



City of Apache Junction
Development Services Department



City Council
PUBLIC HEARING STAFF REPORT

DATE: October 17, 2017

CASE NUMBER: AM-1-17

REQUEST: City-initiated text amendment of Apache Junction City Code Volume II, Land Development Code, Chapter 2: Subdivision Regulations.

RESOLUTION NO. 17-28: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED "2017 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 2: SUBDIVISION REGULATIONS".

ORDINANCE NO. 1452: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, BY REPEALING CHAPTER 2: SUBDIVISION REGULATIONS IN ITS ENTIRETY; AND ADOPTING BY REFERENCE A NEW CHAPTER 2 AS MORE FULLY DETAILED IN THAT CERTAIN DOCUMENT ENTITLED "2017 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, CHAPTER 2: SUBDIVISION REGULATIONS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

BACKGROUND

The Apache Junction Subdivision Regulations ordinance was passed and approved by the Apache Junction City Council on February 16, 1982 and was amended as Ordinance No. 900 on August 4, 1994. Over the past 23 years there have been many changes in the administration of the regulations and procedural policies of the

city. Therefore, amendments to the subdivision regulations are recommended.

Development Services staff presented the proposed amendments of the Subdivision Regulations to a Planning and Zoning Commission work session meeting on June 27, 2017. An outline of the amended Subdivision Regulations was presented by staff. The Commissioners suggested that Development Service staff present them with an edited and cleaner version of the amended Subdivision Regulations to be sent to them for their review and comments prior to next Planning and Zoning work session meeting, which was held on July 25, 2017.

At the 2nd work session meeting, Planning and Zoning Chair Theresa Nesser solely presented a set of review comments and suggestions to staff regarding the proposed changes of the Subdivision Regulations. Planning and Zoning Chair Nesser's comments were addressed by staff in preparation for the Public Hearing. At the end of the 2nd work session meeting, the Planning and Zoning Commission agreed to set a Public Hearing on August 22, 2017 to forward a recommendation of approval to the City Council. On August 22, 2017 the Planning and Zoning Commission recommended approval to City Council.

PROPOSAL

The proposed text amendment is case AM-1-17, a request to amend the Apache Junction Subdivision Regulations. In general, the organization of the code is being re-formatted to easily navigate. There are also a few new substantive sections being added to the code.

ORGANIZATIONAL AMENDMENTS

- The subdivision regulations title is to be changed to "Subdivision and Minor Land Division Regulations".
- Administration, construction, and terms have moved to Article 2-1.
- Article 2-2 has been maintained as platting procedures and requirements.
- Subdivision design principles and standards has moved to Article 2-3 from Article 2-4, which has also been changed to address construction assurances for onsite improvements and amenities.
- Article 2-5 is amended and re-titled as administrative subdivisions; land splits/minor land division, lot line adjustments, and lot combination.
- A Condominium plats and condominium conversions section has been added to Article 2-6.

- Article 2-7 is now definitions, while construction and terms are relocated to Article 2-1.
- A new appendix has been added to outline the preliminary and final plat conditions.

SUBSTANTIVE AMENDMENTS

Article 2-1. Enactment and Scope of Regulations, Administration, Construction, and Terms:

- This article was modified to accommodate new development in a manner which will preserve and enhance the city's living environment, subdivisions and land splits so as to conform to the requirements and objectives of the general plan; zoning ordinance; and land development code.
- Additional provisions were revised regarding the requirements of final plat approval prior to the issuance of building permits or conveyance of properties, modification of requirements by city council, resubdivision of land, vacation of plats, preservation of historic features, transfer of property during the subdivision process, cancellation by applicant, violation of the subdivision regulations, and legal procedures and remedies.
- Construction terms were amended to provide better clarifications of terms.

Article 2-2. Platting Procedures and Requirements:

- Provisions of the pre-application process as stage I of the platting procedure have slightly changed the parameters of how the lot layout governs, and the general development requirements are collected, consolidated and presented to the subdivider.
- Development master plan section is removed and replaced with conceptual subdivision plat as an optional stage II.
- Preliminary and final plats processes as stages III and IV respectively of the platting procedure are updated for new information and requirements.
- The provisions of Article 10-8: "Subdivision Plats" are relocated from the city's engineering guidelines and placed as preliminary and final plat conditions in an appendix at the back portion of the subdivision regulations.
- The final plat amendment section is revised to reflect the three provided methods of amendment as major, moderate, and minor changes.
- Conditions, Covenants and Restrictions ("CC&Rs") submittal requirement have been added to final plat submittal requirements section.

- A provision has been added to final plat submittal requirements section requires the applicant to adhere to all preliminary plat requirements during the final plat process, such as, but not limited to, establishing a Homeowners' Association ("HOA") and including CC&Rs in its deeds setting forth the perpetual obligation to financially contribute for the maintenance of all community areas such as private roads, pools, and playground and recreational areas.

Article 2-3. Subdivision Design Principles and Standards:

- Certification requirements prior to the issuance of a building permit and the clearance for occupancy have been added to this article.
- Other minor revisions are provided such as the requirement that land located within floodplain to be administered through the city's floodplain management ordinance.

Article 2-4. Construction Assurances for Onsite Improvements and Amenities:

- This article is added to the subdivision regulations with its two new sections which are default, and inspection and release to assure that onsite construction requirements have been satisfied and approved by the city prior to the final release of the subdivision.

Article 2-5. Administrative Subdivisions; Land Splits/Minor Land Division, Lot line Adjustments, and lot combination:

- The applicability section of this article has been amended by providing provisions requiring deeds that are related to a land split be recorded within one year, and also outlined the requirements for the division of lands that shall proceed through the subdivision process.
- A lot line adjustment section is added to allow property owners to adjust a common boundary line which does not result in a net gain in the number of lots or parcels, or alter subdivision boundaries.
- A lot combination section is added to allow an owner of two or more contiguous lots, which are not in a platted subdivision and/or in a planned development zoning district, to combine the lots into one lot without a subdivision plat amendment.

Article 2-6. Condominium Plats and Condominium Conversions:

- This is a newly added article to the subdivision regulations to establish requirements and procedures for new condominium developments and condominium conversions of existing developments, so as to provide for the public health, safety and general welfare through adherence to development standards.
- A provision has been added to final plat approval section requires the applicant to adhere to all preliminary plat requirements during the final plat process, such as, but not limited to, establishing a Homeowners' Association ("HOA") and including CC&Rs in its deeds setting forth the perpetual obligation to financially contribute for the maintenance of all community areas such as private roads, pools, and playground and recreational areas.

Article 2-7. Definitions:

- The definitions within this article have been revised to reflect the words and phrases that are described in the newly amended subdivision regulations.

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION

Development Services Staff recommends approval of the proposed Resolution No. 17-28 and Ordinance No. 1452 text amendment and offers the following Recommended Motion to update Apache Junction City Code, Volume II, Land Development Code, Chapter 2: Subdivision Regulations.

RECOMMENDED MOTIONS

A) I MOVE THAT RESOLUTION NO. 1728, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED "2017 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 2: SUBDIVISION REGULATIONS", BE APPROVED.

B) I MOVE THAT ORDINANCE NO. 1452 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

c) I MOVE THAT ORDINANCE NO. 1452, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE FOLLOWING AMENDMENT TO THE APPENDIX, PRELIMINARY AND FINAL PLAT CONDITIONS: CONDITION 13, ADD SUBPARAGRAPH g AND h AND ADD THE FOLLOWING CONDITION 19, "AND SHALL NOT BE REDEVELOPED FOR ANY OTHER NON-AMENITY OR NON-DRAIANGE PURPOSE".



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Attachment:
Exhibit - Amended chapter 2, Subdivision Regulations