




City of Apache Junction
Development Services Department



DATE: October 10, 2017

MEMO TO: Planning and Zoning Commission

FROM: Larry Kirch, Development Services Director 

SUBJECT: New Business:
September 26, 2017 Call to the Public
Suggestion to amend zoning code text regarding
number of allowable events and port-a-lets

BACKGROUND:

At the "Call to the Public" at the Planning and Zoning Commission meeting of September 26, 2017, Mr. Mehmood Mohiuddin, spoke to the commission. Mr. Mohiuddin is suggesting that the city change its zoning code to allow 5-6 events per year at his establishment as part of a CUP approval and without a requirement to upgrade the on-site sanitary septic system. The commission is requested to read the verbatim script that is attached. A copy of Table 5-2 from the zoning code is also attached.

Attachments:

- Verbatim text of Mr. Mohiuddin's remarks September 26, 2017 Call to the Public.
- Article 1-5, Zoning and Bulk Use Regulations, Section 1-5-3 Non-Residential Use Regulations, Table 5-3(current A.J. regs.).

Planning and Zoning Commission
Regular Meeting – September 26, 2017
Call to the Public

Mr. Mohiuddin: Thank you for allowing me come to speak. All the members, Mr. Attorney, Kirch, Mr. Kirch and Rudy. We have a code.

Chair Nesser: Your name and address please.

Mr. Mohiuddin: Mehmood Mohiuddin, 2304 N. Cortez, Apache Junction, Arizona. I own a business called the Hitching Post. We are working on to apply CUP in our location. One location is permanently working, existing, every single thing is all set. Not worried about it. The second location is not going to be permanently, just going to do about five or six events in a year. But as the code state if we apply for a CUP we have to provide the landscaping all other stuff. Understandable, not a problem. Make it look property look good. But the second problem that one is we don't have a water. We are not on the city water. We don't have a city sewage. We are on septic and we are on a well water. We don't have ah enough use, we don't have enough water, and if we apply for a CUP for five or six events and we'll not, they have, we have to build a bathrooms for the regular water people can use. And the question the board if they can look into it possibly allow we can use the porta potty if we don't have a city sewage. We don't have a city water we are on the well water because look like some out skirt area we don't have a that luxury to have the city sewage or the city water. We are on the well water. We don't have enough capacity to provide that stuff. If we apply for a CUP code said that one. We are just asking if you guys can look into that code possibly allow the porta potty for five or six events to CUP can get approved and ah that's all we are asking. If we have to for six event, if we build, if we build a septic. If we build bring more water in it's going to cost about forty or fifty thousand dollars. This is out of expense out of the pocket. It's not feasible. And if can look into code if possibly allow the porta potty can use for five or six events. We can attract more tourism. Bring more tax dollar. Bring more people in this town. (unintelligible) Apache Junction on the map. Thank you for. Thank you for listening.

Print

Apache Junction, AZ Land Development Code

§ 1-5-3 NON-RESIDENTIAL USE REGULATIONS.

Table 5-3 illustrates the use regulations for all non-residential zoning districts.


TABLE 5-3: NON-RESIDENTIAL USE REGULATIONS

USE CATEGORY	SPECIFIC USE TYPE ¹	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-44 Bus Park	B-54 Ind.	PL Pub/Inst.
Retail Trade (NAICS Code 44-45)	New Vehicle Sales/Service/Repair	YES	YES	YES	YES	YES	NO
	Used Vehicle Sales/Service/Repair	YES	YES	YES	YES	YES	NO
	RV Sales/Service/Repair	CUP	CUP	CUP	YES	NO	NO
	Manufactured/Mobile Home Sales	CUP	CUP	CUP	CUP	YES	NO
	Boat, ATV & Motorcycle Sales/Service	YES	YES	YES	YES	YES	NO
	Semi-Truck Service/Repair	CUP	YES	CUP	YES	YES	NO
	Semi-Truck Stop	NO	NO	NO	CUP	CUP	NO
	Automotive Parts and Accessory Sales	YES	YES	YES	YES	YES	NO
	Furniture and Home Furnishing Sales	YES	YES	YES	YES	NO	NO
	Electronics and Appliance Sales/Repair	YES	YES	YES	YES	YES	NO
Retail Trade (NAICS Code 44-45)	Building Materials and Supplies Sales (Indoors)	YES	YES	YES	YES	YES	NO
	Building Materials and Supplies Sales (Indoors and/or Outdoors)	CUP	CUP	CUP	CUP	YES	NO
	Lawn and Garden Equipment/Supply Sales	YES	YES	YES	YES	YES	NO
	Feed and Fertilizer Sales	CUP	CUP	CUP	CUP	YES	NO

	Nursery/Greenhouses with On-Site Sales	CUP	CUP	CUP	YES	YES	NO
	Grocery, Convenience, Department Stores	YES	YES	YES	YES	NO	NO
	Shopping Centers	YES	YES	YES	YES	NO	NO
	Specialty Retail Stores	YES	YES	YES	YES	NO	NO
	Beer, Wine and Liquor Sales	YES	YES	YES	YES	NO	NO
	Health, Pharmacy and Personal Care Sales	YES	YES	YES	YES	NO	NO
	Gasoline Stations	YES	YES	YES	YES	YES	NO
	Gasoline Stations with Convenience Store	YES	YES	YES	YES	YES	NO
	Clothing and Accessories	YES	YES	YES	YES	NO	NO
	Jewelry, Luggage and Leather Sales	YES	YES	YES	YES	NO	NO
Retail Trade (NAICS Code 44-45)	Sporting Goods, Hobby, Books and Music Sales	YES	YES	YES	YES	NO	NO
	Department Stores and Warehouse Clubs	YES	YES	YES	YES	NO	NO
	Florist and Novelty Gift Sales	YES	YES	YES	YES	NO	NO
	Office Supply Sales	YES	YES	YES	YES	NO	NO
	Used Merchandise Sales	YES	YES	NO	YES	NO	NO
	Pet and Pet Supply Sales	YES	YES	YES	YES	NO	NO
	Art and Craft Sales	YES	YES	YES	YES	NO	YES
	Tobacco Sales	YES	YES	YES	YES	NO	NO
	Electronic Shopping and Mail- Order Sales	YES	YES	YES	YES	NO	NO
	Vending Machine Sales	YES	YES	YES	YES	YES	YES
	Bottled Gas Dealers	CUP	CUP	CUP	CUP	CUP	NO
	Coal, Firewood and Biofuel Sales	CUP	CUP	CUP	CUP	YES	NO
		YES	YES	YES	YES	NO	NO

	Bakery Sales (baking for store sales only)						
	Medical Marijuana Facilities	CUP	CUP	CUP	CUP	CUP	NO
	Swap Meets and Farmers Markets	CUP	CUP	CUP	CUP	NO	CUP
Retail Trade (NAICS Code 44-45)	Pawn Shops	YES	YES	NO	YES	NO	NO
	Retail Carts and Kiosks	AUP	AUP	AUP	AUP	NO	AUP
	Printing Shop	YES	YES	YES	YES	YES	NO
Finance and Insurance (NAICS Code 52)	Finance and Insurance Office/Sales/Brokers	YES	YES	YES	YES	YES	NO
	Banks and Credit Unions	YES	YES	YES	YES	YES	NO
	Financing Sales	YES	YES	YES	YES	YES	YES
	Securities/Commodities Office/Sales/Exchanges	YES	YES	YES	YES	YES	YES
	Check Casing Store	YES	YES	NO	YES	NO	NO
Real Estate, Rental and Leasing (NAICS Code 53)	Real Estate Office, Agents and Brokers	YES	YES	YES	YES	YES	NO
	Vehicle Rental and Leasing	YES	YES	YES	YES	YES	NO
	Machinery and Equip. Rental (Indoor)	YES	YES	YES	YES	YES	NO
	Machinery and Equipment Rental (Indoor/Outdoor)	CUP	CUP	CUP	YES	YES	NO
Professional, Scientific and Tech. (NAICS Code 54)	Legal and Accounting	YES	YES	YES	YES	YES	NO
	Engineering/Surveying	YES	YES	YES	YES	YES	NO
	Architectural	YES	YES	YES	YES	YES	NO
	Planning and Design	YES	YES	YES	YES	YES	NO
	Consulting	YES	YES	YES	YES	YES	NO
	Scientific Research	YES	YES	YES	YES	YES	NO
	Advertising and Public Relations	YES	YES	YES	YES	YES	NO
	Photography	YES	YES	YES	YES	YES	NO
	Veterinary	YES	YES	YES	YES	YES	NO

