

ORDINANCE 17-04

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 16.5 ACRES LOCATED AT 13225 NORTH EAGLE RIDGE DRIVE IN FOUNTAIN HILLS, ARIZONA, AS SHOWN IN CASE NO. Z2017-02, FROM R-5 PUD (MULTI-FAMILY RESIDENTIAL) TO PLANNED AREA DEVELOPMENT (COPPERWYND PAD).

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 16.5 acre parcel of real property at 13225 North Eagle Ridge Drive in Fountain Hills, Arizona, from R-5 PUD (Multi-Family Residential) to Planned Area Development (Copperwynd PAD) (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 March 9, 2017, 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 March 16, 2017; 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 16.5 acre parcel of real property generally located at 13225 North Eagle Ridge Drive, Fountain Hills, Arizona, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from R-5 PUD (Multi-Family Residential) to PAD (Copperwynd PAD), subject to (i) the Town’s adopted codes, requirements, standards and regulations for property zoned L-3 (Lodging Zoning

District), except as specifically modified by the Copperwynd PAD document dated March 6, 2017, as included in Case No. Z2017-02 and (ii) the following stipulation:

1. 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.

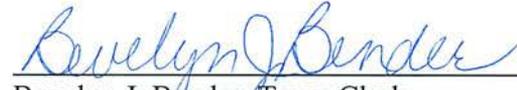
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, March 16, 2017.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



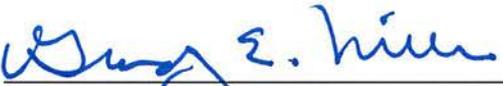
Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
ORDINANCE 17-04

[Legal Description and Map of the Property]

See following page.

DESCRIPTION

PARCEL NO. 1

LOT 1 AND TRACT "A", COPPERWYND – FOUNTAIN HILLS, ACCORDING TO BOOK 460 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION; TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED BY DEED RECORDED IN DOCUMENT NO. 85-347787,

PARCEL NO. 2

TRACTS J, K AND P, CORDILLERA AT COPPERWYND, ACCORDING TO BOOK 483 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THEREAFTER AFFIDAVITS OF CORRECTION RECORDED IN DOCUMENT NO. 98-1112195, DOCUMENT NO. 2001-0906959 AND DOCUMENT NO. 2002-0695742.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION; TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED BY DEED RECORDED IN DOCUMENT NO. 85-347787.

PARCEL NO. 3

TRACT I, CORDILLERA AT COPPERWYND, ACCORDING TO BOOK 483 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THEREAFTER AFFIDAVITS OF CORRECTION RECORDED IN DOCUMENT NO. 98-1112195, DOCUMENT NO. 2001-0906959 AND DOCUMENT NO. 2002-0695742.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION; TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED BY DEED RECORDED IN DOCUMENT NO. 85-347787.

