



**NOTICE OF MEETING
REGULAR MEETING
PLANNING AND ZONING COMMISSION**

Chairperson Dan Kovacevic	
Vice Chairperson Peter Gray	Commissioner Nick Proctor
Commissioner Mathew Corrigan	Commissioner Scott Schlossberg
Commissioner Vacant	Commissioner Phil Sveum

TIME: 6:00 PM - REGULAR MEETING
DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING

WHEN: MONDAY, FEBRUARY 9, 2026

WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA

REQUEST TO COMMENT

The public is welcome to participate in Commission meetings.

TO SPEAK TO A CONSENT OR REGULAR AGENDA ITEM, complete a Request to Comment card and hand it to the Clerk prior to discussion of that item. Include the agenda item NUMBER on which you wish to comment. A separate submission is required for each agenda item. Request to Comment cards will not be accepted once the Commission deliberations begin. Submit a Request to Comment card prior to a public hearing agenda item.

TO COMMENT ON A CONSENT OR REGULAR AGENDA ITEM IN WRITING ONLY, complete a Request to Comment card, indicating that it is a written comment, check the box on whether you are FOR or AGAINST a consent or regular agenda item, and hand it to the Clerk prior to discussion on that item. A separate submission is required for each agenda item.

TO SPEAK TO CALL TO THE PUBLIC, complete a Request to Comment card and hand it to the Clerk. Speakers will be allowed three contiguous minutes to address the Commission. Verbal comments should be directed through the Presiding Officer and not to individual Commissionmembers.

TO COMMENT IN WRITING ONLINE, Visit <https://www.fountainhillsaz.gov/publiccomment> and submit a Request to Comment card by 3:00 PM on the day of the meeting. These comments are shared with the Commission.

This Request to Comment card, and any information you write on it, is a public record subject to public disclosure.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. STATEMENT OF PARTICIPATION

Anyone wishing to address the Commission regarding items listed on the agenda should fill out a Request to Comment card located in the back of the Council Chambers and hand it to the Clerk prior to consideration of that agenda item. Once the agenda item has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Please limit your comments to three minutes. To avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation, applause is not permitted, except when community members are being honored by the Commission.

4. CONSENT AGENDA

- a. **CONSIDERATION AND POSSIBLE ACTION:** Approving the regular meeting minutes of the Planning and Zoning Commission January 12, 2026.

5. REGULAR AGENDA

- a. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to approval of a Special Use Permit to allow light assembly and storage in the C-3 Zoning District for property located at 16939 E. Colony Dr, Suite 4.
- b. **DISCUSSION AND POSSIBLE DIRECTION:** Regarding the draft revisions to Sec. 1.13 and Chapters 5, Open Space, and 6, Single-Residence, Zoning Districts of the Zoning Ordinance

6. COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF

7. SUMMARY OF COMMISSION REQUESTS FROM DEVELOPMENT SERVICES DIRECTOR

8. REPORT FROM DEVELOPMENT SERVICES DIRECTOR

9. ADJOURNMENT

Dated this 3 day of February, 2026.



Paula Woodward, Executive Assistant

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call (480) 816-5100 (voice) or (800) 367-8939 (TDD) 48-hours prior to the meeting to request reasonable accommodation to participate in the meeting or to obtain agenda information in large print format. Supporting documentation and staff reports furnished to the Council with this agenda are available for review in the Clerk's Office.



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 2/9/2026
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services / Planning
Prepared by: Paula Woodward, Executive Assistant
Staff Contact Information: Phone: 480-816-5122
 Email: pwoodward@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

CONSIDERATION AND POSSIBLE ACTION: Approving the regular meeting minutes of the Planning and Zoning Commission January 12, 2026.

Staff Summary (background)

The intent of approving meeting minutes is to ensure an accurate account of the discussion and action that took place at the meeting for archival purposes. Approved minutes are placed on the town's website and maintained as permanent records in compliance with state law

Related Ordinance, Policy or Guiding Principle

N/A

Risk Analysis

N/A

Recommendation(s) by Board(s) or Commission(s)

N/A

Staff Recommendation(s)

Staff recommends approval of the minutes of the Regular Meeting held on January 12, 2026.

