

ORDINANCE 15-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS OFFICIAL ZONING DISTRICT MAP FOR APPROXIMATELY 1.239 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF INDIGO DRIVE AND EMERALD DRIVE AS SHOWN IN CASE NO. Z2014-05, FROM R1-18 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL).

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) desires to amend the Town of Fountain Hills Official Zoning District Map (the “Zoning Map”) pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for an approximately 1.239 acre parcel of real property from R1-18 (Single Family Residential) to R-3 (Multi-Family Residential) (the “Zoning Map Amendment”); and

WHEREAS, the Zoning Map Amendment proposed by this Ordinance is consistent with the Fountain Hills General Plan 2010, as amended by GPA2013-01, approved by the Town Council on May 1, 2014; and

WHEREAS, all due and proper notices of public hearings on the Zoning Map Amendment to be held before the Town of Fountain Hills Planning and Zoning Commission (the “Commission”) and the Town Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on April 9, 2015, on the Zoning Map Amendment, after which the Commission recommended approval; and

WHEREAS, The Town Council held an additional public hearing regarding the Zoning Map Amendment on May 7, 2015.

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 approximately 1.239 acre parcel of real property generally located at the southwest corner of Indigo Drive and Emerald Drive, as shown in Case No. Z2014-05, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from R1-18 (Single-Family Residential) to R-3 (Multi-Family Residential), subject to the Town’s adopted codes, requirements, standards and regulations, and the following stipulations:

1. The applicants shall submit Site Improvement Plans that are in substantial conformance with the Town-approved proposal included in the Town’s official records for Case No. Z2014-05 (the “Case File”). All utilities and drainage

features must be installed and functional as shown on the improvement plans and approved by the Town Engineer prior to the issuance of any building permit.

2. No occupancy permit shall be issued prior to the completion of all approved (as shown in the Case File) site improvements. Said improvements must be approved by both the Town Engineer and the Planning & Zoning Administrator.
3. The applicants shall submit plans showing any and all notes and revisions required by this decision to the Planning & Zoning Administrator for review and approval prior to making application for a Building Permit. A copy of said plans shall be submitted with any and all building permit applications for this project.
4. Prior to the issuance of a Certificate of Occupancy, the applicants shall comply with the following:
 - A. The requirements noted in the Fountain Hills Sanitary District's review memo dated December 9, 2014, or as subsequently amended (included in Case File).
 - B. The items noted in the Fountain Hills Fire Department's review memo dated December 4, 2014, or as subsequently amended (included in Case File).
 - C. The items noted in the Fountain Hills Town Engineer's memorandum of March 9, 2015 (included in Case File).
5. No site work or construction activities may be undertaken during the 30-day period following approval of this Ordinance.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding 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 necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

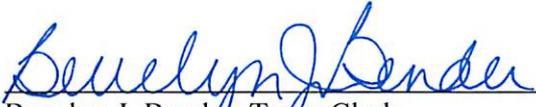
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
June 4, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



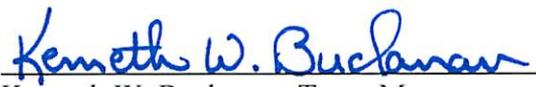
Linda M. Kavanagh, Mayor



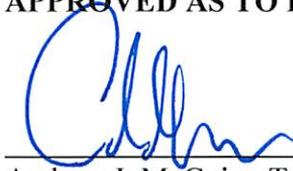
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Kenneth W. Buchanan, Town Manager



Andrew J. McGuire, Town Attorney

**EXHIBIT A
TO
ORDINANCE 15-03**

[Legal Description and Map of the Property]

See following pages.

LEGAL DESCRIPTION

Fountain Hills Arizona Final Plat No. 203, Lot 2, Block 8, as recorded in Book 149, Page 29, Records of Maricopa County Recorder, Maricopa County, Arizona, being a portion of Section 22, T. 3 N., R. 6 E. of the G. & S. R. B. & M., Maricopa County , Arizona.

TOWN OF FOUNTAIN HILLS
 REZONING (R1-18 TO R-3)
 EXHIBIT "A"

FOUNTAIN HILLS ARIZONA FINAL PLAT NO. 203, BLOCK 8, LOT 2

