

**ORDINANCE 16-07**

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 2.07 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH DESERT VISTA DRIVE AND EAST TIOGA DRIVE AS SHOWN IN CASE NO. Z2016-06, FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-3 (GENERAL COMMERCIAL).

**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 designation for an approximately 2.07 acre parcel of real property from C-1 (Neighborhood Commercial) to C-3 (General Commercial) (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; 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 July 14, 2016, 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 August 18, 2016; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

**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 2.07 acre parcel of real property generally located at the southeast corner of North Desert Vista Drive and East Tioga Drive, as shown in Case No. Z2016-06, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from C-1 (Neighborhood Commercial) to C-3 (General Commercial), subject to the Town’s adopted codes, requirements, standards and regulations, and the following stipulations:

1. The applicants shall submit Concept Plans that are in substantial conformance with the proposal outlined in Case No. Z2016-06 showing any and all notes and revisions required in conjunction with adoption of this Ordinance to the Community Development Director 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.
2. No site work or construction activities may be undertaken until after this Ordinance becomes effective according to Arizona law.

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, Arizona, August 18, 2016.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Linda M. Kavanaugh, Mayor

  
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Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Grady E. Miller, Town Manager

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
ORDINANCE 16-07

[Legal Description and Map of the Property]

See following page.

**TOWN OF FOUNTAIN HILLS**  
**REZONING (C-1 TO C-3)**  
**EXHIBIT "A"**

FOUNTAIN HILLS ARIZONA, FINAL PLAT NO. 302, BLOCK 2, LOTS 1, 2 & 3

