

ORDINANCE NO. 14-01

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 80 ACRES GENERALLY LOCATED ALONG EAGLE RIDGE DRIVE AS SHOWN IN CASE NO. Z2013-06, FROM R1-43, R1-8 AND R1-6 (SINGLE-FAMILY RESIDENTIAL) TO ADERO CANYON PAD (MULTI-FAMILY/HOTEL, TOWNHOMES, SEMI-CUSTOM AND SALES & ADMINISTRATION).

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 a ± 80 acre parcel of real property from R1-43, R1-8 and R1-6 to Adero Canyon PAD (the "Zoning District Map Amendment"); and

WHEREAS, the zoning proposed by this ordinance is consistent with the amendment to the Fountain Hills General Plan 2010, GPA2013-01, approved by the Town Council on May 1, 2014; and

WHEREAS, all due and proper notices of public hearings on the Zoning District 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 February 13, 2014, on the Zoning District Map Amendment, after which the Commission failed to make a recommendation to the Town Council; and

WHEREAS, pursuant to the Town of Fountain Hills Zoning Ordinance, Section 2.01 (D)(1), because the Commission was not able to make a recommendation to the Town Council within 60 days after the date of the hearing, the Zoning District Map Amendment was automatically forwarded to the Town Council with a recommendation for denial; and

WHEREAS, the Town Council held an additional public hearing regarding the Zoning District Map Amendment on May 1, 2014.

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 ± 80 acre parcel of real property generally located along Eagle Ridge Drive as shown in Case No. Z2013-06, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from R1-43, R1-8 and R1-6 (Single-Family Residential) to Adero Canyon PAD (Multi-Family/Hotel, Townhomes, Semi-Custom and Sales & Administration).

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.

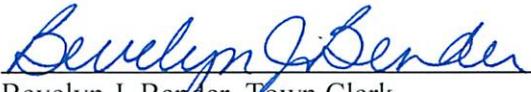
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, May 1, 2014.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Linda M. Kavanagh, Mayor



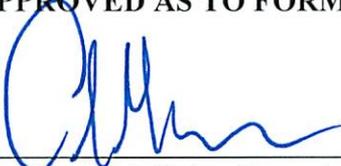
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Kenneth W. Buchanan, Town Manager



Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
ORDINANCE No. 14-01

[Adero Canyon PAD]

See following pages.

ADERO CANYON PLANNED AREA DEVELOPMENT (PAD)

Section 1 – Purpose

The Adero Canyon PAD zoning district is located on 79.9 acres within Adero Canyon, and is established so as to accomplish the following:

- 1. Reconfiguration and reclassification of residential land uses and zoning districts, including zoning changes from R1-6, R1-8 and R1-43 to Adero Canyon PAD pursuant to the standards outlined below.
- 2. Increase total residential unit count.
53 of the original 171 custom hillside lots in Adero Canyon are to be replaced by revised plats and the Adero Canyon PAD. The requested Adero Canyon PAD unit count is increased to 195 as follows:

Semi-Custom Lots	31
Townhome Lots	44
Multi-family / Hotel Units	<u>120</u>
PAD Total	195

- 3. Increase the Disturbance Allowance.
The previous Adero Canyon master plan limited the non-infrastructure related hillside disturbance allowance to 89.11 acres which was allocated on a lot-by-lot basis to be 22,700 square feet per single family lot based on the originally contemplated 171 custom hillside lots. Due to the smaller lots and production nature of the three new product types within the PAD, the total non-infrastructure-related hillside disturbance area allowed within Adero Canyon will increase to 95.0 acres of which approximately 23 acres will be within the PAD.

Section 2 – Establishment of Districts and Design Guidelines

The Adero Canyon PAD hereby establishes the following four land-use districts within the 79.9 acre PAD zone. These are unique zoning districts that are subject to the design guidelines and standards set forth below and the Town of Fountain Hills Zoning Ordinance. In the event of a conflict between the Zoning Ordinance (or the Amended and Restated Settlement Agreement relating to the PAD zone approved concurrently with this PAD) and this PAD, the provisions of this PAD shall prevail.

- MF - Multifamily / Hotel
- TH - Townhomes
- SC - Semi-Custom Lots
- SA - Sales & Administration

Land uses were conceived and sited for the Adero Canyon PAD by balancing three objectives:

- 1. Transition residential uses and densities from existing neighborhoods adjacent to the southeast to avoid stark changes in housing type.
- 2. Change building density logically by progressively lowering density as the land plan traverses northwesterly into Adero Canyon to the custom lots at the higher elevations.