Education Services (NAICS Code 61)	All Types of Schools	YES	YES	YES	YES	YES	YES
	Educational Support Services	YES	YES	YES	YES	YES	YES
Health Care and Social Assistance (NAICS Code 62)	Physicians, Dental and Health Practitioners	YES	YES	YES	YES	YES	YES
	Outpatient Care Centers	YES	YES	YES	YES	YES	YES
	Medical and Diagnostic Labs	YES	YES	YES	YES	YES	YES
	Home Health Care Services	YES	YES	YES	YES	YES	YES
	Ambulatory Health Care Services	YES	YES	YES	YES	YES	YES
	Blood and Organ Banks	YES	YES	NO	YES	YES	YES
	General Medical and Surgical Hospitals	YES	YES	YES	YES	YES	YES
	Psychiatric & Substance Abuse Facilities	YES	YES	YES	YES	YES	YES
	Nursing and Residential Care Facilities	YES	YES	CUP	YES	YES	YES
	Individual and Family Care Services	YES	YES	YES	YES	YES	YES
	Homeless Shelter	YES	YES	NO	NO	NO	NO
	Community Food and Relief Services	YES	YES	NO	YES	YES	YES
	Vocational Rehab Services	YES	YES	YES	YES	YES	YES
	Child Day Care Services	YES	YES	YES	YES	YES	YES
Arts, Entertainment and Recreation (NAICS Code 71)	Performing Arts Facilities	YES	YES	YES	YES	NO	YES
	Spectator Sports Facilities	CUP	CUP	CUP	CUP	CUP	CUP
	Museums and Historical Sites	YES	YES	YES	YES	NO	YES
	Zoos, Nature Parks and Botanical Gardens	CUP	CUP	CUP	CUP	NO	CUP
	Amusement Parks	CUP	CUP	CUP	CUP	NO	CUP
	Indoor Arcades	YES	YES	YES	YES	NO	NO
	Gambling Facilities	CUP	CUP	CUP	CUP	NO	CUP

	Private Recreational Facilities (Outdoor)	CUP	CUP	CUP	CUP	NO	CUP
	Private Recreational Facilities (Indoor)	YES	YES	YES	YES	NO	CUP
	Public Recreational Facilities	AUP	AUP	AUP	AUP	AUP	AUP
	Public Outdoor Music Festivals/Events	AUP	AUP	AUP	AUP	AUP	AUP
	 Private Outdoor Music Festivals/Events	CUP	CUP	CUP	CUP	NO	CUP
Accommodation and Food Services (NAICS Code 72)	Hotels, Motels, and Bed & Breakfast Inns	YES	YES	YES	YES	NO	NO
	RV Parks and Campgrounds	CUP	CUP	CUP	CUP	NO	NO
	Rooming and Boarding Houses	YES	YES	YES	YES	NO	NO
	Full Service Restaurants	YES	YES	YES	YES	NO	CUP
	Limited Service Restaurants	YES	YES	YES	YES	NO	CUP
	Delicatessen	YES	YES	YES	YES	NO	CUP
	Caterers	YES	YES	YES	YES	YES	NO
	Confectionary and Ice Cream Sales	YES	YES	YES	YES	NO	NO
	Drinking Places (serving alcohol)	YES	YES	YES	YES	NO	NO
	Restaurants/Bars/Clubs (With Amplified Outdoor Music)	CUP	CUP	CUP	CUP	NO	NO
Other Services (NAICP Code 81)	General Automotive Repair	YES	YES	YES	YES	YES	NO
	Body Shops	CUP	CUP	NO	YES	YES	NO
	Car Washes	YES	YES	CUP	YES	YES	NO
	Electronic Equipment Maintenance & Repair	YES	YES	YES	YES	YES	NO
	Business Equipment Maintenance and Repair	YES	YES	YES	YES	YES	NO
	Furniture Repair and Maintenance	YES	YES	YES	YES	YES	NO

