

**RESOLUTION NO. 2011-01**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED THE "TOWN OF FOUNTAIN HILLS PLANNED AREA DEVELOPMENT (P.A.D.) DISTRICT REGULATIONS."

**BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

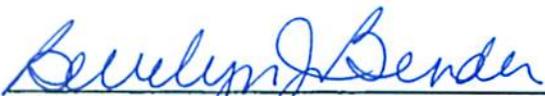
SECTION 1. That certain document entitled the "Town of Fountain Hills Planned Area Development (P.A.D.) District Regulations" of which three copies each are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills, February 17, 2011.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Jay T. Schlum, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Richard L. Davis, Town Manager

  
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Andrew J. McGuire, Town Attorney

**TOWN OF FOUNTAIN HILLS  
PLANNED AREA DEVELOPMENT  
(P.A.D.) DISTRICT  
REGULATIONS**

## CHAPTER 23

### PLANNED AREA DEVELOPMENT (P.A.D.) DISTRICT

#### Sections:

<b>23.01</b>	<b>Purpose</b>
<b>23.02</b>	<b>Intent</b>
<b>23.03</b>	<b>Permitted Uses</b>
<b>23.04</b>	<b>Intensity of Land Use</b>
<b>23.05</b>	<b>Design Standards</b>
<b>23.06</b>	<b>General Requirements and Standards</b>
<b>23.07</b>	<b>Application and Procedures</b>
<b>23.08</b>	<b>Amendments to Approved Planned Area Development</b>

#### Section 23.01 Purpose

**Planned Area Development (P.A.D.) District.** The principal purpose of this zoning district is to provide an alternative to conventional zoning by accommodating development that may combine residential and nonresidential land uses through common design elements. The district encourages variations in building design, lot arrangement, circulation patterns, and land uses by replacing traditional, rigid zoning regulations with performance considerations suited to the individual development while fulfilling the goals and objectives of the Town of Fountain Hills General Plan or any applicable area specific plan.

#### Section 23.02 Intent

The P.A.D. district is intended to achieve the following goals:

- A. Encourage the planned development of large and small parcels or lots that are under unified ownership or control.
- B. Encourage and promote innovatively designed residential and commercial developments to provide greater opportunities for housing, recreation, open space, shopping and employment.
- C. Encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic and desirable development that may be characterized by special features of the geography, topography, size or shape of a particular property.
- D. Provide a compatible and stable developed environment that is in harmony with the surrounding area.

### **Section 23.03 Permitted Uses**

Any use or combination of uses may be allowed in a P.A.D., provided such uses are (A) consistent with the Town of Fountain Hills General Plan, and (B) identified as permitted uses upon approval of the P.A.D. and the accompanying Development Plan.