3. Site and size land uses where the natural landforms are best suited for the product type.

Figure 1 - The Adero Canyon PAD District Map depicts the PAD zone boundary as well as the four land-use districts within that boundary.

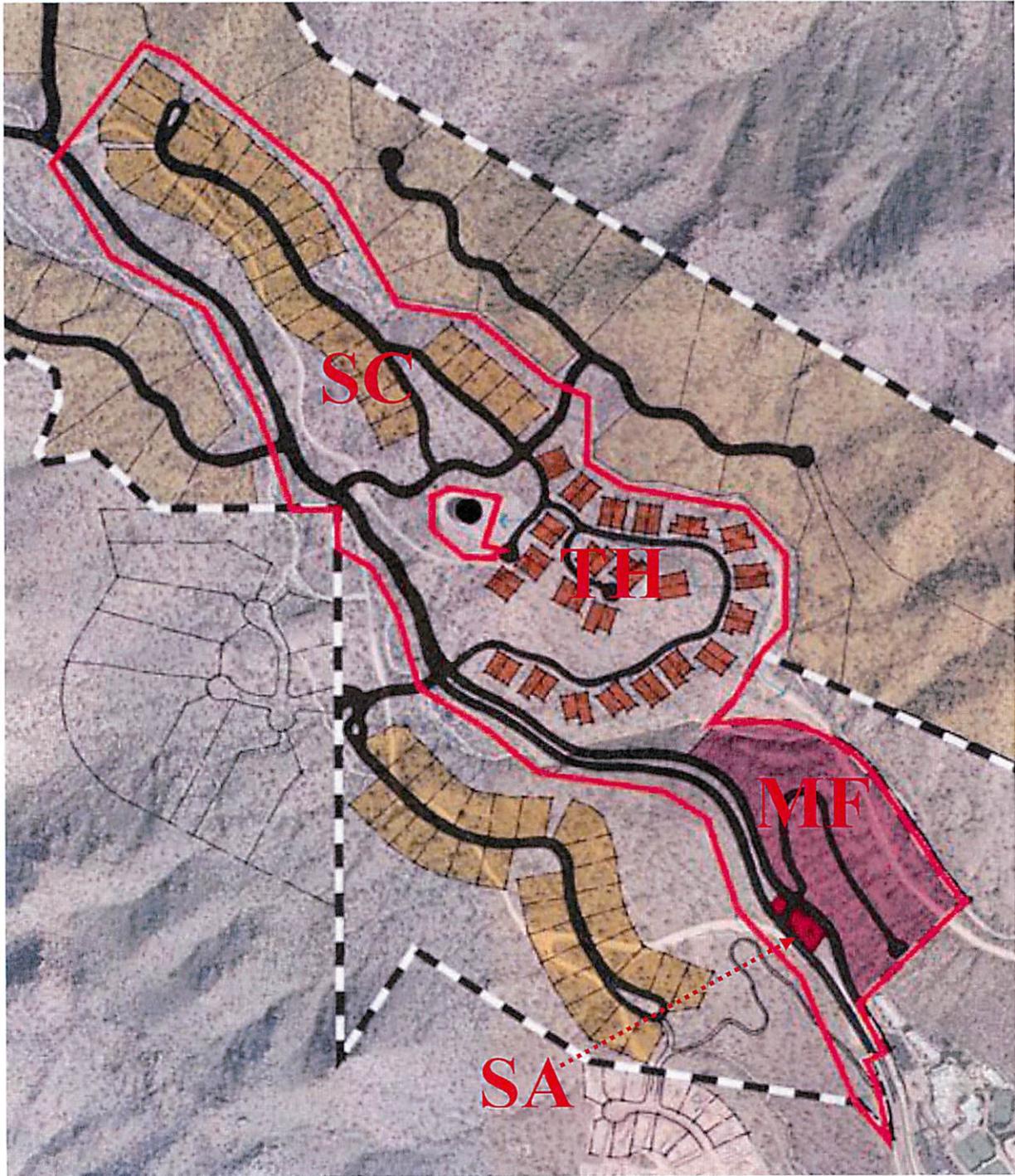


FIGURE 1
Adero Canyon PAD District Map

Land Use Descriptions

The following describes each land-use district and the reasons for its inclusion in the Adero Canyon PAD:

MF - Multifamily / Hotel Parcel

Designed for garden-style multi-family residential units, or hotel units either as an extension of an existing hotel in the vicinity, or as a stand-alone hotel (pursuant to a special use permit), on approximately 12.5 acres, with up to 120 units (approximate density of 9.6 units per acre). The units will be clustered in buildings of up to three stories in height and will be compatible with the high-density adjacent hotel buildings, providing a logical progression of land uses to the lower density uses further into Adero Canyon. The units may either be for sale or for rent or may be converted to rooms or suites for a resort hotel. Residential units will be organized in a series of buildings on each side of an access drive. The buildings will be oriented along the contours of the natural landforms and built into the grade in order limit visual impacts.

TH - Townhome Lots

A 24 acre parcel with 44 attached Townhomes in blocks of two or three contiguous units, with a maximum density of 2.0 units per acre. The individual structures, containing either two or three single-story independent units will have an overall massing similar to future homes to be built on the large estate custom lots at the back and adjacent higher elevations to this parcel so as not to appear out of scale to the future custom homes. The units will fan around a prominent knoll in lower Adero Canyon in terraces following the basic hillside landform making it the first iconic architectural expression viewed as one sweeps down into Adero Canyon on Eagle Ridge Drive from the main entrance. Internal streets are generally “single loaded” with units on one side so as to avoid unsightly driveway cuts into the uphill sides of roadways and using building structures to partially conceal street improvements from view of neighboring properties. Resident parking will be provided in two-car garages within each unit accessed from common auto courts in front of, or between, units and a small common parking lot will be constructed to serve a small swimming pool amenity. Temporary visitor parking will be permitted on one side of streets only and clearly marked so that a 20 foot clear area remains in the right of way for passage of motor vehicles. Building setbacks are established to minimize disturbance and cuts and fills. The site design, landscape treatment and architecture will be developed to carefully integrate with the dramatic desert setting.

SC - Semi-Custom Lots

Planned for a total of 31 detached, single-family homes at a maximum density of 1.05 units per acre. These lots will have a minimum allowable size of 10,000 square feet. Building setbacks are established to minimize disturbance as well as cuts and fills. The semi-custom lot neighborhood has been strategically located in the basin of Adero Canyon where topography is relatively flat in order to produce flat lots and minimize cuts and fills. Steps between the lots balance the response to the direction of natural slopes with the requirements for building footprints and 15% maximum road grades gradual enough for fire emergency vehicles. All homes may be single or two-story and garage parked for residents. Temporary visitor parking will be permitted on one side of streets only and clearly marked so that a 20 foot clear area remains in the right of way for passage of motor vehicles.

SA - Sales & Administration

A small Sales & Administration use is reserved near the entrance to Adero Canyon for a lot and home sales. Later, the building will be used as an information and administration building for the community. It is sited between the inbound and outbound rights-of-way of Eagle Ridge Drive. This parcel is restricted for use only as a sales office and administration office for a property owner's association.

Density, Area, Building and Yard Regulations

ADERO CANYON PAD - Zoning Ordinance Summary

The chart that follows specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, lot coverage percentages, and distance between buildings.

SC (Semi-Custom Residential)

Permitted Uses: Single family homes with customary accessory buildings. Walls and fences on side and rear property lines are permitted.

Density, Area, Building, and Yard Regulations: The table below sets the minimum lot size, minimum lot width, maximum building height, minimum yard setbacks, maximum lot coverage percentage, minimum distance between buildings, and minimum distance between buildings on adjacent lots.

Lot Area (sq ft)	Width	Building Height	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings	Distance Between Buildings on Adjacent Lots
			Front	Side	Street Side	Rear			
10,000	80'	30'	20' *	5'	15'	20'	50%	6'	14'

* 10' with side loaded garage

TH (Townhome)

Permitted Uses: Single-family residential attached dwellings, multi-family residential and accessory uses.

Density, Area, Building, and Yard Regulations for common ownership structure of the parcel (i.e. multi-family condominium): The table below specifies the minimum parcel size, maximum density, minimum parcel width, maximum building height, maximum building length, minimum yard setbacks, maximum parcel coverage percentage, distance between buildings, and perimeter parcel setbacks.

Parcel Area (sq ft)	Parcel Area / DU (sq ft)	Width	Building Height	Building Length	Minimum Yard Setbacks			Parcel Coverage	Distance Between Buildings	Perimeter Parcel Line Setback
					Front	Street Side	Street Rear			
24,000	3,500	150'	30'	175'	20' *	20'	20'	65%	25'	30'

* 10' with side loaded garage

Density, Area, Building, and Yard Regulations for separate lot coverage structure with the parcel (i.e. single family attached): The table below specifies the minimum lot size, maximum density, minimum lot width, maximum building height, maximum building length, minimum yard setbacks, maximum lot coverage percentage, distance between buildings, and perimeter parcel setbacks.

Lot Area (sq ft)	Parcel Area / DU (sq ft)	Width	Building Height	Building Length	Minimum Yard Setbacks					Lot Coverage	Distance Between Buildings	Perimeter Parcel Line Setback
					Front	Side	Street Side	Rear	Street Rear			
2,000	3,500	40'	30'	175'	20' *	0'	20'	0'	20'	100% **	25'	30'

* 10' with side loaded garage

** Coverage of the overall platted parcel containing lots shall not exceed 65%

MF (Multifamily / Hotel)

Permitted Uses: Multi-family residential, lodging and accessory uses.

Density, Area, Building, and Yard Regulations: The table below sets the minimum parcel size, maximum density, minimum parcel width, maximum building height, maximum building length, minimum yard setbacks, parcel coverage percentage, minimum distance between buildings, and perimeter parcel setbacks.

Parcel Area (sq ft)	Parcel Area / DU (sq ft)	Width	Building Height	Building Length	Minimum Yard Setbacks				Parcel Coverage	Distance Between Buildings	Perimeter Parcel Line Setback
					Front	Side	Street Side	Rear			
6,000	1,500	60'	40'	200'	30'	10'	30'	30'	50%	40'	30'

SA (Sales & Administration)

Permitted Uses: Sales offices and property owners association administrative offices.

Density, Area, Building, and Yard Regulations: The table below specifies the minimum lot size, minimum lot width, maximum building height, minimum yard setbacks, maximum lot coverage percentage, and minimum distance between buildings.

Lot Area (sq ft)	Width	Building Height	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
			Front	Side	Street Side	Rear		
6,000	50' *	25'	10'	10'	10'	10'	60%	6'

* At any point

Design Guidelines

The refined direction for Adero Canyon focuses on incorporating a broader spectrum of housing types. Recent development models in desert hillside environments have shown that a careful mix of varied residential product types can help elevate the quality of community as well as ensure financial stability and sustainability by appealing to a broader market. The refined plan for Adero Canyon moves to one with a mixture of unique and identifiable products in neighborhoods that celebrate the best aspects of diverse community building.

The following principles will guide the planning, design and execution of the community:

Focus on Quality

- Incorporate authentic timeless architecture that reinforces the community brand.
- Maintain a consistent design theme
- Create a unique community identity that further elevates the reputation of Fountain Hills' light touch on the land
- Carefully balance development with open space
- Create design that is highly sensitive to natural topography and landforms
- Maximize view corridors
- Limit disturbance into the native desert landscape
- Focus on long-term stewardship of the land
- Integrate healthy living opportunities with the outdoors
- Create lasting positive impressions for homeowners and visitors
- Establish a financial model that's based on long term success
- Introduce a more diverse product type to meet market segmentation
- Anticipate future market changes and trends
- Understand changing buyer demographics

Community Theme

The overall site planning will be complemented by community features and themes that will be organized around a series of materials, desert treatments and special features that take inspiration from the simple organic building methods of indigenous people, prospectors and ranchers of the past, incorporating rammed earth, rustic elements, simple geometry, boulders and natural vegetation in common areas. Community design elements, such as signage and walls, will focus on a range of materials including, but not limited to, the following:

1. RUSTED STEEL
2. STONE BOULDERS
3. RAMMED EARTH
4. BOARD FORM CONCRETE
5. PAINTED METAL/CONCRETE PANELS
6. WROUGHT IRON
7. ADOBE BRICK AND SLUMP BLOCK

Architecture Concepts

While the design intent is not to establish one single style, the strategy for building theme is to create a unifying philosophy of design that echoes some of the historic building aspects of the Sonoran Desert. The design intent is to focus on design expressions that are authentic to the area and embrace the heritage of the historic inhabitants of the McDowell Mountains. The community theme will be "old Arizona" echoing the simple organic building methods of indigenous people, prospectors and ranchers incorporating rammed earth, rustic elements, simple geometry, boulders and natural vegetation. Design

guidelines for homes will incorporate environmentally-sensitive design techniques and themes that have long been associated with the desert southwest. A hacienda ranch theme will complement the natural setting and reinforce a desert ranch vernacular that has evolved over centuries.

Simple building masses, with broad overhangs, pitched roofs, shed roofs and carefully located courtyards and gateway thresholds provide for indoor/ outdoor living with integrated shade and landscape for comfort and lifestyle. Natural materials of brick, adobe, stone, metal and wood provide attractive visual accents and durability. Strategic placement of doors and windows, along with careful building orientation help to capture natural breezes. The hacienda traditional layout of open-oriented rooms reinforces the connectivity to the outdoors and an expanded living area. Unlike many communities that introduce numerous house styles with the intent of creating architecture variety, the intent for Adero Canyon will be to carefully integrate the many aspects of the hacienda design and incorporate contemporary construction techniques and materials to encourage a strong overall design theme for the community. A thoughtful and refreshing spectrum of variety will be better integrated based on house size, product type, location, orientation and how homes integrate with the desert setting.

Architectural design guidelines incorporating this design intent will be conceived, administered and reviewed by one or more property owners' associations.

Landscape

The overall landscape strategy for the development will focus on highlighting the special nature of the Adero Canyon environment. All site improvements will be complimented with landscape treatments of native trees, shrubs, cacti, succulents and ground covers. The planting design will establish a strong visual link between new construction and the native, natural setting. A comprehensive landscape strategy comprised of three primary treatment zones will be utilized to ensure the overall landscape design intent. These three zones will include:

- Native Treatment - areas intended for native open space.
- Transitional Treatment – areas along streets and ROWs adjacent to the natural desert.
- Enhanced Treatment- areas immediately surrounding new development.

Each treatment maintains its own identity and consistency of character while sharing plant species and design elements to create logical transitions between landscaped areas. These differing treatments are designed to both promote preservation and allow homeowners flexibility in personal aesthetic within their lots while maintaining a unified theme. All plant materials shall be from the Town of Fountain Hills approved plant species lists. A property owners' association shall be responsible for the maintenance of landscaping along all rights-of-way, including the public right-of-way for Eagle Ridge Drive.

-  Native Treatment - areas intended for native open space.
-  Transitional Treatment - areas along streets and ROWs adjacent to the natural desert.
-  Enhanced Treatment- areas immediately surrounding new development

Native Landscape Zone

The Native Landscape Zone (NLZ) is intended to mimic the native condition of Adero Canyon in both plant species and densities as well as native ground cover treatment. Disturbance from construction activities within the NLZ will be revegetated to the native condition. NLZ areas are primarily reserved for native open space.

Transition Landscape Zone

The Transition Landscape Zone (TLZ) is similar in nature to the Native Landscape Zone and has the general appearance of the natural desert, but is intended to incorporate additional adaptive species to seamlessly blend the Native and Enhanced Landscape Zones. The TLZ is also appropriate for improved roadside landscapes and disturbed areas that warrant an improved landscape treatment.

Enhanced Landscape Zone

While the Enhanced Landscape Zone (ELZ) maintains many of the same characteristics as the Native and Transition Landscape Zones, it allows for additional adaptive species and treatments for improvements adjacent to residential development and key community features such as site amenities and community entrances. The ELZ allows flexibility for individual residential expression while maintaining continuity throughout the community and with the native condition of Adero Canyon.

Conceptual Integrated Reuse of Boulders

The planned townhomes have been thoughtfully organized to blend in with the terrain and natural setting. Each grouping of units has been carefully considered for views into and out of the site. The meandering roadway and circulation route provides access to a series of strategically located building pads. Associated retaining walls will be integrated into the overall architectural character of the units. Included in this strategy will be a series of boulder landscape terrace planned along the lower base of several groupings of units to blend with the existing environment.



Section 3 - Adero Canyon PAD Legal Description

Adero Canyon PAD Area

Commencing at a GLO Brass Cap at the Northwest Corner of Section 17, Township-3-North, Range-6-East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, which is the Point of Beginning;

thence S 89°53'25" W, a distance of 162.69 feet;

thence N 17°37'39" W, a distance of 235.86 feet;

thence N 19°08'15" W, a distance of 188.09 feet;

thence N 26°45'55" W, a distance of 405.46 feet;

thence N 59°23'01" W, a distance of 391.44 feet;

thence N 30°52'15" W, a distance of 411.95 feet;

thence N 44°10'32" E, a distance of 72.17 feet;

thence N 35°05'58" E, a distance of 486.04 feet;

thence S 65°21'48" E, a distance of 136.48 feet;

thence S 48°27'16" E, a distance of 723.50 feet;

thence S 28°47'22" E, a distance of 521.43 feet;

thence S 79°47'41" E, a distance of 276.70 feet;

thence S 48°15'21" E, a distance of 366.99 feet;

thence S 66°29'43" E, a distance of 148.14 feet;

thence S 01°17'20" W, a distance of 250.46 feet;

thence S 55°26'42" E, a distance of 164.36 feet;

thence S 79°03'00" E, a distance of 440.08 feet;

thence S 40°20'05" E, a distance of 231.03 feet;

thence S 01°11'09" W, a distance of 276.29 feet;

thence S 41°49'37" W, a distance of 128.49 feet;

thence S 28°54'30" W, a distance of 205.00 feet;

thence S 43°06'08" W, a distance of 120.82 feet;

thence N 86°55'29" E, a distance of 154.35 feet; to a tangent curve concave southwesterly with a radius of 500.00 feet;

thence through said curve an arc length of 521.97 feet, a delta angle of 59°48'50";

thence S 33°15'41" E, a distance of 458.83 feet; to a tangent curve concave northeasterly with a radius of 500.00 feet;

thence through said curve an arc length of 103.59 feet, a delta angle of 11°52'12";

thence S 44°54'11" W, a distance of 549.72 feet;

thence S 26°22'38" E, a distance of 79.43 feet; to a non-tangent curve concave southwesterly with a radial bearing of S 57°42'50" W and with a radius of 941.03 feet;

thence through said curve an arc length of 21.08 feet, a delta angle of 01°17'01";

thence through said curve an arc length of 125.67 feet, a delta angle of 07°39'07";

thence S 63°37'22" W, a distance of 76.85 feet; to a non-tangent curve concave westerly with a radial bearing of S 65°32'36" W and with a radius of 865.00 feet;

thence through said curve an arc length of 265.06 feet, a delta angle of 17°33'24";

thence S 06°54'00" E, a distance of 48.00 feet;

thence N 39°14'11" W, a distance of 180.33 feet;

thence N 22°01'13" W, a distance of 518.76 feet;

thence N 41°06'07" W, a distance of 339.40 feet;

thence N 18°18'49" W, a distance of 371.42 feet;

thence N 56°00'07" W, a distance of 183.78 feet;

thence N 80°37'56" W, a distance of 455.43 feet;

thence N 53°14'25" W, a distance of 536.86 feet;

thence N 15°00'08" W, a distance of 285.85 feet;
 thence N 27°12'16" W, a distance of 209.34 feet;
 thence N 58°25'53" W, a distance of 142.26 feet;
 thence N 00°07'50" W, a distance of 146.16 feet; which is the Point of Beginning, having an area of 3,529,185.23 square feet, or 81.0189 acres.

Exception to the Boundary EPCOR Revised Reservoir Site No. 6

Commencing at a GLO Brass Cap at the Northwest Corner of Section 17, Township-3-North, Range-6-East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
 thence S 76°48'30" E, a distance of 349.51 feet to the Point of Beginning;
 thence N 00°00'00" W, a distance of 123.95 feet;
 thence N 64°25'00" E, a distance of 76.25 feet;
 thence S 77°24'01" E, a distance of 88.80 feet;
 thence S 77°24'01" E, a distance of 86.88 feet;
 thence S 16°39'33" W, a distance of 188.32 feet;
 thence S 73°20'27" E, a distance of 61.13 feet; to a non-tangent curve concave southeasterly with a radial bearing of S 17°38'05" E and with a radius of 35.50 feet;
 thence through said curve an arc length of 42.76 feet, a delta angle of 69°01'09";
 thence N 86°39'14" W, a distance of 105.31 feet;
 thence N 47°36'09" W, a distance of 155.72 feet; which is the Point of Beginning, having an area of 47,180.46 square feet, or 1.0831 acres.

Total for the Adero Canyon PAD area is 3,482,004.77 square feet, or 79.9358 acres.