

RESOLUTION NO. 21-15

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "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"; REPEALING ANY CONFLICTING PROVISIONS, AND PROVIDING FOR SEVERABILITY.

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "A.R.S.") § 9-802 permits municipalities to enact the provisions of a code or public record in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three paper copies, or one paper copy filed with the city clerk and one electronic copy is accessible on the city's website and both are available for public use and inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, such codes include recreational marijuana zoning regulations; and

WHEREAS, a work session on February 23, 2021 and public hearing on March 23, 2021 were held with the planning and zoning commission to discuss the proposed amendments; and

WHEREAS, it is the intent of the city to declare such documents and compilations as public records, on file in the office of the city clerk.

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

SECTION I IN GENERAL

That certain document entitled "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, of which are accessible on the city's website (www.apachejunctionaz.gov), and filed in the office of the city clerk of the city of Apache Junction, Arizona, is hereby declared to be a public record, shall be made available for public use and inspection and said copies are ordered to remain on file with the city clerk.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All resolutions and parts of resolutions in conflict with the provisions of this resolution or any part of the codes adopted herein, are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this resolution or any part of the codes or regulations adopted herein 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 J. STERN
City Attorney