

**ORDINANCE NO. 19-03**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS OFFICIAL ZONING DISTRICT MAP FOR APPROXIMATELY 59.79 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF PALISADES BOULEVARD AND SHEA BOULEVARD AS SHOWN IN CASE NO. Z2018-10, FROM L-3 P.U.D. AND OSR TO DAYBREAK PAD**

**RECITALS:**

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the "Town Council") desires to amend the Town of Fountain Hills Official Zoning District Map (the "Zoning Map") pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a 59.79 acre parcel of real property from L-3 P.U.D. and OSR to Daybreak PAD (the "Zoning District Map Amendment"); and

**WHEREAS**, the Zoning District Map Amendment proposed by this ordinance is consistent with the Fountain Hills General Plan 2010 as amended; and

**WHEREAS**, all due and proper notices of public hearings on the Zoning District Map Amendment held before the Town of Fountain Hills Planning and Zoning Commission (the "Commission") and the Town Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

**WHEREAS**, the Commission held a public hearing on September 12, 2019 on the Zoning District Map Amendment; and

**WHEREAS**, the Town Council held an additional public hearing regarding the Zoning District Map Amendment on October 1, 2019.

**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 59.79 acre parcel of real property generally located at the northeast corner of Palisades Boulevard and Shea Boulevard as shown in case no. Z2018-10, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from L-3 P.U.D. OSR to Daybreak PAD, subject to the following requirements, under which the applicant shall:

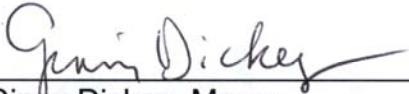
- a. Ensure compliance with the Daybreak Development Plan approved with this P.A.D except as modified below.
- b. Ensure compliance with the Town's adopted codes, requirements, standards and regulations, except as specifically stated in the Daybreak PAD Development Plan, to be approved by Town Council.
- c. Before December 1, 2020, amend and submit for review and approval by the Town Council, a development plan that complies with the following:
  - i. Cause all buildings to be set back at least 25' from the property line or the height of the building, whichever is greater. Buildings A and B do not currently meet this requirement.
  - ii. Provide greater connectivity from the trail around the MFU area into apartment area.
  - iii. Provide a pedestrian connection from Building Q to the amenity area.
  - iv. Improve pedestrian connectivity from the northern apartment buildings (A, B, C, D, E, & G) to the amenity area.
  - v. Upgrade the design and amenities to meet the General Plan requirement for exceptional design and enhanced amenities.
  - vi. Provide extensive landscaping along Palisades Boulevard that exceeds the minimum requirements set forth in the Subdivision Ordinance.
  - vii. Remove all reference to assisted living from the PAD narrative.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding 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 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, this first day of October, 2019.


**FOR THE TOWN OF FOUNTAIN HILLS:**

  
\_\_\_\_\_  
Ginny Dickey, Mayor

**REVIEWED BY:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager

**ATTESTED TO:**

  
\_\_\_\_\_  
Elizabeth A. Burke, Town Clerk 10.3.19

**APPROVED AS TO FORM:**


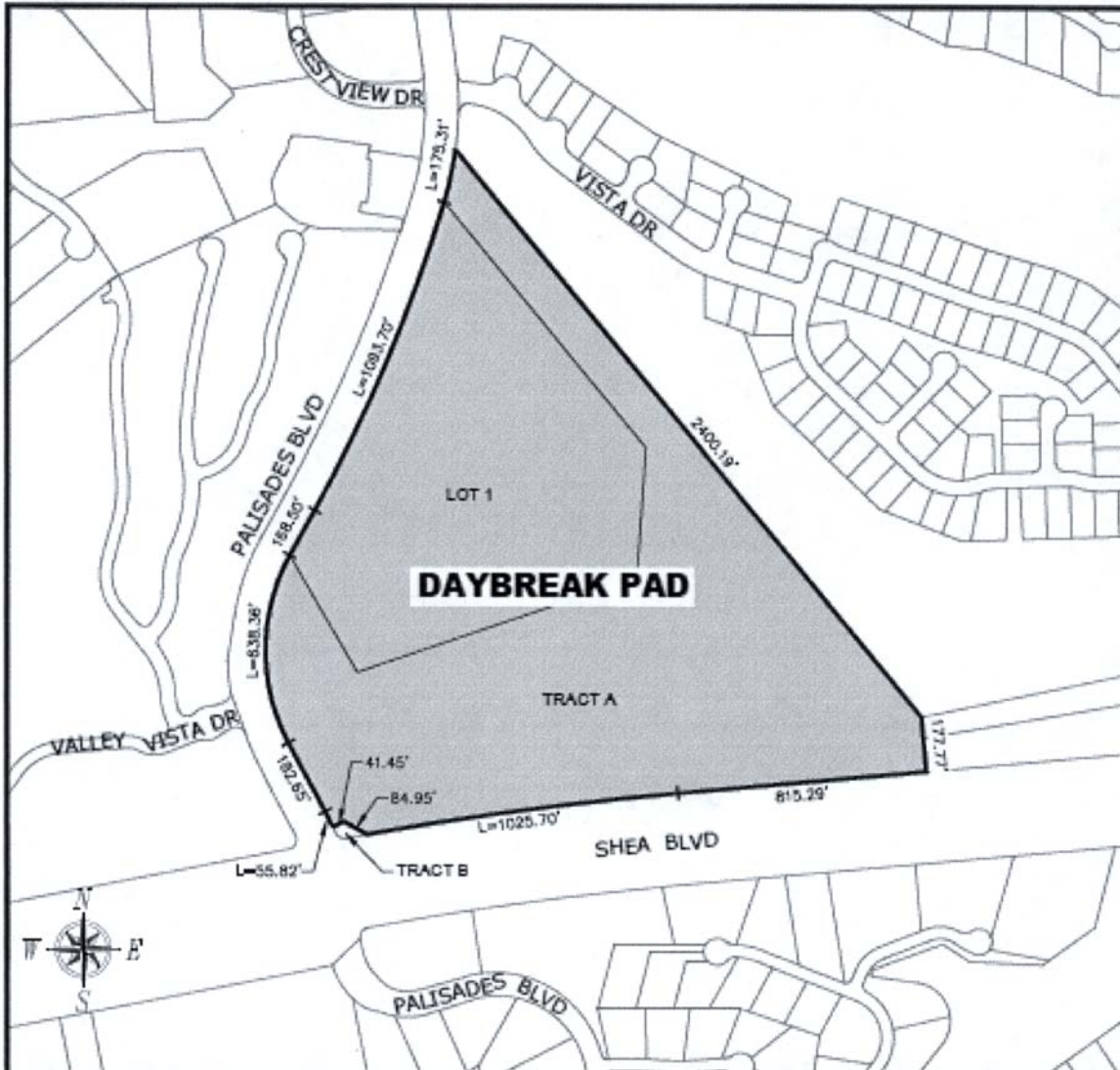
  
\_\_\_\_\_  
Aaron D. Arnson, Town Attorney



EXHIBIT 'A'

OFFICIAL SUPPLEMENTARY ZONING MAP  
AMENDING THE TOWN OF FOUNTAIN HILLS ZONING MAP



CASE: Z2018-10  
ACREAGE: 58.9  
REQUEST: REZONE FROM L-3 P.U.D. AND OSR TO DAYBREAK PAD

ORDINANCE: ORD19-03