

ORDINANCE NO. 1504

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, CHAPTER 1: ZONING ORDINANCE, BY ADDING A NEW RECREATIONAL MARIJUANA USE CATEGORY TO CERTAIN ZONING DISTRICTS AND NEW RECREATIONAL MARIJUANA USE DEFINITIONS AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2021 AMENDMENTS TO APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-5 ZONING BULK AND USE REGULATIONS, § 1-5-3, NON-RESIDENTIAL USE REGULATIONS, TABLE 5-3 NON-RESIDENTIAL USE REGULATIONS, AND ARTICLE 1-17, § 1-17-1 DEFINITIONS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on December 4, 2020, the city council gave direction to staff to process amendments to the zoning ordinance through the planning and zoning commission, to accommodate recreational marijuana uses in the city, pursuant to the approval of Proposition 207, the Smart and Safe Act, by the voters of Arizona in the November 2020 general election; and

WHEREAS, necessary amendments to the zoning ordinance include amendments to § 1-5-3 Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations and § 1-17-1 Definitions; and

WHEREAS, the planning and zoning commission held a work session to review and discuss the proposed amendments on February 23, 2021; and

WHEREAS, on March 23, 2021, the planning and zoning commission voted 7 to 0 to recommended such amendments to the city council; and

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

SECTION I            IN GENERAL

1. That existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5 Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations are amended as referenced in #2 below, in addition to Article 1-17 Definitions, § 1-17-1 Definitions of the same code, also referenced in #2 below.

2. That certain document known as "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5 Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations, Table 5-3, Non-Residential Use Regulations, and Article 1-17, § 1-17-1 Definitions", at least three paper copies, or one paper copy and one electronic copy which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 21-15 of the City of Apache Junction, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

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

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Volume 1, Chapter 1: GENERAL, Article 1-8: PENALTY.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION 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:

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RICHARD J. STERN  
City Attorney