

ORDINANCE NO. 1508

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 REPEALING AND REPLACING PORTIONS OF ARTICLE 1-5: ZONING BULK AND USE REGULATIONS; AND BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "AUGUST 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 AND § 1-5-4 NON-RESIDENTIAL BULK REGULATIONS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on November 16, 2020 and March 1, 2021, the city council asked staff to refine the land use regulations of the Apache Junction City Code ("A.J.C.C."), Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, to align the land use regulations with the city's downtown growth plan; and

WHEREAS, staff found it most efficient to refine the land use regulations for all non-residential zoning districts at one time to correct category errors and provide regulatory clarity; and

WHEREAS, the planning and zoning commission met on June 22, 2021 and July 13, 2021 and the city council met on August 2, 2021 to discuss the proposed amendments; and

WHEREAS, the planning and zoning commission recommended to the city council the approval of the proposed code amendments with a vote of 7-0 on July 21, 2021; and

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 one paper copy is filed with the city clerk and an electronic copy is accessible on the city's website, with both made available for public use and inspection; and

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

WHEREAS, city staff has determined that for administrative efficiency and to reduce the publication costs, it is more appropriate to update the city code by adopting the text by reference.

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 the 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 and § 1-5-4 Non-Residential Bulk Regulations, be amended by repeal and replacement as referenced in the document noted in #2 below.
2. That certain document known as the "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 and § 1-5-4 Non-Residential Bulk Regulations", of which at least one paper copy is on file with the city clerk and one electronic copy of which is accessible on the city's website (www.apachejunctionaz.gov), and which document was made a public record by Resolution No. 21-30, 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:

RICHARD J. STERN
City Attorney