

ORDINANCE 18-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 9, SECTION 9.02.C.6, RELATED TO PERMITTED ACTIVITIES WITHIN THE OPEN SPACE PRESERVATION ZONING DISTRICT

RECITALS:

WHEREAS, the Town of Fountain Hills Town Code and the Town of Fountain Hills Zoning Ordinance (the "Zoning Ordinance") each contain provisions pertaining to open space preservation; and

WHEREAS, it is in the best interests of the citizens of the Town of Fountain Hills (the "Town") to have a uniform set of standards by which authorized individuals may objectively determine whether a violation has occurred; and

WHEREAS, the Town desires to clarify the provisions of the Zoning Ordinance to provide its citizens with a clear statement of the permitted activities relating to the Open Space Preservation (OSP) Zoning District; 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 October 3, 2018 and October 10, 2018 editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning and Zoning Commission on October 25, 2018, and by the Town Council on November 6, 2018.

ENACTMENTS:

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 Town of Fountain Hills Zoning Ordinance, Chapter 9, Section 9.02.C.6, is hereby amended as follows:

Chapter 9, Section 9.02.C. Open Space Preservation (OSP) Zoning District

6. Utility services, water tanks, and emergency access easements, GRADE, LANDSCAPE, OR OTHERWISE ENCROACH, but not including offices, wastewater treatment plants, generating stations, sib-stations, or similar structures, with specific approval of the Town Council WITH AN ENCROACHMENT PERMIT.

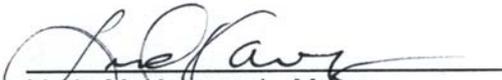
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. 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, this 6th day of November, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:


Linda M. Kavanagh, Mayor


Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Grady E. Miller, Town Manager


Aaron D. Arnson, Town Attorney