

ORDINANCE NO. 1451

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 FROM MANUFACTURED HOME PARK ("MHP") TO MEDIUM/HIGH DENSITY SINGLE-FAMILY DETACHED RESIDENCES, CONVENTIONAL OR MANUFACTURED HOMES BY PLANNED DEVELOPMENT ("RS-7M/PD") FOR THE PURPOSE OF CONVERTING THE 20-ACRE PROPERTY DESCRIBED IN REZONING CASE PZ-13-16, CURRENTLY KNOWN AS "BOARDWALK ESTATES MANUFACTURED HOME PARK", FROM A RENTAL SPACE COMMUNITY TO A PLATTED SUBDIVISION; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject property consists of one (1) 20-gross-acre parcel which is currently developed with a 115-space manufactured home park with amenities, known as "Boardwalk Estates Manufactured Home Park" ("Boardwalk Estates"); and

WHEREAS, Boardwalk Estates was basically developed between 1999 and 2001 and has always operated as a family-friendly, non-age restricted manufactured home park; and

WHEREAS, the property owners wish to convert the existing manufactured home park into a platted subdivision for the purpose of selling individual lots to interested buyers as private properties, but do not otherwise plan to significantly reconfigure the property from its current layout and design, including its amenity features; and

WHEREAS, a rezoning to a planned development district is required in order to accommodate deviations from standard RS-7M zoning standards, including lot sizes, lot widths, setbacks, building heights, private streets and other standards; and

WHEREAS, the formation of a homeowners association will also be required for the purpose of assuming responsibility for and maintenance in perpetuity of the private streets, clubhouse, swimming pool, playground, retention basin, west-side drainage channel, perimeter screen walls and landscaping, and other

internal and external amenity features, equipment and facilities; and

WHEREAS, on August 22, 2017, the Apache Junction Planning and Zoning Commission voted 4-0 to recommend approval of planned development rezoning case PZ-13-16, subject to the submitted conceptual planned development plans and the conditions of approval prescribed herein; and

WHEREAS, the city council hereby determines that the proposed planned development rezoning request conforms to all of the general criteria as specified in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-1, Residential Use Regulations and Article 1-4: Zoning Districts, Section 1-4-3, Planned Development ("PD") Overlay District (except as otherwise conditioned herein), including integration with the surrounding neighborhood, adequate traffic accommodation, adequate public facilities, extension of infrastructure, and that the design and uses should result in enhancements to the social, built and natural environments in the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL 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 parcel of land legally described as:

The East half of the Northeast quarter of the Northwest quarter of Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona (also known as Pinal County Assessor Parcel No. 100-33-016A);

be and hereby is amended from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single Family Detached Residences, Conventional or Manufactured Homes by Planned Development), subject to the following conditions of approval:

- 1) The property owners shall dedicate all necessary adjacent rights-of-way and cutoff corners as determined by the city engineer, including 33 feet for N. Desert View Drive on the west side of the property, 50 feet for W. Lost Dutchman Boulevard on the north side of the property, 40 feet for N. Delaware Drive on the east side of the property and 33 feet for W. Foothill Street on the south side of the property.
- 2) Street improvements along the property's West Lost Dutchman Boulevard and North Delaware Drive frontages, such as extension of pavement and the provision of sidewalk, curb, gutter, streetlights, fire hydrants, landscaping, drainage improvements, etc. (as depicted in paving plans dated April 10, 2017, and streetlight plans dated April 25, 2017, approved by the city engineer), normally required for new residential subdivisions, shall be required as part of this planned development rezoning and be subject to final approval by the city engineer.
- 3) The current property owner shall draft legal documents to establish a homeowners association ("HOA") for Boardwalk Estates, to include a set of conditions, covenants and restrictions ("CC&Rs") which require current and future property owners to adhere to all zoning, plat and other requirements, and which set forth the perpetual obligation of the HOA to financially contribute to the maintenance of all community areas such as private roads, pools, playground and recreational areas.
- 4) Existing landscaping on the north, east and south perimeters of the property, including any landscaping located in the right-of-way between the property wall and current or future street structures, shall continue to be provided, maintained in good condition at all times and replaced as needed by the property owners and eventually, by the Boardwalk Estates HOA. Landscape maintenance includes replacement of plants, decomposed granite, irrigation lines, meters, backflow preventers, and other items, as needed.

