

ORDINANCE 17-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 25, BY ADDING A NEW SECTION 25.03 RELATED TO ALLOWING RESIDENTIAL DWELLING UNITS AS PERMITTED USES WITHIN THE ENTERTAINMENT OVERLAY DISTRICT.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) approved Ordinance No. 93-22 which established the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

WHEREAS, the Town Council desires to amend the Zoning Ordinance to revise Chapter 25 (Entertainment Overlay District) relating to permitted uses; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this Ordinance were advertised in the February 15, 2017 and February 22, 2017, editions of the *Fountain Hills Times*; and

WHEREAS, public hearings were held by the Fountain Hills Planning and Zoning Commission on March 9, 2017, and by the Town Council on April 6, 2017.

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 Town of Fountain Hills Zoning Ordinance, Chapter 25 (Entertainment Overlay District) is hereby amended by adding a new Section 25.03 (Permitted Uses) to read as follows:

Section 25.03 Permitted Uses

- A. Any permitted use identified in the underlying zoning districts.
- B. Single or multi-family residential dwellings located on the second story or above of a building, so long as the residential dwelling and the underlying use/structures are in compliance with the following:
 - 1. The technical codes set forth in Article 7-1 of the Town Code.
 - 2. The height and coverage restrictions in the underlying zoning districts.
 - 3. A maximum of eight dwelling units per acre.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be 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, April 6, 2017.

FOR THE TOWN OF FOUNTAIN HILLS:



Linda M. Kavanagh, Mayor

ATTESTED TO:



Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Grady E. Miller, Town Manager

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney