

ORDINANCE NO. 18-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING SECTION 5.06.G. OF THE FOUNTAIN HILLS ZONING ORDINANCE RELATING TO LARGE DETACHED ACCESSORY BUILDINGS IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; AMENDING SECTION 1.12 TO CREATE DEFINITIONS OF THE TERMS ACCESSORY BUILDING, PRINCIPAL BUILDING, FRONT PLANE OF A PRINCIPAL BUILDING, AND STREET SIDE PLANE OF A PRINCIPAL BUILDING; AND AMENDING SECTIONS 5.06.F., 5.06.H., 5.09.B., 10.03.A.8., AND 15.03.A.8. FOR CONSISTENCY

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 amend requirements for Large Accessory Buildings on Corner Lots and in front of the Front Plane of a Principal Building; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings were advertised in the November 21, 2018, and November 28, 2018, editions of the *Times of Fountain Hills*; and

WHEREAS, public hearings were held by the Fountain Hills Planning & Zoning Commission on December 6, 2018, and by the Town Council on December 18, 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 1.12 is hereby amended to read as follows:

Building, Accessory: A building that does not share a livable, enclosed connection to the principal building and that is subordinate to, and the use of which is customarily incidental to, that of the ~~main~~ principal building on the same lot or parcel.

Building, Principal: A building in which is conducted the principal use of the lot on which the building is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated. Guest houses or other accessory buildings with sleeping quarters shall not be considered a principal building.

Front Plane of a Principal Building: A line running parallel to the front lot line and which touches the point of the principal building closest to the front property line.

Street Side Plane of a Principal Building: A line running parallel to the street side lot line and which touches the point of the principal building closest to the street side property line.

SECTION 3. The Fountain Hills Zoning Ordinance Chapter 5 (General Provisions), Section 5.06. is hereby amended to read as follows:

F. Small Accessory Buildings (Detached):

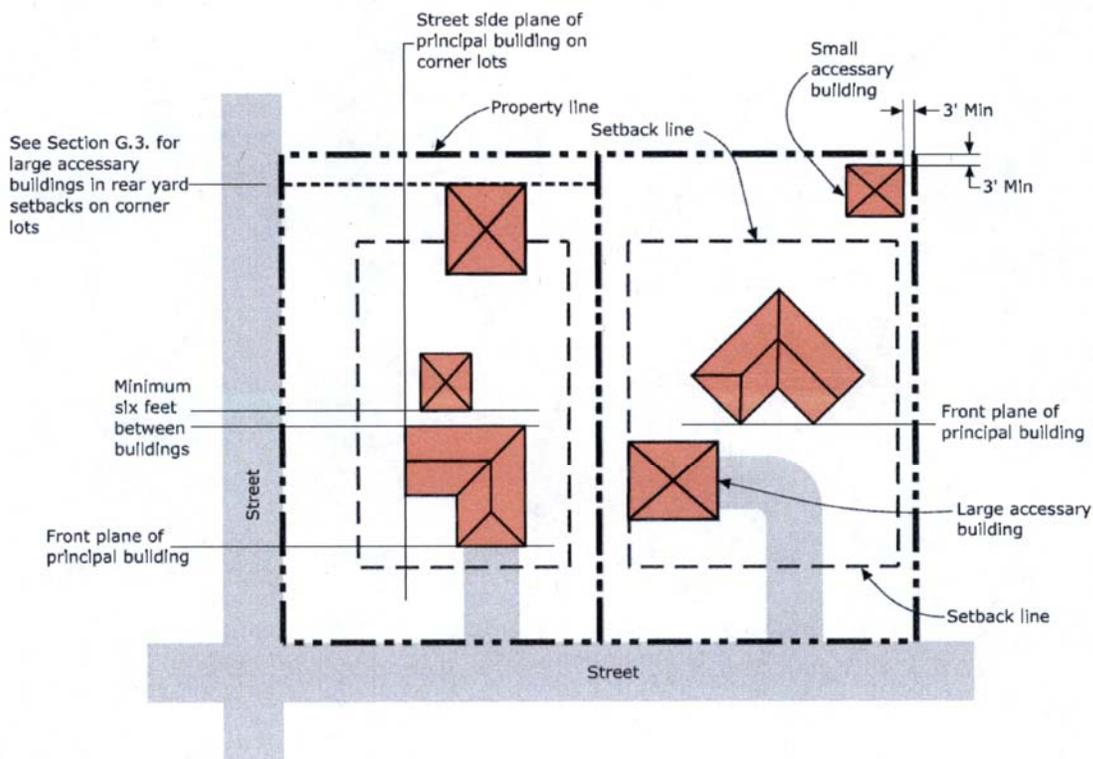
Any detached accessory building of one-hundred-twenty (120) square feet or less in size in any residential zone shall not be located in the front or street side yard, shall be at least six (6) feet from any other building ~~the primary~~, shall be at least three (3) feet from any rear and interior side lot lines, shall be located behind the front plane of the primary principal structure building and behind the street side plane of the primary principal structure building on the street side of a corner lot, and shall not exceed twelve (12) feet in height.

G. Large Accessory Buildings (Detached):

~~Any detached accessory building greater than 120 square feet in size, shall not be located in any building setback, shall be at least six (6) feet from the main structure, shall be located behind the front line of the primary structure on the front, and behind the street side of the primary structure on the street side of a corner lot, and shall not exceed fifteen (15) feet in height.~~

1. Any detached accessory building greater than one-hundred-twenty (120) square feet in size in any residential zone:
 - a. Shall not be located in any building setback, except as outlined in G.3 below;
 - b. Shall be at least six (6) feet from any other building;
 - c. Shall not exceed fifteen (15) feet in height;
 - d. Shall not exceed thirty (30) percent of the square footage of the footprint of the livable area of the principal building;
 - e. Shall not contain kitchen facilities (oven or stove);

- f. Shall be connected to the principal building's utilities, and shall not have 220-volt electrical service to any part or common wall, with the exception of a hardwired air conditioning unit;
 - g. Shall not be located between the street side plane of the principal building and the street side lot line.
2. Any detached accessory building greater than one-hundred-twenty (120) square feet constructed in front of the front plane of the principal building in any residential zone:
- a. Shall be completely enclosed;
 - b. Shall be constructed of materials and of a color that are the same as the principal building;
 - c. Cannot have any overhead garage doors facing any street front;
3. On corner lots in Single-Family Residential Zoning Districts (R1-6, R1-6A, R1-8, R1-8A, R1-10, R1-10A only), Any detached accessory building greater than one-hundred-twenty (120) square feet may be located within the rear yard setback, but shall be no closer to the rear lot line than a distance equal to the zoning district's side yard setback, as set forth in Chapter 10 of this Zoning Ordinance. All other zoning and subdivision regulations must be met.



H. Solar Units:

Solar heating, cooling units, solar greenhouses and associated apparatus shall be located behind the front lineplane of the primary principal structure building, and behind the street side plane of the primary principal structure building on the street side of a corner lot, shall not cover more than thirty (30) percent of any side or rear yard, shall be at least three (3) feet from any rear and side lot lines, shall be at least six (6) feet from any other structure, and shall not exceed twelve (12) feet in height. With the exception of the solar panels, any solar heating or cooling unit shall be screened from public street view. An application for a Solar Unit that does not meet the above requirements may be appealed to granted by the Town Council by Special Use Permit only.

SECTION 4. The Fountain Hills Zoning Ordinance Chapter 5 (General Provisions), Section 5.09. is hereby amended to read as follows:

Arches: When not located in any required building setback area, an arch in a facade wall may be placed in front of the front plane of the primary principal structure building at a height not to exceed twelve (12) feet and a width not to exceed ten (10) feet. One arch, not exceeding twelve (12) feet in height and ten (10) feet in width, may be located along the side or the rear of the primary principal structure building if it is not located in the side (interior or street) and required rear yard setback areas.

SECTION 5. The Fountain Hills Zoning Ordinance Chapter 10 (Single Family Residential Zoning Districts) is hereby amended to read as follows:

10.02.A.13. Guest Houses, attached or detached, provided that:

- a. The Structures structure must conform to all minimum setback requirements.
- b. An attached Guest House may be located in front of the primary principal structure building if the Guest House is attached by a four (4)- foot wide common wall or doorway.
- c. ~~A detached Guest House structure must be located no further in front of the main structure than 1/2 the distance of any one side of the Guest House.~~
- d.c. ~~May~~ Shall not exceed thirty (30) percent of the square footage of the footprint of the livable area of the primary structure principal building.
- e.d. Shall not exceed fifteen (15) feet in height.
- f. e. ~~An detached attached~~ Guest House shall not contain any of the following:
 1. An attached garage.
 2. Kitchen facilities (oven or stove).

g.f. Must be connected to ~~primary principal structure's~~ building's utilities, and shall not have two-hundred-twenty (220) volt electrical service to any part or common wall, with the exception of a hardwired air conditioning unit.

h.g. ~~May~~Shall not be used for any commercial or non-residential uses.

Section 10.03.A.8. No playground equipment, ornamental figures, or designs denoting a Day Care Center shall be allowed in front of the ~~house line~~ front plane of the principal building.

SECTION 6. The Fountain Hills Zoning Ordinance Chapter 5 (General Provisions), Chapter 15 is hereby amended to read as follows:

Section 15.03.A.8. No playground equipment ~~and~~, ornamental figures, or designs denoting a Day Care Center shall be allowed in front of the ~~house line~~ front plane of the principal building.

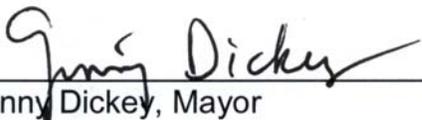
SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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.

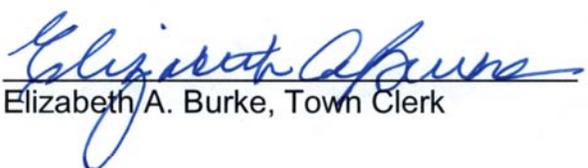
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 15th day of January, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



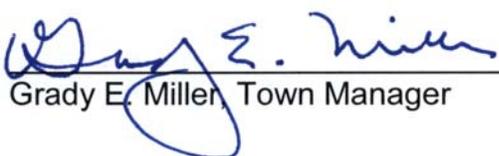
Ginny Dickey, Mayor



Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Aaron D. Arnson, Town Attorney