

ORDINANCE NO. 1499

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-7-19, A PROPOSED REZONING 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 2.37 acre property located between N. Royal Palm Road and N. Cactus Road on the north side of East Roosevelt Street, is currently designated "Low Density Residential" (1.25 acre minimum lots) by the city's general plan land use map; and

WHEREAS, the proposed rezoning represents a minor general plan amendment and would allow the creation of lots that reflect consistency with the character of the immediate neighborhood; and

WHEREAS, as part of this rezoning the city intends to split the parcel with a planned development overlay, allowing reduced front setback deviations to alleviate some of the topographical constraints and allow greater development opportunities; and

WHEREAS, the item was continued by the planning and zoning commission from November 10, 2020 to December 8, 2020; and

WHEREAS, on December 8, 2020 the Apache Junction planning and zoning commission voted 5:1 to recommend to council the approval of the rezoning case PZ-7-19 to RS-GR/PD (General Rural Low Density Single-Family Detached Residential By Planned Development) for the purpose of creating a 2-lot land split with one +/- 1.25 acre lot and another +/-1.12 acre lot under the conditions set forth in Section I below.

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 for the parcels of land legally described as:

The Southeast quarter of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 21, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT the West 16.5 feet thereof; and

EXCEPT therefrom, all coal, oil, gas and other mineral deposits, as reserved in the Patent recorded in Docket 172, Page 368.

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"), for the purpose of creating a 2-parcel land split, one being 1.25 and another 1.12 acres, subject to the following conditions of approval:

- 1) Following effective rezoning approval, city staff shall take all necessary steps to split property as conceptually approved.
- 2) Staff shall coordinate with the city engineer on any additional right-of-way or utility easement needs, including the dedication of the south 25 feet of the property for roadway and utility purposes.
- 3) City shall disclose to prospective buyers that additional property improvements and service extensions may be necessary upon purchase.
- 4) All applicable permits and development fees will be due at the time of development.
- 5) Horses shall only be allowed on the 1.25 acre lot, with an RS-GR/PD zoning to allow a 25-foot front setback; and the other conventional RS-GR setbacks of 40-foot rear and 20-foot sides.

## 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 \_\_\_\_\_, 2021.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Walter "Chip" Wilson  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD JOEL STERN  
City Attorney