

RESOLUTION 2016-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS GENERAL PLAN 2010 REGARDING ALLOWABLE RESIDENTIAL DENSITIES IN MIXED USE DEVELOPMENTS WITHIN THE BOUNDARIES OF THE DOWNTOWN SPECIFIC AREA PLAN, AS SHOWN IN CASE NO. GPA2016-01.

WHEREAS, the Town of Fountain Hills General Plan 2010 (the “General Plan”) was adopted by the Mayor and Council of the Town of Fountain Hills (the “Town Council”) on January 7, 2010, and ratified by the qualified electors of the Town of Fountain Hills (the “Town”) on May 18, 2010; and

WHEREAS, Figure 11 in Chapter 3 of the General Plan (the “Land Use Plan”) sets forth the land-use designations for all real property within the corporate limits of the Town; and

WHEREAS, the Land Use Plan designates the area of downtown that is included in the Downtown Area Specific Plan; and

WHEREAS, the Land Use Definitions set forth in Chapter 3 (Land Use Element) of the General Plan include residential densities for multifamily uses, but do not specifically address the residential densities allowed in mixed use developments; and

WHEREAS, the General Plan establishes the authority and procedures for amendments to the General Plan land-use designations; and

WHEREAS, the Town Council desires to amend the General Plan to provide for a range of residential densities in mixed use areas (the “General Plan Amendment”); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Town has consulted with, advised and provided the opportunity for public comment on the General Plan Amendment; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Town Planning and Zoning Commission (i) held a public hearing on the proposed General Plan Amendment on May 26, 2016, and (ii) provided notice of such hearing by publication in the *Fountain Hills Times* on May 11, 2016, and May 18, 2016; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.09 and the General Plan, the Town Council (i) held a public hearing on the proposed General Plan Amendment on June 16, 2016 and (ii) provided notice of such hearing by publication in the *Fountain Hills Times* on May 11, 2016, and May 18, 2016; and

WHEREAS, the Town Council finds and determines that (i) proper notice of the proposed General Plan Amendment has been given in a manner required by ARIZ. REV. STAT. § 9-461.09 *et seq.* and (ii) each of the required publications have been made.

NOW, THEREFORE, BE IT RESOLVED 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 General Plan is hereby amended to modify the narrative text for the definition of the Mixed Use land-use category (p. 37) as follows:

Mixed-Use

The Mixed Use category denotes the Town Center area where a mix of commercial, retail, office, high density residential, municipal, civic, recreational, cultural, institutional, parking, lodging and religious facilities are to be located. Several uses can be accommodated within a single project if the mix of uses is carefully designed to be mutually supportive and the project as a whole will reinforce the viability and vision of the Town Center. Notwithstanding maximum residential densities designated for other land-use categories, high-density residential uses in the mixed use category may be up to 28 DU/acre within the boundaries of the Downtown Area Specific Plan, EXCEPT FOR THE AREAS WITHIN THE AVENUE DISTRICT AND SOUTH END DISTRICT, WHICH MAY BE UP TO 45 DU/ACRE.

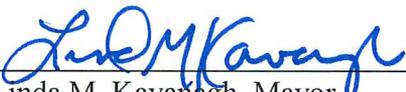
SECTION 3. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Resolution.

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

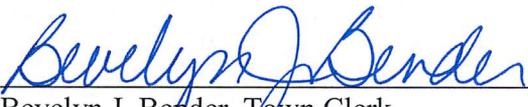
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, June 16, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



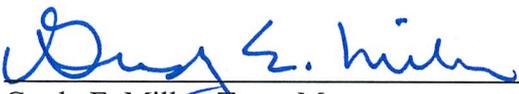
Linda M. Kavanagh, Mayor



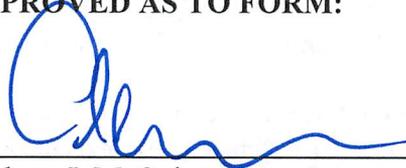
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney