

ORDINANCE NO. 26-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE CHAPTER 1, INTRODUCTION, SECTION 1.12, DEFINITIONS, CHAPTER 2, PROCEDURES, SECTION 2.04 SITE PLAN REVIEW REGULATIONS A. PURPOSE AND APPLICABILITY AND F. SITE PLAN AMENDMENTS, AND ADDING CHAPTER 19, ARCHITECTURAL REVIEW STANDARDS, SECTION 19.06 H. MURALS, TO PROVIDE REGULATIONS REGARDING SITE PLAN MODIFICATIONS AND INSTALLATION OF MURALS

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") 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 Town Council desires to amend Chapter 1, Introduction, Sec. 1.12, Definitions, Chapter 2, Procedures, Sec. 2.04 A. Purpose and Applicability and F., Site Plan Amendments, and adding Chapter 19, Architectural Review Standards, Sec. 19.06 H., Murals, to provide regulations regarding site plan amendments and installation of murals; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this ordinance were advertised in the March 18, 2026, and March 25, 2026, editions of the Fountain Hills Times; and

WHEREAS, a public hearing was held by the Town Council on May 19, 2026; and

WHEREAS, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Chapter 1, Introduction, Chapter 2, Procedures, Chapter 19, Architectural Review Standards of the Fountain Hills Zoning Ordinance are hereby amended as provided in Exhibit A.

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. This ordinance shall become effective thirty (30) days after its passage and adoption by the Town Council of the Town of Fountain Hills, Arizona, and its approval by the Mayor and attestation by the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 2nd day of June, 2026.

TOWN OF FOUNTAIN HILLS, ARIZONA

ATTEST:

Gerry M. Friedel, Mayor

Bevelyn Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Rachael Goodwin, Town Manager

Jennifer J. Wright, Town Attorney

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EXHIBIT A

Chapter 1. Introduction

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Sec. 1.12 Definitions

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MURAL: A NON-COMMERCIAL PICTURE, SCENE, OR DIAGRAM DISPLAYED ON THE EXTERIOR OF A BUILDING THROUGH APPLICATION OF PAINT, CANVAS, TILE, PANELS OR SIMILAR MATERIALS, GENERALLY FOR THE PURPOSES OF DECORATION OR ARTISTIC EXPRESSION, INCLUDING BUT NOT LIMITED TO PAINTING, FRESCO, OR MOSAIC.

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Chapter 2. Procedures

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Section 2.04. Site Plan Review Regulations

A. Purpose and Applicability.

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2. Applicability. All nonresidential developments, multifamily developments having five or more dwelling units, and mixed-use developments shall receive Site Plan approval prior to ~~submission of construction plans related to a~~ **ANY NEW** development, **OR** redevelopment, **EXTERIOR SITE OR BUILDING MODIFICATION**, or expansion of existing development. **IF A BUILDING PERMIT IS RQUIRED, THE SITE PLAN SHALL BE APPROVED PRIOR TO SUBMISSION OF CONSTRUCTION PLANS FOR REVIEW.**

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F. Site Plan Amendments. Following approval of a Site Plan, modifications to the site or building must be approved through approval of a Site Plan amendment following the procedures above. Site plan amendment may be considered minor or major as defined below. The fee for a minor Site Plan amendment shall be one-quarter the current Site Plan review fee. The Zoning Administrator shall determine if a Site Plan modification is minor or major using the criteria below:

1. A modification shall be considered minor if the Zoning Administrator determines the modification involves:

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F. CHANGES TO PAINT COLORS, MATERIALS, THEMES, OR EXTERIOR TREATMENT OF THE FAÇADE.

Chapter 19. Architectural Review Standards

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Section 19.06 Materials and Colors

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H. MURALS. MURALS AS DEFINED IN SEC. 1.12 ARE PERMITTED. A MURAL MAY USE MORE THAN FIVE COLORS AS STATED IN SEC. 19.06 B.

1. MURALS MUST

- A. FIT WITH AND COMPLEMENT THE ARCHITECTURE AND OTHER DESIGN ELEMENTS OF THE BUILDING;**
- B. FIT THE CONTEXT OF THE AREA; AND,**
- C. UTILIZE THE DESIGN THEMES IN THE TOWN'S MOST RECENTLY APPROVED "CALL TO ARTISTS" PROGRAM.**

2. MURALS CANNOT:

- A. COVER DOORS AND WINDOWS;**
- B. USE METALLIC PAINT, REFLECTORS, ROTATING LIGHTS OR LIGHTS POINTING TOWARDS THE STREET;**
- C. CONTAIN NEW ELECTRICAL OR LIGHTING COMPONENTS;**
- D. CONTAIN PROFANE, GORY, OR VIOLENT MATERIAL;**
- E. CONTAIN WORDS, EXCEPT THE ARTIST'S NAME IN A LOWER CORNER OF THE MURAL;**
- F. CONTAIN PEOPLE OR IMAGES OF PEOPLE;**
- G. EXTEND BEYOND THE SURFACE OF THE BUILDING WALL OR HAVE MATERIALS THAT FASTEN TO THE WALL;**
- H. CONTAIN SIGN COPY OR LOGOS. A MURAL SHALL BE CONSIDERED A WALL SIGN OR COMMERCIAL MESSAGE AND SUBJECT TO THE REQUIREMENTS OF CHAPTER 6, SIGN REGULATIONS, IF IT CONTAINS WORDS, LOGOS, TRADEMARKS OR GRAPHIC REPRESENTATIONS OF**

- ANY PERSON, PRODUCT OR SERVICE FOR THE PURPOSE OF
ADVERTISING OR IDENTIFYING A BUSINESS; OR,**
- I. BE INSTALLED ON A DESIGNATED HISTORIC PROPERTY.**
 - 3. MURALS MUST BE MAINTAINED IN GOOD CONDITION AND REPAINTED
AS NEEDED TO REPAIR ANY DAMAGE AND AVOID BECOMING FADED.
FAILURE TO MAINTAIN A MURAL WILL RESULT IN ENFORCEMENT ACTION
AS PROVIDED IN SECTION 1.10 OF THE ZONING ORDINANCE.**
 - 4. ARTISTS USED TO PAINT MURALS ON THE EXTERIOR OF BUILDINGS
MUST BE SELECTED FROM THE TOWN'S LIST OF PRE-QUALIFIED ARTISTS.
ONLY ARIZONA ARTISTS MAY BE USED.**
 - 5. IN ADDITION TO THE AMINISTRATIVE SITE PLAN AMENDMENT
PROCESS FOR APPROVAL OF THE MURAL, A MURAL WILL BE REVIEWED
AND APPROVED BY THE TOWN'S MURAL ARTIST'S COMMITTEE.**