

ORDINANCE NO. 16-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS SUBDIVISION ORDINANCE, ARTICLE 2 (PLATTING PROCEDURES), SECTION 2.07 (REPLATS) TO ALLOW FOR ADMINISTRATIVE APPROVAL OF MINOR REPLATS BY THE DEVELOPMENT SERVICES DIRECTOR.

WHEREAS, the Mayor and the Council of the Town of Fountain Hills (the “Town Council”) adopted Ordinance No. 96-29, which established the Subdivision Ordinance for the Town of Fountain Hills (the “Subdivision Ordinance”); and

WHEREAS, the Town Council desires to amend Article 2 (Platting Procedures), Section 2.07 (Replats) of the Subdivision Ordinance to allow for administrative approval of minor replats by the Development Services Director; and

WHEREAS, public hearings regarding this Ordinance were advertised in the June 22, 2016, and June 29, 2016, editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on July 28, 2016, and by the Town Council on September 1, 2016.

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

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. The Subdivision Ordinance, Article 2 (Platting Procedures), Section 2.07 (Replats), is hereby amended as follows:

Section 2.07 Replats

A. MINOR REPLATS

ANY LOT LINE AMENDMENT, LOT SPLIT, OR LOT JOIN IN A RECORDED SUBDIVISION THAT RESULTS IN THE CREATION OF NOT MORE THAN TWO LOTS AND THAT DOES NOT INCLUDE A NEW STREET MAY BE CONSIDERED BY THE DEVELOPMENT SERVICES DIRECTOR WHO SHALL ENSURE THE NEWLY CREATED LOTS CONFORM TO THE TOWN ZONING ORDINANCE AND SHALL HAVE THE AUTHORITY TO REVIEW AND ADMINISTRATIVELY APPROVE SUCH MINOR REPLATS. MINOR REPLATS APPROVED PURSUANT TO THIS SUBSECTION SHALL BE RECORDED IN THE SAME MANNER AS PLATS APPROVED BY THE TOWN COUNCIL.

AB. EXCEPT AS PERMITTED IN SUBSECTION 2.07(A) ABOVE, ~~Any division of a lot in a recorded subdivision, or any change in lot lines in a recorded subdivision,~~ shall be processed in accordance with Section 2.06 of this Ordinance, after a pre-application conference with Town staff, as provided in Section 2.02 of this Ordinance.

BC. Any replat involving the dedication of land for a public street or any off-site public improvements shall comply with all procedures set forth in Article H2 of this Ordinance. If the abandonment of a street, alley or public utility easement or other recorded easement in a previously recorded subdivision is necessary, the replat of that area shall be processed concurrently with the abandonment and recorded immediately subsequent to the recordation of the abandonment.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held 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.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents 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, September 1, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Linda M. Kavanagh, Mayor



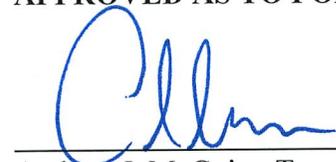
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

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