- 5) From time to time, as plants around the perimeter of the property are damaged, die and/or otherwise need to be replaced, such plants shall be replaced with similar xeriscape plants. All replacement trees shall be 24" box in size and all replacement shrubs shall be 5-gallon shrubs.
- 6) The clubhouse, swimming pool, playground, retention basin, perimeter screen wall, trash enclosures, west side drainage channel, interior streets and curbing, and other common area amenity features and areas shall also be maintained in perpetuity by the property owners and/or the future HOA.
- 7) As part of this planned development rezoning approval, the current property owners shall replace the existing chain link fence on the west side of the property with a five to six-foot tall masonry wall, except for where the east-west internal drainage channel transitions into the north-south drainage channel. An access gate shall continue to be provided in said area, for the continued HOA access and maintenance of the drainage channel along said west side.
- 8) New or replacement manufactured homes going into Boardwalk Estates shall not be older than 10 years at the time of installation.
- 9) Individual property owners shall be responsible for properly obtaining applicable permits for any construction or improvements, designed to current city codes, prior to any construction on the lots and/or installation of manufactured homes and any appurtenant awnings, carports, additions, storage sheds or other items/structures which require permits.
- 10) Permits for any construction or improvements to any common area amenities shall be applied for by the property owners or the HOA.
- 11) Zoning standards for homes and detached accessory structures larger than 120 square feet in Boardwalk Estates shall be as follows:

- a) Front yard: 8 feet (the narrow, street fronting side of each lot shall be considered the front yard for setback purposes; no lot shall have its front yard on a north or south side);
 - b) Interior Side Yard: 5 feet;
 - c) Street Side yard: 8 feet (except that lot numbers 8, 9, 29, 30, 47, 48, 65, 83, 103 and 104 may not encroach into the 66-foot-wide federally patented easement on the Windsong Street alignment which runs east-west through the center of Boardwalk Estates, unless said easement is first relinquished for public roadway and utility purposes);
 - d) Rear Yard: 5 feet;
 - e) Maximum Building Height: 20 feet;
 - f) Minimum setbacks shall be measured from a property line to the nearest building wall or face of post of an awning; an overhang of 18 inches is allowed;
 - g) All lots shall be single-family residential lots only.
- 12) The property owners shall work with the city to identify and inform renters/future owners of all lots which may have setback encroachments and/or unpermitted structures. Existing buildings and structures which have been constructed without permits and/or which are in violation of the zoning standards enumerated above must be brought into compliance at time of building permit application, before any new permits will be issued.
- 13) Boardwalk Estates shall remain a family-friendly community. At no time shall the subdivision become an age-restricted development.
- 14) Unobstructed right of ingress and egress shall be provided at all times to Boardwalk Estates residents, city and other personnel, including police, fire, emergency and utility service providers.
- 15) The final plat for Boardwalk Estates shall reflect substantial compliance and consistency with the planned development concepts presented with case PZ-13-16, incorporated by reference herein, and as otherwise specified through these conditions of approval, to

include general layout, setbacks, public and private rights-of-ways, easements and tracts, building massing, amenities, perimeter fencing and landscaping, and other improvements.

SECTION II REPEALING ANY CONFLICTING PROVISIONS:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance 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 code 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 14TH DAY OF SEPTEMBER, 2017.

SIGNED AND ATTESTED TO THIS 14TH DAY OF SEPTEMBER 2017.



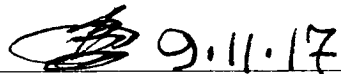
JEFF SERDY
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:



RICHARD JOEL STERN
City Attorney