Suggested Motion

Move to APPROVE the Minutes of the Regular Meeting held on January 12, 2026.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | |
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| 1. PZC_2026_0112_Minutes |
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TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION
JANUARY 12, 2026

A Regular Meeting of the Fountain Hills Planning & Zoning Commission was convened at 16705 E. Avenue of the Fountains in open and public session at 6:00 p.m.

Members Present: Chairperson Dan Kovacevic; Commissioner Mathew Corrigan; Commissioner Peter Gray; Commissioner Nick Proctor and Commissioner Phil Sveum

Members Absent: Commissioner Scott Schlossberg

Staff Present: Development Services Director John Wesley and Executive Assistant Paula Woodward.



**TOWN OF FOUNTAIN HILLS
SUMMARY MINUTES OF THE REGULAR MEETING OF
THE PLANNING AND ZONING COMMISSION
JANUARY 12, 2026**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Chairperson Kovacevic called the Regular Meeting of the Fountain Hills Planning and Zoning Commission held on January 12, 2026 to order at 6:00 p.m. and led the Commission and audience in the Pledge of Allegiance and Moment of Silence

2. ROLL CALL

Commissioners Present: Chairperson Dan Kovacevic; Commissioner Mathew Corrigan; Commissioner Peter Gray; Commissioner Nick Proctor; Commissioner Phil Sveum

Staff Present: Development Services Director John Wesley and Executive Assistant Paula Woodward

Commissioners Absent: Commissioner Scott Schlossberg

3. STATEMENT OF PARTICIPATION

4. CONSENT AGENDA

- a. **CONSIDERATION AND POSSIBLE ACTION:** approving the regular meeting minutes of the Planning and Zoning December 8, 2025.

MOVED BY Commissioner Gray to approve the regular meeting minutes of the Planning and Zoning Commission December 8, 2025. **SECONDED BY** Commissioner Proctor. Vote: 5/0 Unanimously

5. REGULAR AGENDA

- a. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 26-02 amending Zoning Ordinance Chapter 27, Downtown Overlay, Section 27.02 A. related to permitted density for residential development.

The following residents addressed the Commission:
Larry Meyers

MOVED BY Commissioner Corrigan to continue the public hearing relating to Ordinance 26-02 amending Zoning Ordinance Chapter 27, Downtown Overlay, Section 27.02 A. related to permitted density for residential development to the Planning and Zoning Commission meeting, March 9, 2026. **SECONDED BY** Commissioner Gray. Vote: 5/0

- b. **DISCUSSION: Review and discuss the planned update to the Zoning Ordinance to adjust the list of permitted uses, re-organize chapters, and revise standards for some uses.**

No Action Taken

c. CONSIDERATION AND POSSIBLE ACTION: Appointing a Chairperson to the Planning and Zoning Commission.

MOVED BY Commissioner Proctor to appoint Dan Kovacevic to Chairperson to the Planning and Zoning Commission. **SECONDED BY** Commissioner Sveum. Vote: 5/0 Unanimously

d. CONSIDERATION AND POSSIBLE ACTION: Appointing a Vice Chairperson to the Planning and Zoning Commission.

MOVED BY Chair Kovacevic to appoint Peter Gray to Vice Chairperson to the Planning and Zoning Commission. **SECONDED BY** Commissioner Proctor. Vote: 5/0 Unanimously

6. COMMISSION DISCUSSION/REQUEST FOR RESEARCH TO STAFF

No Action Taken

7. SUMMARY OF COMMISSION REQUESTS FROM DEVELOPMENT SERVICES DIRECTOR

No Action Taken

8. REPORT FROM DEVELOPMENT SERVICES DIRECTOR

No Action Taken

10. ADJOURNMENT

Chairperson Kovacevic adjourned the meeting of the Fountain Hills Planning and Zoning Commission at 7:04 p.m.

Post-Production File

**Town of Fountain Hills
Planning and Zoning Commission Meeting
January 12, 2026**

Transcription Provided By:
eScribers, LLC

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Transcription is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

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KOVACEVIC: I'd like to call to order the Monday, January 12th, 2026, regular meeting of the Planning and Zoning Commission. Can we start with the Pledge of Allegiance in a moment of silence?

IN UNISON: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KOVACEVIC: All right. Thank you. Paula, can we take the roll, please?

WOODWARD: Commissioner Sveum.

SVEUM: Present.

WOODWARD: Commissioner Porter. I'm sorry. Proctor.

PROCTOR: Proctor's here. Thank you.

WOODWARD: Commissioner Gray.

GRAY: He confused me, but I'm present.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Here.

WOODWARD: Chair Kovacevic.

KOVACEVIC: Here.

Okay. We have a statement of participation. Anyone wishing to address the Commission regarding items listed on the agenda should fill out a request to comment card located in the back of the council chambers and hand it to the clerk prior to consideration of the agenda item.

Once the agenda item has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Please limit your comments to three minutes to avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation. Applause is not permitted except when community members are being honored by the Commission.

Okay. Agenda item number 4, the consideration and possible action approving the regular meeting minutes of the Planning and Zoning Commission from December 8th.

Can I get a motion to approve?

GRAY: So moved.

SVEUM: Support.

KOVACEVIC: Okay. All in favor? Aye.

IN UNISON: Aye.

KOVACEVIC: Opposed? Okay, five.

WOODWARD: 5-0.

KOVACEVIC: Yeah. Okay. Number 5 on the agenda, public hearing with consideration of possible action relating to Ordinance 26-02, amending Zoning Ordinance, Chapter 27, Downtown Overlay, Section 27-02(a), related to permitted density for residential development.

Director Wesley.

WESLEY: Commissioners, happy New Year. Good to see you all this evening. I'll go through a presentation for you, then we can have some discussion about this topic. So as stated, this is a consideration of amending the Zoning Ordinance Chapter 27 with regard to the allowable density in the Downtown Overlay District.

Just as a quick background, you'll recall a year ago, we were working on this overlay and discussing various options for it as ultimately approved by -- or recommended for approval by this Commission back in June. It allowed for a maximum of 50 units per acre by right in the downtown area. When council considered the ordinance and made its final action on it, they reduced that maximum by right density down to 35 units per acre.

And when considering the Zoning Ordinance to apply, the ordinance to the downtown area to rezone it, some questions and concerns came up with regard to that density.

And so the council sent this back to the Commission to consider amendments to Chapter 27 with regard to the allowed density.

So at the council meeting, there were several concerns that were stated with regard to the density, a density of 35 units per acre, that it would zone out the ability to achieve some economic development goals, to encourage developers to buy up land, to

consolidate small parcels into larger ones, and thereby, again eliminate some of the other development economic activity, negatively impact the area -- of the area north of the Avenue. It would choke the area with traffic.

There's a need to save land for businesses, not apartments. The desire was to reduce the density back down to the current eight units per acre or something similar to that and let Park Place be the dense area for entertainment. So those are the type of comments that were made and concerns that were raised. Not discussed at that time, because there wasn't actually an agenda item to discuss, the details of the ordinance or the fact that the Avenue District does not allow ground floor residential. And so you're going to maintain commercial uses on the ground floors within the Avenue District.

The Business District allows ground floor residential only through a special use permit. So again, the Commission - the council has control over maintaining the commercial uses on the ground floor in that area could become all residential unless as approved by council to go that way.

The Innovation District does not allow any residential by right first floor, second floor. It does not have the densities. It's just like any other commercial area in town requiring an SUP for any residential. And again, the maximum height is 40 feet throughout this area in the C-2 district. So that again limits the scale and density at which development will actually take place.

So again, one of the concerns was somebody could come in and buy up multiple properties, have a larger block, and not just the individual 6,000 square foot lots that we've largely considered that you would only get two or three units on, but you buy up a larger area, you clear it, and redevelop. So what would that maybe be like?

I picked this one area off of Parkview as an example. If somebody were to try to consolidate those, you've got eight existing lots, six owners, five buildings existing. If you're able to combine that, you've got 48,000 square feet.

So at eight units per acre, that's eight units going on those lots at 16, that's 17 units per acre. At the 35 that was previously approved, that's 38 lots or 38 units that would go on

there, and it would need an SUP again for any of that to be on the ground floor.

Another example that was mentioned was Park Place. Park Place type development happening on these lots. Here's an example from a portion of Park Place. That segment that's highlighted there has 12 units, 6 on each side. So you could fit two of those areas per floor. So you get 24 units per floor. At 35 units per acre, the most you can have is 38. So you could have, you know, one floor part of a second one and have your 38 units and you'd get there. So again, the scale of that is not quite the same really as trying to picture another Park Place being put at that location.

So what's needed for downtown? We're after having a vibrant, active, lively entertainment core here along the Avenue. And looking at various sources, I found a range of -- generally, you're looking for 12- to 15,000 people per square mile. That sounds like a lot but remember that's over a square mile. So when we bring that down to basically the walkable area of the downtown area using Parkview and -- excuse me, Verde River and the Avenue as the center, you get about a hundred acres in that area. So you're looking for 1,500 to 1,800 people at 2 people per unit; 750 to 900 units would be desirable in this area. There's currently about 350 units within this area.

So could we get another 400 units, 500 units in here is what we're looking at to have the type of population to make the area, again, the lively type of downtown urban core that we are wanting.

So as this applies into Plat 208, because that's the area where this overlay applies, you've got about 11-1/2 acres of vacant land in that area. And so again, at 8 units per acre, you'll get 92 units going up to -- keep just doubling that 16, 184. Double that again at 32, you've got 360. So at the doubling of that, you get something close to what I would say we ought to have in this area to have the type of population support for an urban area.

We do have site plans that have been approved. Building permits have been approved for Park Place. Those are not moving forward at this point. We don't know what might come forward in the future. But just again for the context, 102 and 82 units in those two different buildings, that would make up some of that additional.

And remember also that the parking lots within Plat 208, those are jointly owned by all the owners in Plat 208. They're not available for development. So we're talking about the individual lots and not the big parking areas.

So again, just some background and historic comparison here. So when we started this, we were looking at our existing ordinance that allows eight units per acre by right, which is one unit basically per 6,000 square foot lot, which is what most we have in the downtown area.

When I started this process, I thought, gee, could I be bold and suggest 15 units per acre because that is for Fountain Hills. That seemed like it would be a good move forward. However, as we thought about that, even by the time I got to the actual council or Commission -- first Commission meeting, I'd run those numbers a little bit more and saw that really didn't help get us anywhere in terms of moving the needle or getting interest in bringing the development to the downtown. So at that first meeting, we started talking about moving on up to 30 units per acre. And then, as stated before, the Commission, as you continue discussion, moved it all the way up to 15 units per acre at that time because we were looking at some of the other projects that have been developing in the area that were in that 40-to-50-unit range.

So some things that have been reviewed and approved before across the street at Belvedere Suites. Again, these are small properties with a few units. But when you look at it in terms of density, that's 38 units per acre there. The Bondy development that has been approved now by council just east of the Zapata and west of the Chase, that's 21 units per acre on that one. You may recall down on the Avenue back behind Sofritas four small units on a small lot, that equates out to 69 units per acre on that one. And Park Place is at 45 units per acre.

So some options for you to consider. And again, the field is really open however you'd like to look at this, but one option certainly is no change. Just recommend to the council that they leave it as it previously approved. You could keep the Avenue at the 35 per acre but lower it elsewhere. You could lower it throughout all the districts and certainly a lot of choices in between with that.

And I'm just going to end it here by just leaving the slide up for your consideration and looking at that in the downtown area. The green lots are the ones that are vacant. The yellow one is vacant currently, but it's a Bondy development. So we think that's moving forward, but still vacant at this time.

And then in total, there's 21 acres of developable land. That's not including the parking lots throughout the downtown. And so you can have that number.

And so with that, again, we're looking for vibrant entertainment active downtown area, 15 units per acre. It will not get us there in staff's opinion. Staff recommends at least 20 units per acre but can support keeping the ordinance as it is.

So with that, I'll go back to that slide and see what questions and comments you have for me or if you're ready to open up to the public.

KOVACEVIC: Well, I'm going to keep you waiting. Do we have any speaker cards, Paula?

WOODWARD: Yes, Chair, one speaker card.

KOVACEVIC: Okay. Let's hear from the speaker.

WOODWARD: Larry Myers.

MEYERS: Larry Meyers, 44-year resident. And my comments come directly from the discussions we've had inside the Economic Development Committee. And I disagree with John on the definition of vibrant. I don't think adding apartments makes anything vibrant. I think when you look at this, if you're going to look for what I've always characterized as the "fun zone", you have to go and look at a place like Cave Creek. Cave Creek is not on the way to anywhere. It's a destination. The only way you're going to make Fountain Hills something is to have it be a destination.

And to take your land and use it up so you can build a bunch of apartments -- and I worry about parcel consolidation because I don't think we need any more Park Places. I just don't. They don't make anything vibrant. Park Place is built there and it's -- nothing is vibrant. I'm on the Avenue. And it's a bunch of -- I'm 74 so I can say it. It's a bunch of old people walking little dogs is what it is.

So it's once again where you have the land and you make the land available for something other than what you're really trying to do, and then you scratch your head

and go, why didn't we get what we want? The Target Plaza, I always go back to it. It's the poster child for this. It was never going to be a successful shopping center. And they turned it into a shopping center. And now it's not a successful shopping center. And then we had to turn it into apartments because it's not a successful shopping center. It would have been a better use.

And so this is the core area of the town. If you want vibrancy, you need Cave Creek or something similar. And if you use up the land to build apartments, you can't do it. I get the thought because this whole discussion revolved that night around the building next to the Thai restaurant and the Chase Building. And if you put eight apartments there, you end up with 60 something density. Okay. Fine. That's one lot.

But if you take the entire Plat 208 that's left, and you consider that as -- on the whole, don't think for a moment these apartment developers aren't going to come in there and offer exorbitant sums of money to the people that have owned these things. Most of them have owned it for a long time. They'll take the money in a heartbeat.

So I -- that's where this conversation sort of got its seed -- I'll wrap this up -- got its seed. It came from the Economic Development Committee meeting and what we're really trying to do in the downtown.

And just one last thing. So on the Economic Development Committee sits a small business woman, Grapeables, Jo McKellips. And all of the -- she was asked this question. So all of those apartments, look all around the plaza and see all of that high density housing, higher density housing, and ask a small business person how many of those people are your customers? And you will get the answer, not that many.

And so by adding a bunch more apartments, you're not going to get vibrant. You're going to get exactly what you have now, which is a town searching for vibrancy only out of land.

And so that's why I brought it up at the council meeting, and they agreed to go to 16. And then, great. If you have a postage stamp and somebody wants to do like the building next to the Thai restaurant, get an SUP. What's the harm? It can't be that expensive in the scope of a project.

So that was -- I'm the one that brought it up to him and that's why I -- and I didn't even get it the night you guys settled on 50. It passed right over my head until I thought about parcel consolidation kills the downtown.

So that's all I have to say on the subject. And I hope you'll consider what council's wishes were at 16. John's original was 15, and I disagree with his assessment tonight.

Thank you.

KOVACEVIC: Sure. Mr. Meyers.

MEYERS: Yes.

KOVACEVIC: Looking at that -- the map there and the green parcels that are vacant, how would you think that parcel consolidation would work?

MEYERS: Well, let's take the one in the low -- what would be the lower left-hand corner. If I bought the green one on the end, on the right end, and I bought the green one on the left end, and then I bought everything in the middle, what do you end up with? A Park Place building.

KOVACEVIC: Well, a very expensive piece of real estate before you start.

MEYERS: Yeah, except for apartments are pretty profitable.

KOVACEVIC: Well, I think maybe the Park Place owner might feel differently because of the cost of doing even construction from bare ground. So I think that -- I understand what you're saying, but it would seem to be almost not affordable to even consider tearing those buildings down and starting over again.

MEYERS: Okay. So I'll go back to the Target Plaza. We allowed the highest density in the town. The council did; you guys didn't. Planning and Zoning saw better. We got nothing for it. We gave -- we got no concessions at all. It's, what, 6.8 acres? And we got 300 one-bedroom apartments. Of those 300 one-bedroom apartments, how many people are going to Grapeables to drink wine? And they're also out on Shea.

I just look at these things as pieces of land. Now, if I took the green one on the end and I said, oh, I don't know, pick one of those cool places out in Cave Creek on Main Street, and I turned it into that, which is more vibrant? A bunch of apartments or according to western bar --

KOVACEVIC: The Horny Toad, is that what you're looking for?

