

ORDINANCE NO. 1509

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, BY AMENDING ARTICLE 1-5: ZONING BULK AND USE REGULATIONS, SECTION 1-5-2: RESIDENTIAL BULK REGULATIONS, TABLE 5-2: FOOTNOTES 7, 8, 9, and 10; BY REPEALING AND REPLACING ARTICLE 1-6: SUPPLEMENTAL REGULATIONS, SECTION 1-6-5: ACCESSORY STRUCTURES; BY REPEALING ARTICLE 1-6: SUPPLEMENTAL REGULATIONS, SECTION 1-6-8: CARGO CONTAINERS IN ITS ENTIRETY; BY REPEALING, ARTICLE 1-17: DEFINITIONS RELATIVE TO THE TERM "CARGO CONTAINER" AND REPLACING IT WITH "OVERSEAS SHIPPING CONTAINER;" BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "AUGUST 2021 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, ZONING ORDINANCE, ARTICLE 1-5: ZONING BULK AND USE REGULATIONS, SECTION 1-5-2: RESIDENTIAL BULK REGULATIONS, TABLE 5-2: FOOTNOTES 7, 8, 9, and 10; ARTICLE 1-6: SUPPLEMENTAL REGULATIONS, SECTION 1-6-5: ACCESSORY STRUCTURES; 1-6-8: CARGO CONTAINERS, ARTICLE 1-17: DEFINITIONS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, Apache Junction City Code ("A.J.C.C."), Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, was most recently amended by Ordinance No. 1402 on May 6, 2014 as part of a comprehensive set of amendments to the zoning ordinance; and

WHEREAS, the mayor and city council now desire to amend portions of the city zoning code pertaining to accessory structures and regulate overseas shipping containers under the zoning code as accessory structures; and

WHEREAS, by handling cargo containers as accessory structures, code changes are required for several sections of the zoning ordinance including the accessory structures, cargo containers, bulk regulations and definitions; and

WHEREAS, a council work session on August 2, 2021 and a public hearing on August 17, 2021 were held to discuss the proposed amendments; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code of public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the

office of the clerk of the municipality and an electronic copy thereof is accessible on the city's website and made available for public inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include zoning codes; and

WHEREAS, city staff has determined that for administrative efficiency and cost savings on required code publications, it is more appropriate to update the city code by adopting the text by reference.

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

SECTION I IN GENERAL

1. That the existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, be amended as follows: Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-2: Residential Bulk Regulations, Table 5-2: Footnotes 7, 8, 9, and 10 be amended; by repealing and replacing Article 1-6: Supplemental Regulations, Section 1-6-5: Accessory structures; by repealing Article 1-6: Supplemental Regulations, Section 1-6-8: Cargo Containers in its entirety; by repealing, Article 1-17: Definitions relative to the term "Cargo Container" and replacing it with "Overseas Shipping Container" as referenced in the document in paragraph 2 below.
2. That certain document known as, "August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5, Section 1-5-2: Residential Bulk Regulations, Table 5-2: Footnotes 7, 8, 9, and 10; Article 1-6: Supplemental Regulations, Section 1-6-5: Accessory structures, Section 1-6-8: Cargo containers; and Article 1-17: Definitions", one paper copy filed in the office of the city clerk and one electronic copy accessible on the city's website both of which were made a public record by Resolution No. 21-31, 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.

SECTION V ESTABLISHING AN EFFECTIVE DATE

The provisions of this ordinance shall be effective beginning January 2, 2022.

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:

RICHARD J. STERN
City Attorney