

ORDINANCE NO. 17-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, RELATED TO LANDSCAPING REQUIREMENTS, AMENDING THE FOUNTAIN HILLS ZONING ORDINANCE, BY ADDING A NEW SECTION 5.19(H), EXISTING COMMERCIAL LANDSCAPING MAINTENANCE, AND AMENDING THE FOUNTAIN HILLS SUBDIVISION ORDINANCE, SECTION 6.09(B)(6), LOW WATER USE LANDSCAPING REQUIREMENTS.

WHEREAS, the Town of Fountain Hills (the "Town") adopted Ordinance No. 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

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 has determined it is in the best interests of the Town to ensure the landscaping improvements installed according to the Town's codes, ordinances or standards, or as a condition of development, are maintained in substantially the same condition as approved by the Town; and

WHEREAS, the Town desires to amend the Zoning Ordinance to add requirements for maintaining installed landscaping; and

WHEREAS, the Town desires to amend the Subdivision Ordinance to revise Subsection 6.09(B)(6) to add requirements for low water use landscaping; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the May 3, 2017 and May 10, 2017 editions of the *Times of Fountain Hills*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on May 25, 2017, and by the Mayor and Council of the Town of Fountain Hills on June 15, 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 Fountain Hills Zoning Ordinance Chapter 5 (General Provisions), Section 5.19 (Performance Standards), is hereby amended by adding a new Subsection 5.19(H) (Existing Commercial Landscaping Maintenance Standards), to read as follows:

H. Existing Commercial Landscaping Maintenance Standards:

1. Landscaping located within the front and/or street side of the lot on any property with a commercial, industrial or multi-family (five or more dwelling units) land-use designation, whether developed or otherwise, shall be maintained in substantial conformance with its condition as of June 15, 2017.
2. No commercial, industrial or multi-family site landscaping may be removed, destroyed, relocated, or substantially trimmed without first applying for and receiving the Zoning Administrator's administrative approval of a Town of Fountain Hills landscaping permit. The standards for such permits are outlined in Subsection 6.05(C)(6) of the Fountain Hills Subdivision Ordinance.

SECTION 3. The Fountain Hills Subdivision Ordinance, Article 6 (Landscaping Standards), Section 6.09 (Low Water Use Landscaping Requirements), Subsection B (Application), paragraph 6, is hereby deleted in its entirety and replaced with the following:

6. Any single-family or multi-family (less than five dwelling units) zoned property being developed shall, as an attachment to the building permit application, provide a landscaping and irrigation plan for plantings within the front and/or street side areas of the lot. Said plan shall provide for a combination of not less than 12 trees and/or plants within any front yard, and a combination of not less than six trees and/or plants within any street side yard.

SECTION 4. 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 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and 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, June 15, 2017.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Linda M. Kavanagh, Mayor



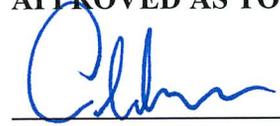
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney