

ORDINANCE 18-11

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

RECITALS:

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 determined it is in the best interests of the Town to amend the Zoning Ordinance to add requirements for cantilever development on Canyon-Side lots; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the August 22, 2018, and August 29, 2018, editions of the *Times of Fountain Hills*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on September 13, 2018, and by the Town Council on October 2, 2018.

ENACTMENTS:

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 5.10.A is hereby amended to read as follows:

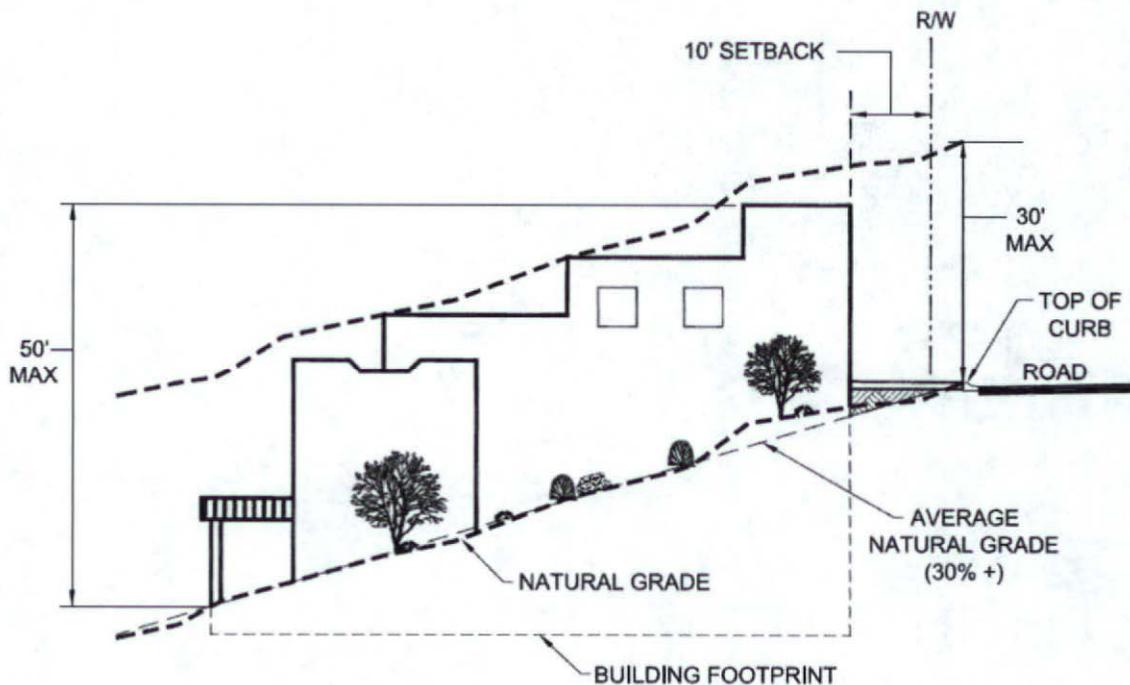
- A. **Qualifying Lots.** Alternative development standards set forth in 5.10(B) below may be utilized if a Canyon-Side Lot is located on the downhill side of the right-of-way on which it has legal frontage or access. The downhill side shall be calculated as an overall average grade change of the lot 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. **QUALIFYING LOTS MAY UTILIZE A 10-FOOT FRONT YARD SETBACK, PROVIDED ALL OTHER BUILDING SETBACKS ARE MET. QUALIFYING LOTS MAY APPLY STANDARDS SET FORTH IN SUBSECTION B. OR C. BELOW:**

SECTION 3. The Fountain Hills Zoning Ordinance Chapter 5 (General Provisions), Section 5.10.B is hereby amended to read as follows:

B. Standard Canyon Side Development. The height of structures shall be determined by the following two (2) sub-sections:

1. ...

- 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.

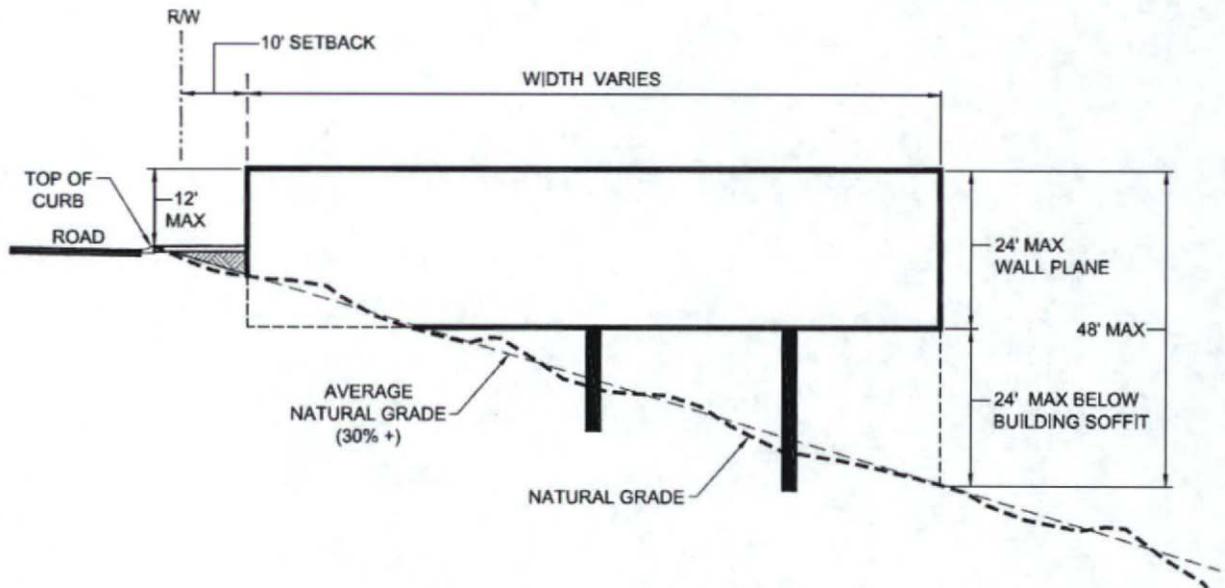


- b. The maximum overall height of the building or structure, not including chimneys, shall not exceed fifty (50) feet from the highest point of the building to natural grade at the lowest point adjacent to the building structure or column (see detail in 5.10 (B)(a) above).

SECTION 4. The Fountain Hills Zoning Ordinance Chapter 5 (General Provisions), is hereby amended by adding a new Section 5.10.C (Cantilever Standards) to read as follows:

C. CANTILEVER STANDARDS

- 1. CANTILEVER STANDARDS MAY BE APPLIED ONLY TO CANYON-SIDE LOTS AS DEFINED IN CHAPTER 1 AND SECTION 5.10.A OF THIS ZONING ORDINANCE. FOR SUBSECTION 5.10.C(2) – (7), REFER TO THE DETAIL BELOW:**



2. STRUCTURES EMPLOYING THE USE OF A CANTILEVER MAY HAVE A MAXIMUM HEIGHT OF 12 FEET ABOVE THE ADJACENT CURB.
3. NO WALL PLANE SHALL BE GREATER THAN 24 FEET.
4. THE AREA UNDER THE BUILDING AT ANY POINT CANNOT EXCEED THE HEIGHT OF THE BUILDING AT THAT POINT.
5. AT NO POINT SHALL THE AREA UNDER THE BUILDING EXCEED 24 FEET IN HEIGHT ABOVE NATURAL GRADE.
6. THE MAXIMUM OVERALL HEIGHT OF THE BUILDING OR STRUCTURE, SHALL NOT EXCEED FIFTY (54) FEET FROM THE HIGHEST POINT OF THE BUILDING TO NATURAL GRADE AT THE LOWEST POINT ADJACENT TO THE BUILDING STRUCTURE OR COLUMN.
7. ALL PROPOSED CANTILEVER DEVELOPMENT PROJECTS ARE SUBJECT TO THE REQUIREMENTS ESTABLISHED BELOW:
 - A. CONCEAL UTILITIES, EQUIPMENT AND SERVICES: ALL MECHANICAL EQUIPMENT SHALL BE CONCEALED ON ALL SIDES BY ELEMENTS THAT ARE AN INTEGRAL PART OF THE BUILDING DESIGN. GROUND-MOUNTED EQUIPMENT SHALL BE SCREENED USING MASONRY WALLS OR OTHER SIMILAR MATERIALS AS THE HOUSE. EQUIPMENT THAT CANNOT BE CONCEALED DUE TO UNIQUE FUNCTIONAL REQUIREMENTS SHALL BE MADE VISUALLY SUBORDINATE WITH ARCHITECTURAL FEATURES THAT BLEND WITH THE DESIGN OF THE MAIN BUILDING.
 - B. PROVIDE LANDSCAPING FEATURES: PROVIDE LANDSCAPING FEATURES WITH PLANTING AND HARDSCAPE TREATMENT TO

ENHANCE THE APPEARANCE FROM THE STREET AND SURROUNDING PROPERTIES. IF THE BUILDING IS VISIBLE FROM ACROSS A WASH, A LANDSCAPE PLAN SHOWING HOW THE AREA UNDER THE CANTILEVERED ELEMENTS OF THE BUILDING WILL BE SUFFICIENTLY SCREENED WITH PLANTS AND/OR BOULDERS TO CREATE A NATURAL VISUAL BUFFER MUST BE PROVIDED WITH THE BUILDING PERMIT APPLICATION.

SECTION 5. The Fountain Hills Zoning Ordinance Chapter 1 (Introduction), Section 1.12 (Definitions), is hereby amended by adding a new definition for "Cantilever" to read as follows:

CANTILEVER: ANY PART OF A STRUCTURE PROJECTING HORIZONTALLY FOR MORE THAN THREE FEET FROM THE STRUCTURE AND ANCHORED AT ONE END ONLY.

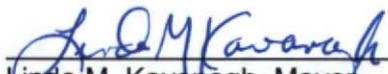
SECTION 6 The Fountain Hills Zoning Ordinance Chapter 10 (Single-Family Residential Zoning Districts), Section 10.09 (Density, Area, Building and Yard Regulations) is hereby amended by replacing the chart therein with the chart attached hereto as Exhibit A, and incorporated herein by reference.

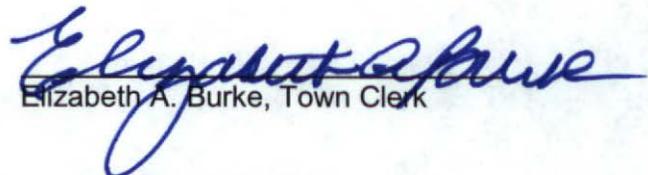
SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. 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, October 2, 2018.

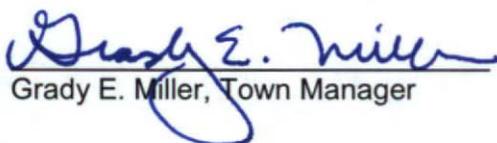
FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:


Linda M. Kavanaugh, Mayor


Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Grady E. Miller, Town Manager

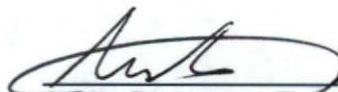

Aaron D. Arnson, Town Attorney
Pierce Coleman

EXHIBIT A
TO
ORDINANCE 18-11

[Section 10.09 Chart]

See following pages.

**FOUNTAIN HILLS
ZONING ORDINANCE SUMMARY**

SINGLE FAMILY DISTRICT

DISTRICT	AREA (SQ. FEET)	WIDTH (FEET)	BLDG HEIGHT (FEET) ^f					LOT COVERAGE	DISTANCE BETWEEN BLDGS (FEET)
				MINIMUM YARD SETBACKS					
				FRONT ^f	SIDE	STREET SIDE	REAR		
R1-190	190,000	300	30	60	30	60 ^d	60	5%	6
R1-43	43,560	145	30	40	30	40 ^d	40	20%	6
R1-35	35,000	145	30	40	20	20	40	20%	6
R1-35H	35,000	145	30	20	20	20 ^d	40	20%	6
R1-18	18,000	120	30	20	10	20 ^d	30	25%	6
R1-10	10,000	80	30	20	7	20 ^d	25	30%	6
R1-10A	10,000	80 ^a	30	20	7	20 ^d	20	40%	6
R1-8	8,000	80	30	20	7	20 ^d	25	35%	6
R1-8A	8,000	80 ^a	30	20 ^{b,d,e}	7	20 ^d	20	40%	6
R1-6	6,000	60	30	20	5	20 ^d	25	40%	6
R1-6A	6,000 ^c	60 ^a	30	20 ^b	5	20 ^d	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 EQUAL TO OR GREATER THAN 30% ARE PERMITTED TO UTILIZE THE MODIFIED STANDARD CANYON SIDE DEVELOPMENT STANDARDS, AS DETERMINED PURSUANT TO SECTION 5.10.
- g. LOTS ON WHICH THE HOUSE FOOTPRINT HAS AN AVERAGE NATURAL SLOPE EQUAL TO OR GREATER THAN 30% ARE PERMITTED TO UTILIZE THE MODIFIED CANTILEVER STANDARDS FOR CANYON-SIDE DEVELOPMENT, AS DETERMINED PURSUANT TO SECTION 5.10.