	Footwear and Leather Goods Repair	YES	YES	YES	YES	YES	NO
	Personal and Household Goods Repair	YES	YES	YES	YES	YES	NO
	Laundry and Dry Cleaning Services	YES	YES	YES	YES	YES	NO
Other Services (NAICP Code 81)	Hair, Nails and Skin Care Services	YES	YES	YES	YES	NO	NO
	Tattoo Services	YES	YES	YES	YES	NO	NO
	Death Care Services	YES	YES	YES	YES	NO	NO
	Cemeteries and Crematories	CUP	CUP	NO	YES	YES	CUP
	Linen and Uniform Supply	YES	YES	YES	YES	YES	NO
	Pet Care	YES	YES	YES	YES	YES	NO
	Animal Hospitals and Kennels	YES	YES	CUP	YES	YES	NO
	Taxidermist	CUP	YES	CUP	YES	YES	NO
	Photo Services	YES	YES	YES	YES	YES	NO
	Commercial Parking Lots and Garages	CUP	CUP	CUP	CUP	CUP	CUP
	Religious and Fraternal Organizations	YES	YES	YES	YES	YES	YES
	Social Advocacy Organizations	YES	YES	YES	YES	YES	YES
	Human Rights Organizations	YES	YES	YES	YES	YES	YES
	Conservation Organizations	YES	YES	YES	YES	YES	YES
	Business and Prof. Organizations	YES	YES	YES	YES	YES	YES
Other Services (NAICP Code 81)	Labor Organizations	YES	YES	YES	YES	YES	YES
	Political Organizations	YES	YES	YES	YES	YES	YES
	Commercial Equestrian Boarding, Rentals, Arenas and Academies	CUP	CUP	CUP	CUP	CUP	CUP
Public Admin. (NAICS Code 92)	Government Offices and Courts	YES	YES	YES	YES	YES	YES

	Detention/Correctional Facilities	NO	NO	NO	CUP	CUP	CUP
	Correctional Institutions	NO	NO	NO	CUP	CUP	CUP
Mining, Quarrying Gas and Oil (NAICS Code 21)	Oil and Gas Extraction	CUP	CUP	NO	CUP	CUP	CUP
	Mining	NO	NO	NO	CUP	CUP	CUP
	Quarrying	NO	NO	NO	CUP	CUP	CUP
Utilities (NAICS Code 22)	Electric Power Generation ³	CUP	CUP	CUP	CUP	CUP	CUP
	Water and Sewerage Systems/Facilities	CUP	CUP	CUP	CUP	CUP	CUP
	Other Utilities	See Vol. II, § 1-6-21					
	Alternative Energy Generation Facilities	See Vol. II, § 1-6-16					
Manufacturing (NAICS Code 31-33)	Food Manufacturing	NO	NO	NO	YES	YES	NO
	Animal Slaughtering	NO	NO	NO	CUP	CUP	NO
	Beverage Manufacturing	NO	NO	NO	YES	YES	NO
	Tobacco Manufacturing	NO	NO	NO	YES	YES	NO
	Textile Mills	NO	NO	NO	CUP	CUP	NO
	Apparel Manufacturing	NO	NO	NO	YES	YES	NO
	Leather/Allied Product Manufacturing	NO	NO	NO	CUP	CUP	NO
	Wood Product Manufacturing	NO	NO	NO	CUP	CUP	NO
	Paper Manufacturing	NO	NO	NO	CUP	CUP	NO
	Printing and Publishing (Non- Retail)	NO	NO	NO	YES	YES	NO
	Petroleum and Coal Products Manufacturing	NO	NO	NO	CUP	CUP	NO
	Chemical Manufacturing	NO	NO	NO	CUP	CUP	NO
	Plastics and Rubber Manufacturing	NO	NO	NO	CUP	CUP	NO
	Non-Metallic Mineral Product Manufacturing	NO	NO	NO	YES	YES	NO