MEYERS: Excuse me?

KOVACEVIC: You want to look for The Horny Toad, is that what you want?

MEYERS: Something. I mean, we will have to be a destination because we are not on the way to anywhere, and that's not a bad thing if you know how to deal with it. We don't. I've told Amanda. I said, has anybody knocked on any of the owner's doors out at Cave Creek and said, hey, have you ever thought about a second location? We want to be that. No, we've not done it but --

KOVACEVIC: Can I offer a contrast? Can I --

MEYERS: Yeah. Yeah. Absolutely.

KOVACEVIC: The Target, I mean, it's not a comparable. I mean, that was -- there's no buildings to tear down. It's just asphalt, and I have --

MEYERS: You can tear those buildings down.

KOVACEVIC: Well --

MEYERS: To the one -- to the west of the Target --

KOVACEVIC: Oh, the one retail building. Yeah.

MEYERS: Yeah.

KOVACEVIC: But we're not talking about -- and plus, they own the -- they owned it themselves already. So it's not like they have to buy it and tear anything down on top of that. You know, we can agree to disagree. It's fine. I mean, I understand what you're saying, but I think likelihood of anyone doing that is pretty remote because the cost of construction. And again, we're seeing that with Bar Shea's project on the Ave. The density -- well, I guess I shouldn't have a discussion with him anymore.

WESLEY: Yeah, and I think we're --

MEYERS: Yeah. We can -- Bar Shea's --

KOVACEVIC: Well, let's not go there.

MEYERS: Yeah.

KOVACEVIC: I'm just --

MEYERS: You know it's a different --

KOVACEVIC: Yeah.

MEYERS: It's an animal that --

KOVACEVIC: Well, it's raw land. That's the difference.

MEYERS: Well, I know it was an animal that was originally contemplated and got disrupted. So it's not really a good example. At one point, he obviously thought it was a spectacular deal. Now, it's not such a spectacular deal as we can see because of the disruption. But I just -- I'm for preserving -- I mean, I'm okay with it. If nobody wants to make anything of Fountain Hills in terms of entertainment, then just go ahead and build it.

KOVACEVIC: Well --

MEYERS: And I just don't see apartments as the answer to vibrancy. I see them as the answer to more 50 percent of the time population, which then makes it tougher on businesses to be vibrant. And that's why I'm always for preserving the land. And everybody always comes at me and says, oh, it's been empty for 50 years. Yeah. And 60, another 10 years from now, somebody's going to go, oh my, God.

KOVACEVIC: Right.

MEYERS: We needed that land. So that's why I always -- I take the same position. I'm very consistent.

KOVACEVIC: Yeah. Yeah, I think -- yeah. We'll move. We got -- we need to move on though.

Paula, do we have any more speaker cards?

WOODWARD: No, Chair.

KOVACEVIC: Okay. Council members. Anybody? Do you want -- you're all in trouble when I start doing drafting. But I took a look at this, and this is why we will not wind up with another Park Place, and I can share this. I think I have enough for -- as long as the couples can share, I think I have enough for everybody. Here. If you want to -- do you need another one? Does anybody need another one?

SVEUM: Yes.

KOVACEVIC: I've got more.

SVEUM: You got two.

KOVACEVIC: I thought I left you on upstairs, did I not? Okay. And Mr. Meyers, you make -- there's one point that I think we need to resolve before we can make a solid recommendation. And that is if there were a catastrophe or some type of calamity that wiped out an entire quadrant, and somebody came in and bought the entire quadrant, and we're sitting here with a 35 or 45 unit per acre, by right, could they -- these -- each quadrant if you divide -- where the streets are divides it into four. I'm talking -- I'm just talking about the Avenue and the Business District. And if somebody came along and bought that quadrant, including the parking, could they, by right, build 350 units at 35 units an acre, or 450 units at 35 units at 45 units an acre and if that's what's in the four corners of the ordinance?

And -- because I think the number is 45 units an acre. If you look, because 45 units an acre on the buildable lots is 25 units an acre, which is what our ordinance is. So that gives us the density that's in our ordinance, which, in theory, should be fine. Because the difference between this and Park Place is that Park Place includes parking. And when we say 45 units in the Overlay District, we're not including the common area or the parking.

