

## ORDINANCE 17-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE FOUNTAIN HILLS ZONING ORDINANCE RELATING TO CANYON-SIDE LOTS, BY ADDING A NEW SECTION 5.10, CANYON-SIDE LOT REGULATIONS, AMENDING SECTION 1.12, DEFINITIONS, AND MODIFYING THE SINGLE FAMILY ZONING DISTRICT DENSITY, AREA, BUILDING AND YARD REGULATIONS CHART IN SECTION 10.09.

**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 Council of the Town (the "Town Council") has (i) determined it is in the best interests of the Town to provide alternative regulations for development on steep (in excess of 30% slope) residential lots in Fountain Hills and (ii) desires to amend the Zoning Ordinance to add requirements for applying the alternative regulations for development on such lots; and

**WHEREAS**, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the July 19, 2017, and July 26, 2017, editions of the *Times of Fountain Hills*; and

**WHEREAS**, public hearings were held by the Fountain Hills Planning & Zoning Commission on August 10, 2017, and by the Town Council on September 5, 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), is hereby amended by adding a new Section 5.10 (Canyon-Side Lot Regulations), to read as follows:

### **Section 5.10 Canyon-Side Lot Regulations**

For Canyon-Side Lots, the alternate development standards set forth in this Section may be utilized, provided all other residential development regulations and requirements as set forth in both the Town of Fountain Hills Zoning Ordinance and Fountain Hills Subdivision Ordinance are met.

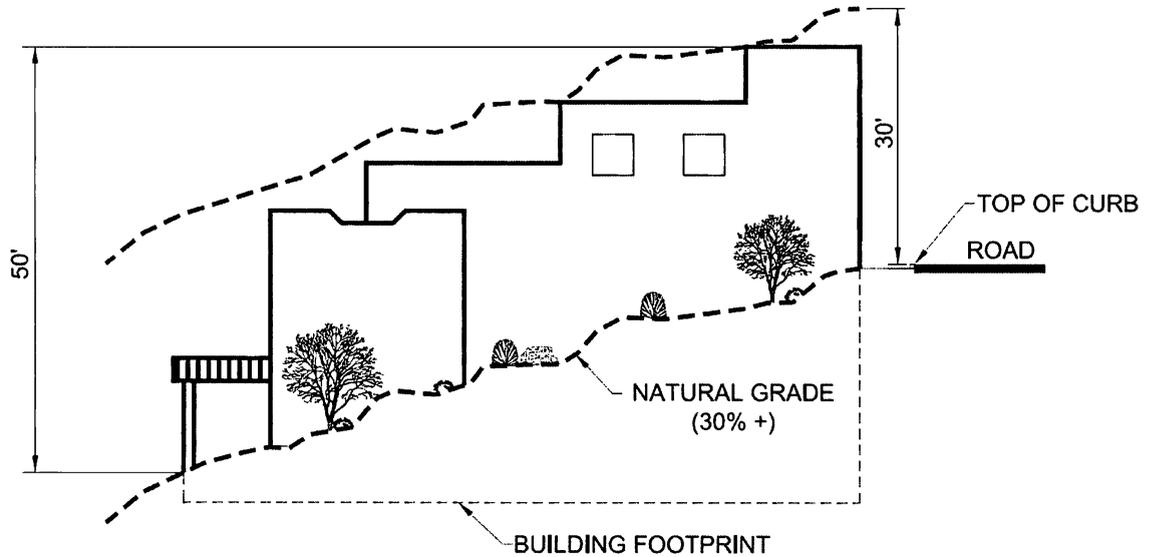
- A. **Qualifying Lots.** Alternative development standards set forth in 5.10(B) below may be utilized if a Canyon-Side Lot is located on the downhill side of the right-of-way on which it has legal frontage or access. The downhill side shall be calculated as an overall average grade change of the lot measured from an imaginary line created by a horizontal

extension of the roadway top of curb extending to the rear of the house footprint that is equal to or greater than 30 percent.

**B. Alternative Standards.** The following alternative standards may apply:

1. The height of structures shall be determined by the following two (2) subsections:

a. The height of a building or structure is limited to a thirty (30) foot imaginary plane that parallels the existing pre-development natural grade, as measured vertically from any point under the building (see detail below). The subterranean portion of the structure is not included in the total height calculation provided that at least one-half ( $\frac{1}{2}$ ) of the volume of the subterranean portion of the structure is below natural grade.



b. The maximum overall height of the building or structure, not including chimneys, shall not exceed fifty (50) feet from the highest point of the building to natural grade at the lowest point adjacent to the building structure or column (see detail in 5.10 (B)(1)(a) above).

2. The front yard building setback may be reduced to ten (10) feet, provided all other setback requirements of the Zoning Ordinance are met.