	Primary Metal Manufacturing	NO	NO	NO	CUP	CUP	NO
Manufacturing (NAICS Code 31-33)	Fabricated Metal Product Manufacturing	NO	NO	NO	YES	YES	NO
	Foundries	NO	NO	NO	CUP	CUP	NO
	Machinery Manufacturing	NO	NO	NO	YES	YES	NO
	Computer & Electronic Manufacturing	NO	NO	NO	YES	YES	NO
	Elec. Equip./Appliance Manufacturing	NO	NO	NO	YES	YES	NO
	Transportation Equip. Manufacturing	NO	NO	NO	YES	YES	NO
	Furniture and Related Product Manufacturing	NO	NO	NO	YES	YES	NO
	Miscellaneous Manufacturing	NO	NO	NO	YES	YES	NO
	Ancillary Manufacturing ²	YES ₂	YES ₂	YES ₂	NA	NA	YES
Wholesale Trade (NAICS Code 42)	Durable Goods	NO	NO	NO	YES	YES	NO
	Non-Durable Goods	NO	NO	NO	YES	YES	NO
Construction (NAICS Code 23)	Contractors office, shop and/or storage (indoors)	YES	YES	YES	YES	YES	NO
	Contractors office, shop and/or storage (indoors and/or outdoors)	CUP	CUP	CUP	CUP	YES	NO
	Craftsman and Artisan (Indoors)	YES	YES	YES	YES	YES	NO
	Craftsman and Artisan (Indoors or outdoors)	CUP	CUP	CUP	CUP	YES	CUP
Transportation and Warehousing (NAICS Code 48-49)	Truck Transportation Terminal	NO	NO	NO	CUP	CUP	NO
	Bus Transportation Terminal	CUP	CUP	CUP	YES	YES	YES
	Air Transportation Terminal	NO	NO	NO	YES	YES	YES
	Taxi and Limousine Service	YES	YES	YES	YES	YES	YES
		NO	NO	NO	CUP	YES	NO

	Towing Truck Parking and Storage						
	Scenic and Sightseeing Terminal/Parking	CUP	CUP	CUP	CUP	CUP	CUP
	Postal, Courier and Delivery Service	CUP	CUP	CUP	CUP	YES	CUP
	General Warehouse and Storage (Indoor)	NO	NO	NO	YES	YES	NO
	Mini-Warehouse	CUP	CUP	CUP	YES	YES	NO
	Distribution Facilities	NO	NO	NO	CUP	CUP	NO
	Outside Storage Yards	CUP	CUP	NO	CUP	YES	NO
Information (NAICS Code 51)	Newspaper, Periodical and Book Publishing	YES	YES	YES	YES	YES	YES
	Motion Pictures and Sound Recording Indus.	CUP	CUP	CUP	YES	YES	YES
	Broadcasting and Recording	YES	YES	YES	YES	YES	NO
	Telecommunications	YES	YES	YES	YES	YES	NO
	Data Processing	YES	YES	YES	YES	YES	NO
Waste Management and Remediation (NAICS Code 56)	Office Administration Services	YES	YES	YES	YES	YES	NO
	Employment Services	YES	YES	YES	YES	YES	NO
	Business Support Services	YES	YES	YES	YES	YES	NO
	Travel Services	YES	YES	YES	YES	YES	NO
	Investigation and Security Services	YES	YES	YES	YES	YES	NO
	Cleaning, Landscaping and Exterminating Serv.	YES	YES	YES	YES	YES	NO
	Waste Management and Remediation Serv.	NO	NO	NO	CUP	CUP	NO
Agriculture (NAICS Code 11)	Crop Production	YES	YES	YES	YES	YES	NO
	Greenhouse and Nursery	CUP	CUP	NO	YES	YES	NO
	Beef, Dairy, Sheep, Goat and Hog Production	NO	NO	NO	NO	CUP	NO
	Poultry and Egg Production	NO	NO	NO	CUP	CUP	NO