### **Section 23.04 Intensity of Land Use**

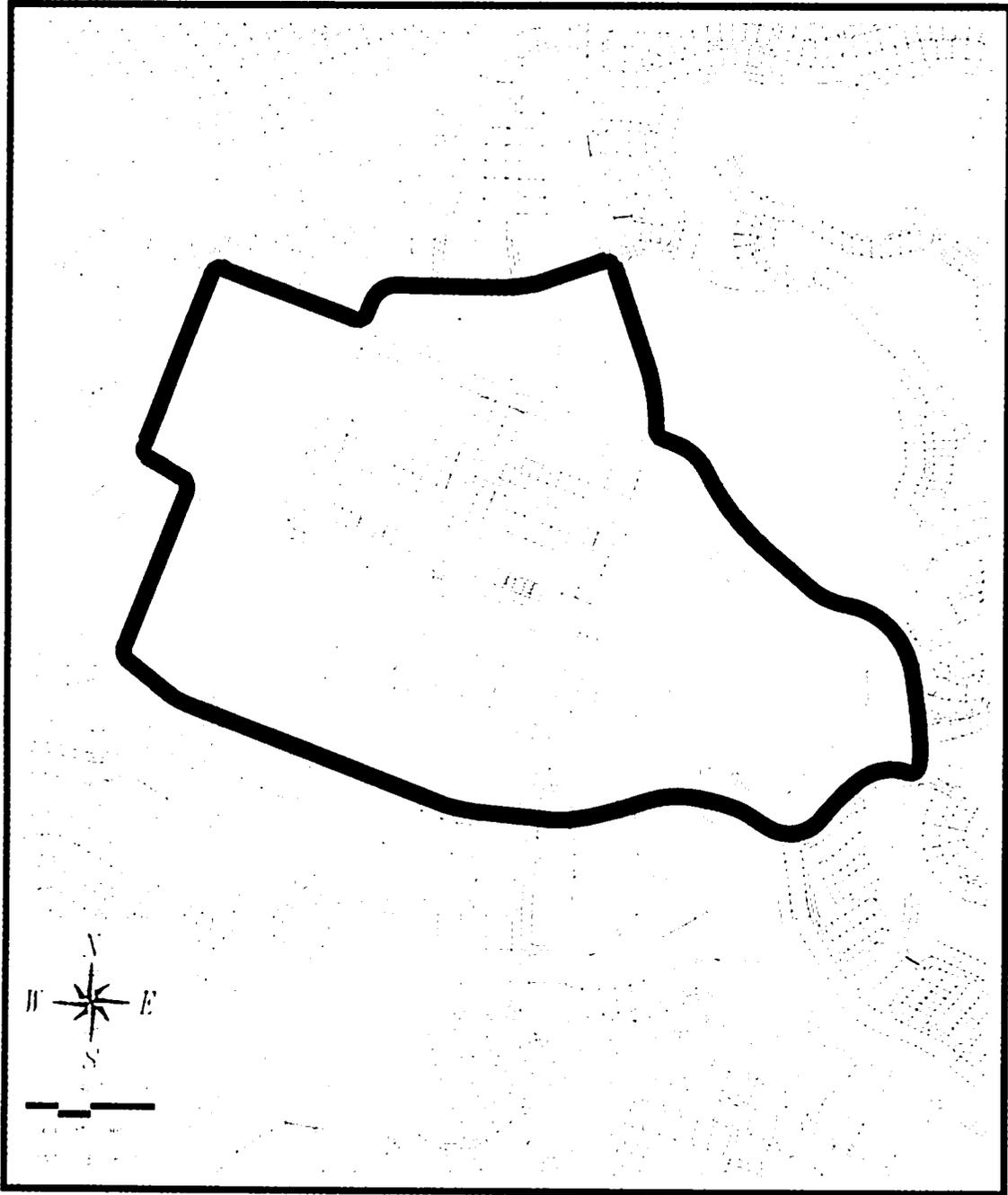
- A. Densities and intensity permitted in the P.A.D. zoning designation shall be determined by the Town Council, in its sole discretion, provided such densities and intensity shall be consistent with the Town of Fountain Hills General Plan and any applicable area specific plan.
- B. The yard, building setback, building height, lot size, and other requirements within the district shall be those approved in the Development Plan as provided below in subsection 23.07(B)(6).

### **Section 23.05 Design Standards**

- A. **Consistency with Standards.** The design of the project shall be consistent with any existing guidelines applicable to the land uses proposed, including, but not limited to, the Town's *Commercial/Multi-Family Architectural Design Review Guidelines* and *Concept Plan* requirements.
- B. **Density Considerations.** In determining reasonable densities in a P.A.D., the Planning and Zoning Commission and Town Council may consider any of the following:
  - 1. The location, amount and proposed use of open space.
  - 2. The location, design and type of dwelling units.
  - 3. The physical characteristics of the site.
  - 4. Excellence in site design and landscaping.
  - 5. Adequacy and availability of public services and utilities.
- C. **Building Height and Setbacks.** In the case of a building with a height greater than twenty (20) feet, the setback from the P.A.D. boundary shall approximate the building height. The minimum building setback from the perimeter of the P.A.D. shall be no less than twenty (20) feet, except as noted in the design standards. Where the P.A.D. is adjacent to dedicated open space or Open Space Zoning, the minimum building setback may be

reduced to five (5) feet regardless of the building height. Within the Downtown Area (depicted below in this Subsection 23.05(C)) such setbacks may be modified if the Town Council determines that a lesser setback is appropriate based upon existing conditions or other design considerations.

**TOWN OF FOUNTAIN HILLS  
DOWNTOWN AREA BOUNDARY**



- D. **Open Space Provision.** A P.A.D. shall provide for enhanced contiguous open space areas, organized to allow for use and enjoyment for residents within the P.A.D. area and for connectivity to other open spaces. Additionally, a minimum of fifteen (15) percent of the total P.A.D. shall be set aside as open space; provided, however, that the Town Council may approve a smaller amount of open space for P.A.D. developments with the Downtown Area.

