

ORDINANCE 15-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 23, PLANNED AREA DEVELOPMENT (P.A.D.) DISTRICT, RELATING TO A REDUCTION IN THE MINIMUM SIZE FOR PAD REZONING IN THE DOWNTOWN AREA.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") adopted Ordinance 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

WHEREAS, the Town Council desires to amend the Zoning Ordinance to revise Chapter 23, Planned Area Development (P.A.D.) District, Section 23.06, General Requirements and Standards, to reduce the minimum size for a parcel of land to be zoned PAD from five acres to three acres when the land is within the Downtown Area Boundary; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this ordinance were advertised in the May 27, 2015, and June 3, 2015, editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission (the "Commission") on June 11, 2015, and by the Town Council on June 18, 2015; and

WHEREAS, the Commission recommended approval of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Chapter 23 (Planned Area Development (P.A.D.) District), Section 23.06 (General Requirements and Standards), Subsection I (Size and Use Restrictions) is hereby amended as follows:

- 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, UNLESS THE PARCEL OF LAND IS WITHIN THE DOWNTOWN AREA BOUNDARY DEPICTED IN SECTION 23.05, IN WHICH CASE P.A.D. ZONING SHALL NOT BE APPROVED FOR A PARCEL OF LAND LESS THAN THREE (3) ACRES.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

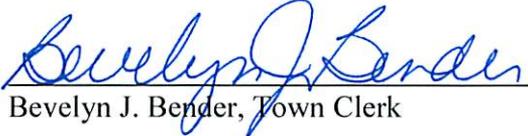
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, June 18, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Linda M. Kavanaugh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Kenneth W. Buchanan, Town Manager



Andrew J. McGuire, Town Attorney