	Aquaculture	NO	NO	NO	CUP	CUP	NO
Residential Uses	Single-Family Detached Residential	NO	NO	NO	NO	NO	NO
	Multi-Family Residential	CUP	CUP	CUP	NO	NO	CUP
	Assisted Living Facility	YES	YES	YES	YES	NO	CUP
	Group Care Home	CUP	CUP	CUP	NO	NO	YES
	Live/Work Unit	CUP	CUP	CUP	NO	NO	CUP
Misc. Uses, Structures & Installations	Solar Panels ³	YES	YES	YES	YES	YES	YES
	Alternate Energy Production Facilities ³	CUP	CUP	CUP	CUP	CUP	CUP
	Waste Tire Collection and/or Storage	NO	NO	NO	CUP	CUP	CUP
	Adult Oriented Uses	NO	NO	NO	CUP	CUP	NO
	Outdoor Activities	CUP	CUP	CUP	CUP	CUP	CUP
	Helipads	CUP	CUP	CUP	CUP	CUP	CUP
	Temp. Uses/Structures	See Vol. II, § 1-6-23					
	Signs	See Vol. II, Article 1-11					
	Lighting	See Vol. II, Article 1-10					
	Landscaping	See Vol. II, Article 1-8					
	Parking	See Vol. II, Article 1-7					
	Solar Panels	See Vol. II, § 1-6-16					
	Fences/Walls	See Vol. II, § 1-6-3					
	Mobile Food Services	See Vol. II, § 1-6-23					
	Cargo Containers	See Vol. II, § 1-6-8					
	Outdoor Storage and Outdoor Activities	See Vol. II, § 1-6-9					

YES = Permitted use by right. A Yes indicates that the listed use is permitted by-right within the respective zoning district.

CUP = Conditional use permit. A CUP indicates that the listed use is permitted within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review and approval procedures of Vol. II § 1-16-12(D).

AUP = Administrative use permit. An AUP indicates that the use and/or structure is permitted within the respective zoning district following review and approval of an administrative permit by the Development Services Director or designee in accordance with Vol. II § 1-16-12(C).

NO = Prohibited uses. A No indicates that the listed use type is expressly not allowed within the respective zoning district.

Footnotes from Table 5-3:

1. Definitions and/or descriptions of these uses are provided in the North American Industry Classification System ("NAICS"). The city will use the NAICS classification system to assist with defining and interpreting non-residential uses. Where NAICS definitions are not provided or unclear, the Zoning Administrator shall be responsible for interpretation.

2. An ancillary manufacturing use is a subsidiary or secondary use or operation connected to the main use of a building. Ancillary manufacturing uses identified in manufacturing sectors 31-33 of the 2012 North American Industry Classification System ("NAICS") shall be allowed in the B-1, B-2 or B-3 zoning districts if incidental and subordinate to the primary retail, office, public or quasi/public use, provided that not more than 50%, up to a maximum of 1,500 square feet, of the floor area of the business is engaged in these ancillary manufacturing activities. No outside manufacturing, processing, repair or equipment/inventory storage shall be allowed for ancillary uses (see Vol. II, § 1-6-26).

Ancillary manufacturing uses proposed to be greater than 1,500 square feet and/or 50% of the total floor area may be approved as a conditional use by the Planning and Zoning Commission (see Vol. II, § 1-6-26).

3. See Vol. II, § 1-6-16 (B) for alternate energy production regulations.

4. Land uses listed in the B-4 and B-5 district that propose outdoor assembly, repair, manufacturing, processing and/or storage shall require conditional use permit approval even if identified in Vol. II, Table 5-3 above as a permitted use by right.

5. See Vol. II, § 1-6-15 for adult oriented business regulations.

(Ord. 1402, passed 5-6-2014)