### **Section 23.06 General Requirements and Standards**

- A. **Conformance with General Plan.** The design and land uses in the proposed P.A.D. shall be consistent with the Town's General Plan and any applicable area specific plans.
- B. **Ownership.** The development of the site shall be under control of the applicant at the time of application and planned and scheduled to be developed as a whole either in a single phase or multiple phases as outlined in the required phasing schedule.
- C. **Approval of Development Plan.** No building, subdivision or zoning approval shall be issued for any use under a P.A.D. zoning designation prior to approval of the Development Plan as prescribed herein.
- D. **Number of Buildings Per Lot.**
  - 1. No more than one (1) primary residence may be built on one (1) platted or recorded lot in any P.A.D. for single-family detached dwellings.
  - 2. More than one (1) building may be placed on a platted or recorded lot for multi-family housing types, commercial uses or other non-residential uses as shown on the approved Development Plan.
- E. **Streets, Utilities, Services and Public Facilities.** To achieve the maximum benefit to the Town based upon the unique aspects of each proposal for a P.A.D., certain specifications and standards for streets, utilities and services may be subject to minor modifications of the specifications and standards established in this and other Town ordinances. The Town Council may, in conjunction with the P.A.D. approval, waive or modify the specifications and standards for streets, utilities and services upon a finding that such waived or modified specifications and standards allow the P.A.D. to be developed in a manner that will benefit the Town. The plans and cross sections of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the Town staff prior to the Town Council approval of the P.A.D.

- F. **Utilities.** If at all feasible, all on-site utilities shall be installed underground, including but not limited to, electricity and telephone, including those on land which will be dedicated to public use as part of the development, and those utility lines which must be extended to provide such utility services to the development property from an end point outside the development property lines.
- G. **Landscaping.** A preliminary landscape plan shall be provided with the Development Plan and approved by the Town Council. The landscape plan shall reflect the approved plant list as provided in Chapter 6 of the Town Subdivision Ordinance.
- H. **Retail Uses.** A large single retail use or large multiple use shopping center may be located within a mixed use P.A.D., but only when said use has been expressly identified as part of the P.A.D. zoning application. If such use has not been expressly identified as part of an approved P.A.D., but is requested, a major amendment to the P.A.D. is required as specified below in Section 23.08.
- I. **Size and Use Restrictions.** P.A.D. zoning shall not be approved for one (1) single family home on one single family lot or for a parcel of land less than five (5) acres in size.
- J. **Additional Standards.** Development within a P.A.D. shall conform to all existing codes and ordinances unless modifications of specific conditions, requirements, and standards are agreed upon by the applicant and the Town and included as part of the P.A.D. approval.

### **Section 23.07 Application and Procedures**

- A. **Pre-application Meeting.** Prior to making a P.A.D. application, the applicant shall meet with appropriate Town staff to discuss the development concept, the review and approval process, and the submittal requirements.
- B. **Development Plan.** The P.A.D. zoning district may only be developed in accordance with an approved Development Plan. The Development Plan for the area of the P.A.D. request shall be on one or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches, drawn to a scale specified by Town staff, prepared by an Arizona registered civil engineer or surveyor, including the following:
  - 1. Proposed name of the development.
  - 2. Name, address, and telephone number of the property owner and applicant.
  - 3. Legal description, including gross and net acreage.

4. A generalized location map showing surrounding land use, zoning, and traffic circulation patterns within a three hundred (300) foot radius of the property, measured in all directions from the perimeter of the property lines. A north arrow and scale shall be provided.
5. Site conditions information, including:
  - a. Topographic contours (with intervals of no more than two (2) feet), covering the entire P.A.D. area plus an area distance of one hundred (100) feet beyond the property boundary.
  - b. Location and extent of major vegetative cover (if any). All Saguaro cacti over three (3) feet in height must be identified as well as significant vegetation and rock outcroppings as defined in Article 1 of the Subdivision Ordinance.
  - c. Location and extent of intermittent streams and water ponding areas.
  - d. Existing drainage, including arrows showing direction of flow. Show any areas of ponding.
  - e. The maximum height of all retaining walls. Demonstrate compliance with the Town's grading standards in the Zoning Ordinance or specifically identify requested variations from these requirements.
  - f. Natural features such as mesas, rock outcroppings and manmade features such as existing roads and structures, with an indication as to which are to be retained and which are to be removed or altered.
  - g. A slope analysis map with categories of less than ten (10) percent, ten (10) to twenty (20) percent, twenty (20) to thirty (30) percent and thirty (30) percent and above. Identify hillside disturbance areas and Hillside Protection Easement (H.P.E.) areas with areas of each totaled in a table. Demonstrate compliance with the hillside disturbance regulation of the Town's Subdivision Ordinance or specifically identify variations from these requirements.
  - h. Evidence that the proposed plan complies with existing agreements that apply to the site.



requirements regarding storm water runoff and drainage have been met.

