

ORDINANCE NO. 1457

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-4-17, A REZONING REQUEST BY DAVID DIXON, FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL BY PLANNED DEVELOPMENT ("RS-GR/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject site was developed with a mobile home in 1964 prior to City of Apache Junction, AZ ("city") incorporation; 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 site was given a new zoning designation from General Rural ("GR") to RS-GR; and

WHEREAS, in 2015, city staff discovered that a conventionally constructed home was being built without proper permits on the subject site around the mobile home; and

WHEREAS, upon building permit submittal and site plan review it was discovered that the structure was encroaching into the required main structure side yard setback area, as well as a Federally Patented Easement ("FPE"); and

WHEREAS, the mobile home was removed from the property after 2015; and

WHEREAS, in 2017, the affected utility companies granted extinguishments for their utility easements for that section of property, bringing the structure closer to complying with regulations; and

WHEREAS, on September 11, 2017 the Board of Adjustments and Appeals voted 4 to 0 in favor of denial for a variance request by Mr. Dixon to deviate from the main structure side yard setback, Case BA-2-17, under the findings of fact that the encroachment issue was self-imposed; and

WHEREAS, on January 23, 2018, the Planning and Zoning Commission, after public hearing, voted to recommend denial of rezoning case PZ-4-17 by a vote of 6 to 0; and

WHEREAS, the city council hereby determines that the proposed rezoning conforms to all of the general 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, Section 1-5-2, Residential Bulk Regulations, and Article 1-4: Zoning Districts, Section 1-4-3, Planned Development ("PD") District (except as otherwise conditioned herein).

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

#### SECTION I IN GENERAL

That the zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

The Northwest quarter of the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 22, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, except the Southwest quarter of the Northwest quarter of the Southeast quarter of the Southwest quarter of the Southwest quarter, Pinal County, Arizona (Pinal County Assessor parcel 103-04-058);

be and hereby is amended from General Rural Low Density Single-Family Detached Residential ("RS-GR") to General Rural Low Density Single-Family Detached Residential by Planned Development ("RS-GR/PD"), subject to the following conditions of approval:

- 1) The property owner shall dedicate necessary right-of-way to the city along Vista Road and 7<sup>th</sup> Avenue.
- 2) The main structure side yard setback shall be 10-feet, including any future additions or expansions.
- 3) Should a future accessory dwelling unit (guest house) be constructed on the property, the standard main structure side yard setback in an RS-GR zoning district must be met.
- 4) All applicable permits for conventional construction shall be applied for within 90 calendar days from the effective date of approval of this ordinance, and plans shall be designed to current city codes prior to any further construction of the existing main residence.

#### 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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JEFF SERDY  
Mayor

ATTEST:

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KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

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RICHARD JOEL STERN  
City Attorney