

ORDINANCE NO. 09-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE "TOWN OF FOUNTAIN HILLS P.A.D. REGULATIONS" BY REFERENCE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and the Council of the Town of Fountain Hills (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 Town Council desires to amend the Zoning Ordinance to adopt Planned Area Development District regulations; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, as amended, a public hearing regarding the subject matter of this ordinance was advertised in the April 22, 2009 edition of the Fountain Hills Times; and

WHEREAS, public hearings were held by the Fountain Hills Planning and Zoning Commission on April 9, 2009, and by the Town Council on May 7, 2009.

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 "Town of Fountain Hills P.A.D. Regulations" (the "P.A.D. Regulations"), 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. 2009-14 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. That the P.A.D. Regulations shall be inserted into the Zoning Ordinance for the Town of Fountain Hills as a new Chapter 22, Planned Area Development (P.A.D.) District.

SECTION 3. That any person found guilty of violating any provision of the P.A.D. Regulations shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as described above.

SECTION 4. That, if any section, subsection, sentence, clause, phrase or portion of this Ordinance or the P.A.D. Regulations 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 P.A.D. Regulations.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills,
May 7, 2009.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Jay T. Schlum, Mayor

Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Richard L. Davis, Town Manager

Andrew J. McGuire, Town Attorney