- j. A Traffic Impact Analysis including projected volumes on streets within and adjacent to the site. Indicate off-site improvements necessary to accommodate the increase in traffic at level of service C or better. Indicate any proposed phasing of traffic improvements and relate such traffic improvements to the overall phasing of the project.
7. The location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas, driveways, access way and pedestrian walkways. The acceptability of any proposed shared parking arrangement must be validated in a study prepared by an independent traffic expert approved by the Town and whose services are paid for by the applicant.
8. The location, dimensions, height, area, materials and lighting of signage.
9. The location, height and type of outdoor lighting.
10. Any other information that the Town Staff may find necessary to establish compliance with this and other ordinances.

**C. Project Narrative.**

1. The applicant shall submit a statement describing the terms and conditions under which the property will be developed and maintained subsequent to development. Such statements shall include any conditions, performance standards and other reasonable restrictions as may be necessary to ensure the development and maintenance of the property in accordance with the approved Development Plan. The purpose of this narrative is to provide a clear and concise statement for the review process to ensure a better understanding of the proposed development concept.
2. The applicant shall submit a description of the objectives to be achieved by the development concept. The statement shall include, but is not limited to:
  - a. The manner in which the proposed development meets the P.A.D. standards as set forth in the Zoning Ordinance.
  - b. The proposed architectural and site design concepts including style, colors and type of materials, placement of structures to

maximize views and take advantage of the site's natural characteristics.

c. Specific concepts by which the proposed development will make an orderly transition from existing or planned adjacent development, including varied setbacks and facade treatment, open space elements, screening of parking areas and landscaping of public or private open spaces and recreational facilities.

d. Intended design philosophy and environmental quality described by written text, graphics or photography, or a combination thereof.

3. General description of the availability of other community facilities, such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by this proposal.

4. Evidence that the proposal is compatible with specifically cited goals of the Fountain Hills General Plan and any applicable area specific plan.

**D. Phasing of Development (Phasing Plan).**

1. Any P.A.D. plan proposed to be constructed in phases shall include full details relating to each phase, including the type of development, density, lot coverage and a map designating the phases and sequence of development. Each phase shall be designed so that it may be developed independently of other, subsequent phases.

2. The Phasing Plan shall include the projected time for beginning and completion of each phase. A modification of the timing of any of the phases of development may be approved by the Town Manager or his designee upon the showing of good cause by the developer.

**E. Approval of the Development Plan.** The review of a Development Plan shall be in conjunction with the rezoning of the property. The Planning and Zoning Commission shall base its recommendation, and the Town Council shall base its decision, on the conformance of the proposed plan with the Town's General Plan, any applicable area specific plan and the stated purpose of the P.A.D. district.

**F. Recordation of Development Plan.** Within thirty (30) days of receiving zoning and Development Plan approval by the Town Council, the applicant shall, at applicant's expense, record the Development Plan and conditions of approval with the Maricopa County Recorder's Office. Failure to record the

approved plan within thirty (30) days of approval will render the approval null and void. The Town Manager or his designee may grant one thirty (30) day extension of time of the requirement to record the Development Plan.

### **Section 23.08 Amendments to Approved Planned Area Development**

- A. **General.** The applicant or its successors may request amendments to an approved P.A.D. No amendment will be approved without concurrent revision of the Development Plan.
- B. **Major or Minor Amendments.** Amendments to the approved P.A.D. shall be delineated as major or minor amendments. Upon receipt of an amendment application, the Town Manager or his designee shall determine if the proposed amendment constitutes a major or minor amendment.
- C. **Major Amendments.** The process to approve Major Amendments shall be as specified in Section 2.01 of the Zoning Ordinance, as amended. Changes to the approved Development Plan shall be considered major if they involve any one of the following:
  - 1. An increase of ten (10) percent or more in the approved totals of dwelling units, gross leasable area, setbacks, allowed building height or in the acreage devoted to any land use category other than open space.
  - 2. A significant change in boundary lines of development units that the Town Manager or his designee determines has increased the density or changed the mix of uses within the development.
  - 3. A ten (10) percent or more reduction in the distance from a use or building within the P.A.D. to the boundary of the P.A.D., unless the P.A.D. is adjacent to dedicated open space or Open Space Zoning at that location.
  - 4. Any change that could result in an increase in traffic impact (trips) on roadways adjacent or external to the property covered by the P.A.D. such that the built capacity of the street would be exceeded.
  - 5. Any change in land use or density that is likely to overburden public facilities and utilities infrastructure as determined by the Town Manager or his designee, who may consult with service and utility providers in making his determination.
  - 6. Any other proposed change to the Development Plan that substantively alters one or more components of the P.A.D. as determined by the Town Manager or designee.

- D. Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection 23.08(C) above, shall be considered minor. If the Town Manager or designee determines the amendment to be minor, the Town Manager or designee may administratively act on the amendment and attach stipulations or conditions of approval thereto.