

ORDINANCE NO. 10-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, RELATING TO THE ZONING AND SUBDIVISION ORDINANCES OF THE TOWN OF FOUNTAIN HILLS, ADOPTING "THE 2010 LAND DISTURBANCE AMENDMENTS TO THE SUBDIVISION ORDINANCE OF THE TOWN OF FOUNTAIN HILLS" BY REFERENCE; ADOPTING AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF FOUNTAIN HILLS; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, the currently-existing Town of Fountain Hills Subdivision Ordinance ("the Subdivision Ordinance") and Town of Fountain Hills Zoning Ordinance (the "Zoning Ordinance") contain provisions pertaining to land disturbance; and

WHEREAS, the land disturbance provisions in the Zoning Ordinance and the Subdivision Ordinance, while substantially similar, are not identical; and

WHEREAS, the lack of complete uniformity between the land disturbance provisions in the Zoning Ordinance and the Subdivision Ordinance sometimes leads to confusion for property owners; and

WHEREAS, the Town of Fountain Hills desires to clarify and unify the provisions relating to land disturbance into a single regulatory document, the Subdivision Ordinance, to eliminate any confusion and to provide citizens with a clear statement of the land disturbance provisions applicable to property in Fountain Hills.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document known as "2010 Land Disturbance Amendments to the Subdivision Ordinance of the Town of Fountain Hills," three copies of which are on file in the office of the Town Clerk of the Town of Fountain Hills, Arizona, which document was made a public record by Resolution No. 2010-06 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 2. The Zoning Ordinance, Chapter 1, Introduction, Subsection 1.12, definition of "Zoning Administrator" is hereby deleted in its entirety and is replaced with the following definition:

Zoning Administrator: The person appointed by the Town Manager to be the Zoning Administrator. If there is no such person designated by the Town Manager, the Town Manager is the Zoning Administrator.

SECTION 3. The Zoning Ordinance, Chapter 5, General Provisions, Subsection 5.09(A)(1), is hereby amended to delete the phrase “Section 5.11.E of this Chapter” and replace it with the phrase “Section 5.06 of the Town of Fountain Hills Subdivision Ordinance.”

SECTION 4. The Zoning Ordinance, Chapter 5, General Provisions, Subsection 5.11, Land Disturbance Standards, is hereby deleted in its entirety and is replaced with the following:

Section 5.11 Land Disturbance Standards

A. Incorporated by Reference: The grading standards, cut and fill standards, drainage standards, retaining wall standards and height of structures at graded sites standards shall be governed by the provisions set forth in Article V of the Town of Fountain Hills Subdivision Ordinance, which are incorporated as if fully set forth herein, and a violation of which shall also be deemed a violation of this Section 5.11.

B. Procedural Regulations:

1. **Plan of Development:** Prior to the issuance of a zoning clearance, a plan of development or grading plan shall be submitted to and approved by the Town Engineering Department, and the Community Development Department. The approval of the plan of development may include reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks of buildings, etc., to the extent that the noted purpose and objectives of this Chapter are maintained and ensured.
2. **Application Requirements:** In addition to the otherwise noted procedural and information requirements of this provision, all applications for a zoning clearance, subdivision approval, or grading plan approval shall contain the following materials and information:
 - a. **Site plan, prepared by an Arizona Registered Land Surveyor or Arizona Registered Civil Engineer with the following information:**
 - (1) A topographic survey at least ten (10) feet beyond the exterior property line of the site.
 - (2) Contour interval not exceeding two (2) feet within twenty (20) feet of any proposed improvement and five (5) foot intervals for the remainder of the lot or parcel.
 - (3) Scale of the site plan shall be not less than One (1) inch equals twenty (20) feet. For large-scale projects, the Community Development Director may allow a different scale.

- (4) If structures are proposed, show cross-sections through site and building at twenty-five (25) foot intervals perpendicular to slope, giving percentage of slope at each, and showing exact heights of structures at each existing contour.
 - (5) If structures are proposed, each floor level shall be shown with different heading and with a legend giving grade or elevation of each level.
 - (6) If a garage(s) is proposed, give proposed elevation or grade at garage floor and at existing street level at drive entry. Give percentage of total average slope, and percent and length of single steepest portion of driveway.
 - (7) List the individual square footage of buildings, garages, patios, footprint, disturbance area and, if applicable, pool.
 - (8) Shade all disturbed (or graded) areas and show the proposed method of final treatment. Indicate all retaining walls, showing the actual and allowable heights.
 - (9) Show how drainage is altered, and if so, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
 - (10) Show location of all proposed utility lines.
 - (11) Give legal description, property dimensions and heading, along with the name, address, and telephone number of applicant.
- b. Elevations, to be submitted if structures are proposed.
- (1) Show all exterior building elevations, giving accurate existing and proposed grades lines (Scale 1/4" - 1'0").
 - (2) Show total height of buildings and give height and square footage of all retaining walls.
3. Special Use Permit: A special use permit shall be required for any person, firm, or corporation to undertake clearing or any work regulated by the International Building Code when not in accordance with a Plan of Development as determined by the Community Development Director.

SECTION 5. The Zoning Ordinance, Chapter 16, Lodging Zoning Districts, Subsection 16.06, is hereby amended to correct the cross-reference therein from the incorrect reference to "Section 504" to the proper reference to "Section 5.04," to read as follows:

Section 16.06 Hillside Disturbances

Any land located within the L-1, L-2 and L-3 Zoning Districts shall be developed according to the Hillside Disturbance regulations in Section 5.04 of The Town of Fountain Hills Subdivision Ordinance. Any regulations contained within Chapter 5 of this Ordinance that conflict with Section 5.04 of The Town of Fountain Hills Subdivision Ordinance shall not apply.

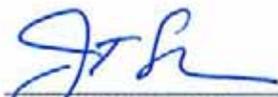
SECTION 6. That any person found guilty of violating any provision of the "2010 Land Disturbance Amendments to the Subdivision Ordinance of the Town of Fountain Hills" or the amendments to the Zoning Ordinance of the Town of Fountain Hills as set forth in this Ordinance (collectively, the "Land Disturbance Amendments") shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

SECTION 7. That, if any section, subsection, sentence, clause, phrase or portion of this Ordinance or the Land Disturbance Amendments 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 or the Land Disturbance Amendments.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, Arizona, April 1, 2010.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



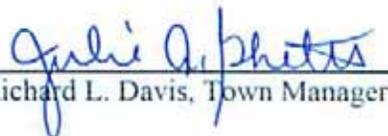
Jay T. Schlum, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

for 
Richard L. Davis, Town Manager


Andrew J. McGuire, Town Attorney