Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots, shall apply.
- 3) On lots that are nonconforming with multiple units, Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots, shall apply.
- 4) A nonconforming use structure cannot expand beyond the 50% rule, as found in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots.
- 5) Rear property lines shall not be altered unless to follow original subdivision lot lines.
- 6) All regulations from the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, and Chapter 2: Subdivision Regulations, shall apply to all lots in the subdivision.
- 7) All applicable permits shall be applied for and plans shall be designed to current city codes for any structures over 120 square feet and new homes or remodels.
- 8) All of the current homeowners within the Evelyn Subdivision shall receive formal notice related to this rezoning, with explanation that will help them understand what they can and cannot do relative to any nonconformity, and that there are some limitations to what they can do.

SECTION II REPEALING ANY CONFLICTING ORDINANCES

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance or any part of the codes or regulations adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
JEFF SERDY  
Mayor

ATTEST:

\_\_\_\_\_  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD JOEL STERN  
City Attorney