

**ORDINANCE NO. 13-08**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS SUBDIVISION ORDINANCE, ARTICLE 3 (SUBDIVISION DESIGN PRINCIPLES AND STANDARDS) SECTION 3.08 (LOT PLANNING) BY DELETING SUBSECTION H THEREOF, AND AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 5 (GENERAL PROVISIONS) SECTION 5.03 (REDIVIDING OF RECORDED LOTS) BY DELETING SUBSECTION B THEREOF; RELATING TO LOT SIZE REQUIREMENTS.

**WHEREAS**, the Mayor and the Council of the Town of Fountain Hills (the "Town Council") adopted Ordinance No. 96-29, which established the Subdivision Ordinance for the Town of Fountain Hills (the "Subdivision Ordinance"); and

**WHEREAS**, the Town Council adopted Ordinance No. 93-22, which adopted the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

**WHEREAS**, the Subdivision Ordinance and the Zoning Ordinance each contain provisions relating to lot division which require conformance with size limitations tied to nearby similar property (the "Lot Averaging Provisions"); and

**WHEREAS**, the Town Council desires to amend the Subdivision Ordinance and the Zoning Ordinance to eliminate the Lot Averaging Provisions; and

**WHEREAS**, public hearings regarding this Ordinance were advertised in the April 24, 2013 and May 1, 2013, editions of the Fountain Hills Times; and

**WHEREAS**, public hearings were held by the Fountain Hills Planning & Zoning Commission on May 9, 2013 and by the Town Council on June 6, 2013.

**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 Subdivision Ordinance, Article 3 (Subdivision Design Principles and Standards), Section 3.08 (Lot Planning), is hereby amended by deleting Subsection H thereof in its entirety.

**SECTION 3.** The Zoning Ordinance, Chapter 5 (General Provisions), Section 5.03 (Redividing of Recorded Lots), is hereby amended by deleting Subsection B thereof in its entirety and reserving it for future use.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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 of this Ordinance.

SECTION 5. 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, June 6, 2013.

**FOR THE TOWN OF FOUNTAIN HILLS:**

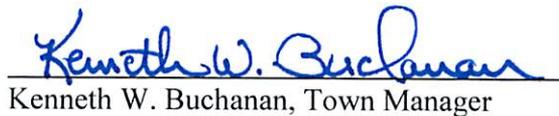
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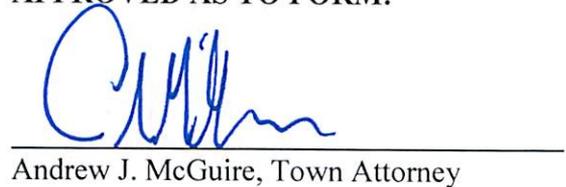
  
Linda M. Kavanagh, Mayor

  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
Kenneth W. Buchanan, Town Manager

  
Andrew J. McGuire, Town Attorney