

## ORDINANCE 19-01

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING SECTION 12.02.A. OF THE FOUNTAIN HILLS ZONING ORDINANCE TO ALLOW SINGLE AND MULTIFAMILY RESIDENTIAL DWELLINGS IN THE “C-O – COMMERCIAL OFFICE” ZONING DISTRICT, SUBJECT TO SPECIAL USE PERMIT

#### RECITALS:

WHEREAS, the Town of Fountain Hills (the “Town”) adopted Ordinance No. 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

WHEREAS, the Mayor and Council of the Town (the “Town Council”) has determined it is in the best interests of the Town to amend the Zoning Ordinance to amend requirements for Special Use Permits in the C-O – Commercial Office Zoning District; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the January 9, 2019 and January 16, 2019 editions of the *Times of Fountain Hills*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on January 24, 2019 and by the Town Council on February 19, 2019.

#### 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 Fountain Hills Zoning Ordinance Chapter 12 (Commercial Zoning Districts), Section 12.02.A is hereby amended by adding a new Section 12.02.A.8 to read as follows:

8. Single and multi-family residential dwellings, subject to Special Use Permit.

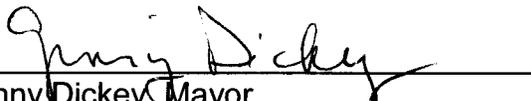
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

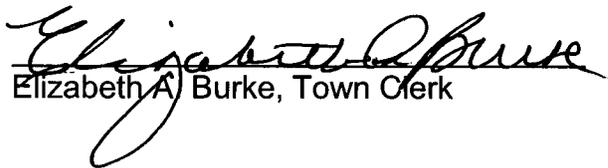
**SECTION 4.** The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, this 19<sup>th</sup> day of February, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

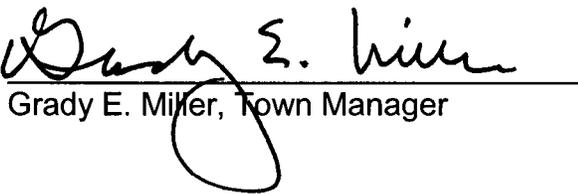
**ATTESTED TO:**

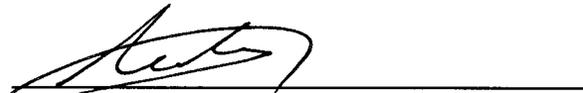
  
Ginny Dickey, Mayor

  
Elizabeth A. Burke, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
Grady E. Miller, Town Manager

  
Aaron D. Arnson, Town Attorney