

ORDINANCE NO. 1455

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-5: RESIDENTIAL BULK REGULATIONS, SECTION 1-5-2: RESIDENTIAL BULK REGULATIONS, IN CASE AM-3-17; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on May 6, 2014, the city council adopted Ordinance No. 1402, which approved new zoning maps and a new zoning ordinance for the city; and

WHEREAS, it is a widely held community planning and neighborhood revitalization strategy to "put more eyes on the street" and one such way is to encourage residents to spend time on their front porches; and

WHEREAS, the city's current zoning code does not allow encroachments into the front yard setback and many homes were built to the front setback line and therefore do not have the ability to add a front porch or patio cover; and

WHEREAS, other communities have language in their zoning codes to allow front porches or patio covers to encroach into the front yard setback as a means to improve neighborhood quality and character; and

WHEREAS, on October 24, 2017, after a public hearing and two work sessions with staff, and after considering suggested language changes from commissioners, planning and other city staff, other interested individuals and comments from the public, the Planning and Zoning Commission voted 7 to 0, to recommend changes to the city's zoning ordinance allowing patio covers and front porches to encroach into the front yard setback.

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

SECTION I: IN GENERAL

That the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-2 Residential Bulk Regulations, be amended as follows:

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- 1) Section 1-5-2, Table 5-2 be amended adding Footnote 12, to read as follows:

An unenclosed covered porch ~~and/or patio cover~~ may be permitted in the required front yard setback for single family homes in the following residential zoning districts: RS-GR, RS-54, RS-54M, RS-20, RS-20M, RS-10, RS-10M, RS-7, RS-7M, and RS-5 subject to the following standards:

- a. It is structurally integrated with architecturally compatible building materials to the main building, must have a roof and shall not be taller in height than the main building's roof. The allowance for a covered front porch ~~and/or patio cover~~ does not include an allowance for a **patio cover**, gazebo or pergola or similar structure.
- b. It shall not encroach more than ten (10) feet from the main building into the required front setback and for zoning districts with a twenty (20) foot setback shall be setback a minimum of ten (10) feet from the front property line.
- c. The area of the covered front porch ~~and/or patio cover~~ does not encompass more than twenty-five (25) percent of the required front yard for the residential zoning district.
- d. A three foot maximum pony wall, including its footing, and setback a minimum of ten (10) feet from the property line, may be permitted and must be integrated into the design of the home.
- e. The covered front porch ~~and/or patio cover~~ shall remain an open-air structure and at no time shall the covered front porch ~~and/or patio cover~~ be enclosed in any manner, including walls, windows, or a screen room or Arizona room.
- f. Any covered front porch ~~and/or patio cover~~ shall not encompass more than the actual width of the main building structure on the street facing frontage.

- g. Any covered front porch ~~and/or patio cover~~ shall not be used as a carport or as an extension to a carport or be placed in front of a carport or garage.

SECTION II: REPEALING ANY CONFLICTING PROVISIONS

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.

SECTION IV: PROVIDING FOR PENALTIES

Any violation of the provisions adopted herein shall be punishable as a class one misdemeanor consistent with Apache Junction City Code, Volume II, Article 1-16 Administration, Section 1-16-16 Penalties.

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