**SECTION 3.** The Fountain Hills Zoning Ordinance Chapter 1 (Introduction), Section 1.12 (Definitions), is hereby amended by adding a new definition for “Canyon-side Lot” and by re-ordering the definitions for “Lot, Corner,” “Lot, Interior,” “Lot, Key” and “Lot, Through” to read as follows:

**Lot:** A single piece of property located in a recorded subdivision, having frontage on a publicly dedicated and accepted street or an approved private road, which is described and denoted as such.

- A. Canyon-side Lot:** Within a single-family residential zoning district, any lot or parcel with slopes greater than 30% (1:3) as determined using the methods described in Section 5.10 of this Zoning Ordinance.
- B. Corner Lot:** A lot that has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.
- C. Interior Lot:** A lot other than a corner lot.
- D. Key Lot:** A lot adjacent to a corner lot having its side lot line in common the rear lot line of the corner lot and fronting on the street that forms the side boundary of the corner lot.
- E. Through Lot:** A lot that has street right-of-way frontage on two non-adjointing sides.

SECTION 4. The Fountain Hills Zoning Ordinance Chapter 10 (Single-Family Residential Zoning Districts), Section 10.09 (Density, Area, Building and Yard Regulations) is hereby amended by replacing the chart therein with the chart attached hereto as Exhibit A, and incorporated herein by reference.

SECTION 5. 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 6. 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.

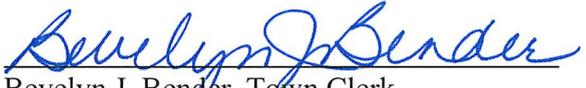
[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, September 5, 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 17-08

[Section 10.09 Chart]

See following pages.

**FOUNTAIN HILLS  
ZONING ORDINANCE SUMMARY  
SINGLE FAMILY DISTRICT**

DISTRICT	AREA (SQ. FEET)	WIDTH (FEET)	BLDG HEIGHT (FEET) <sup>f</sup>					LOT COVERAGE	DISTANCE BETWEEN BLDGS (FEET)
				MINIMUM YARD SETBACKS					
				FRONT <sup>f</sup>	SIDE	STREET SIDE	REAR		
R1-190	190,000	300	30	60	30	60 <sup>d</sup>	60	5%	6
R1-43	43,560	145	30	40	30	40 <sup>d</sup>	40	20%	6
R1-35	35,000	145	30	40	20	20	40	20%	6
R1-35H	35,000	145	30	20	20	20 <sup>d</sup>	40	20%	6
R1-18	18,000	120	30	20	10	20 <sup>d</sup>	30	25%	6
R1-10	10,000	80	30	20	7	20 <sup>d</sup>	25	30%	6
R1-10A	10,000	80 <sup>a</sup>	30	20	7	20 <sup>d</sup>	20	40%	6
R1-8	8,000	80	30	20	7	20 <sup>d</sup>	25	35%	6
R1-8A	8,000	80 <sup>a</sup>	30	20 <sup>b,d,e</sup>	7	20 <sup>d</sup>	20	40%	6
R1-6	6,000	60	30	20	5	20 <sup>d</sup>	25	40%	6
R1-6A	6,000 <sup>c</sup>	60 <sup>a</sup>	30	20 <sup>b</sup>	5	20 <sup>d</sup>	10	50%	6

- a. FLAG LOTS PERMIT A 30-FOOT WIDTH PROVIDED THERE ARE NO MORE THAN 2 FLAG LOTS ADJOINING EACH OTHER.
- b. A SIDE ENTRY GARAGE IS ALLOWED A 10 FEET SETBACK.
- c. AN APPROVED P.U.D. PERMITS LOTS NO SMALLER THAN 4,500 SQUARE FEET, PROVIDED THERE IS 1,500 SQUARE FEET OF USEABLE COMMON OPEN SPACE PER LOT OR A COMBINATION THEREOF. LOTS LARGER THAN 4,500 SQUARE FEET MAY HAVE LESS THAN 1,500 SQUARE FEET OF COMMON USEABLE OPEN SPACE PER LOT IF THE COMBINATION OF LOT SIZE AND THE COMMON USEABLE OPEN SPACE IS AT LEAST 6,000 SQUARE FEET PER LOT.
- d. OR BUILDING HEIGHT, WHICHEVER IS GREATER.
- e. A GARAGE POSITIONED AT A 45 DEGREE ANGLE OR GREATER FROM THE FRONT PROPERTY LINE MUST SETBACK AT LEAST 15-FEET OR A GREATER LOT SIZE TO ENSURE CONSISTENCY WITH EXISTING PLATTED LOTS IN THE IMMEDIATE VICINITY, AS CALCULATED PURSUANT TO SECTION 5.03.
- f. LOTS ON WHICH THE HOUSE FOOTPRINT HAS AN AVERAGE NATURAL SLOPE IN EXCESS OF 30% ARE PERMITTED TO UTILIZE THE MODIFIED FRONT SETBACK AND HEIGHT STANDARDS FOR CANYON-SIDE LOT, AS DETERMINED PURSUANT TO SECTION 5.10.