

ORDINANCE 16-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE FOUNTAIN HILLS ZONING ORDINANCE, CHAPTERS 2 (PROCEDURES), 12 (COMMERCIAL ZONING DISTRICTS), 13 (INDUSTRIAL ZONING DISTRICTS), 17 (WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS), 18 (TOWN CENTER COMMERCIAL ZONING DISTRICT), 19 (ARCHITECTURAL REVIEW GUIDELINES) AND 23 (PLANNED AREA DEVELOPMENT DISTRICT) BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT KNOWN AS “THE NOVEMBER 3, 2016, ZONING ORDINANCE AMENDMENTS RELATING TO SITE PLAN APPROVAL.”

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) adopted Ordinance No. 93-22, which established 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 2 (Procedures), Chapter 12 (Commercial Zoning Districts), Chapter 13 (Industrial Zoning Districts), Chapter 17 (Wireless Telecommunications Towers and Antennas), Chapter 18 (Town Center Commercial Zoning District), Chapter 19 (Architectural Review Guidelines) and Chapter 23 (Planned Area Development (P.A.D.) District) relating to Site Plan Approvals; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, as amended, public hearings regarding this Ordinance were advertised in the September 28, 2016 and October 5, 2016, editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning and Zoning Commission (the “Commission”) on October 13, 2016, and by the Town Council on November 3, 2016.

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 document known as the November 3, 2016, Zoning Ordinance Amendments Relating to Site Plan Approval (the “Site Plan Amendments”), of which one paper copy and one electronic copy are on file in the office of the Town Clerk, which document was made a public record by Resolution 2016-28 of the Town of Fountain Hills, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 3. The text of the Zoning Ordinance is hereby amended for Chapter 2 (Procedures), Chapter 12 (Commercial Zoning Districts), Chapter 13 (Industrial Zoning Districts), Chapter 17 (Wireless Telecommunications Towers and Antennas), Chapter 18 (Town

Center Commercial Zoning District), Chapter 19 (Architectural Review Guidelines) and Chapter 23 (Planned Area Development (P.A.D.) District) as set forth in the Site Plan Amendments.

SECTION 4. Any person who fails to comply with any provision of the Site Plan Amendments shall be subject to civil and criminal penalties as set forth in Chapter 1 (Administration), Article 1-8 (Penalty) of the Fountain Hills Town Code, including civil penalties of not more than \$250.00 base fine. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Site Plan Amendment 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 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents 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, November 3, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Linda M. Kavanagh, Mayor



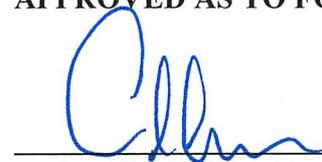
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney