

ORDINANCE NO. 1448

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-2-17, 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 Hughes Place Subdivision plat was recorded on March 19, 1951; and

WHEREAS, the City of Apache Junction was incorporated in 1978 and the zoning that was applied to the Hughes Place Subdivision was Medium Density Single-Family Residence Zone, Conventional Homes 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 lot sizes in the 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 Hughes Place 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-2-17 by a vote of 6 to 1; 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 2 through 47, Hughes Place Subdivision, recorded in Book 6 of maps, Page 21, 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	8'	Front	8'
Side	3'	Side	3'
Street Side	10'	Street Side	10'
Rear	3'	Rear	3'

2. For any non-conforming 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 non-conforming 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 non-conforming 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. The following lots less than 5,000 square feet (the minimum square footage) shall be in conformance, but cannot become smaller.

<u>Parcel Number</u>	<u>Square Footage</u>
101-10-106	3,049.2
101-10-104	4,356
101-10-103	4,356
101-10-061	3,484.8
101-10-035A	3,920.4

9. The property owners of those properties located in the Hughes Place Subdivision shall receive a notice about the zoning changes, but also the fact that they are nonconforming in their current circumstances and so they can have an understanding that there are limitations to what they can do relative to their property.

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