So at the existing ordinance of 35 units an acre, it's only 19 units an acre. It's down to 16 units an acre in one of the quadrants. And I've -- each sheet represents one of the quadrants.

So we really aren't talking about crazy density here. And that's if everything that could be built as apartments was built as apartments. And above All American, you're not getting apartments. You know, the Chase Bank isn't going anywhere for a while. I mean, I don't see that scenario. But if it happened, we'd be at between 16 and 19 units an acre for each 10-acre quadrant in the district.

So I don't think that where we're at right now is unreasonable. But I agree, we don't want 350 units in one of those quadrants down in the town. But you know, four units in this building, six units in that building is -- I think we need it because if we're going to have only restaurants and only retail and only entertainment on the first floor, we need

to import a market to patronize the businesses. Otherwise, all we're doing is legislating vacancy. And we don't want that because when the real estate brokers and the insurance brokers move out, there's no market to bring in the entertainment or the restaurant or the retail.

So I think we need to, at the very minimum, keep the 35 units an acre. And I could see supporting up to 45 as long as we could specify we're not building on the parking. And I don't -- I need your help for that, John. How do we put that into the ordinance and make that recommendation?

GRAY: Well, you would just simply require a stipulation with each of those quadrants that required the density to be surface parked. You don't care about the configuration. You care about the open space that's used for parking. So you just put that stipulation in and that would that would be your constraint.

WESLEY: So Chair, Commissioners, I haven't had a lot of time to think all of that through. But basically the overlay is based on the way it is platted today, with the lots as they are and the sizes as they are. And there's various components of the ordinance that fall back to that saying, if you're a 6,000 square foot lot, then you don't require your own parking. It's already there.

So if somebody's going to come back then and replat that so it's all one big lot, we don't have 6,000 square foot lots anymore. How does this overlay even apply? Well, it really doesn't work anymore. But I would have to think through how that would really happen, I guess, maybe regardless if we think it's a reality we need to spend any time on. But it would take some steps along that line to replat the land. And that's another step that that we would have some control of to be able to prohibit what you're talking about from happening.

KOVACEVIC: But how will we prohibit that? I mean, would -- Commissioner Gray offered a suggestion.

WESLEY: Right.

KOVACEVIC: I mean, does the overlay only apply to this plat? I don't --

WESLEY: So yes, it's specifically designed to apply to this area of Fountain Hills. It won't

ever apply anywhere else.

KOVACEVIC: Okay. Well, let's hear from the other commissioners if anybody else has anything to say. Commissioner Gray.

GRAY: We're just perpetually stuck in this chicken or the egg to regentrify, to not regentrify, what happens next in Fountain Hills, right? Your density calcs here and the methodology behind it are certainly solid on the basis that you retain the surface parking. But isn't the more macro thing that's not really on the agenda but what's really behind all of this is to say, what do we want to happen? I mean, what's supposed to happen in these quadrants, right? And we're going to use that terminology forever because you brought it up. Quadrants.

Mr. Meyers' vision, we'll call it, of Cave Creek southeast, valid. The idea that we could commercialize the ground floor and put stacked density over top up to, whatever, 35, 45, 50 units of the acre, valid. Leave it alone. Not ideal, but valid. Keep the configuration, et cetera, et cetera.

But in reality, in my opinion, which isn't a popular one probably, but I think what we're trying to do here is to simply enable a scale of development that says, hey, let's bring money in. Let's get money in. Let's champion, in my opinion, let's champion the idea of plat consolidation, replating, getting rid of these overlays in the 208s and so on and so forth because it's 40-year-old planning methodology that we're trying to work with.

And maybe, maybe it just needs to be blown up. Maybe. Right?

I mean, we keep throwing these iterative ticky-tack, we're going to dip our toe in the water here and we're going to turn a little left and turn a little right, but we're not really serious about it. That's what we always do.

And this is a perfect example of it. The fact that we got to 50. It didn't go over very well. And we're coming back saying, well let's cut that in half or let's cut that by 70 percent. Well, then we're back to square one again, which is okay. But I don't think that's what we're saying, you know, in the other venues.

And so I don't know if this is -- I don't know if density is the right catalyst to allow economic development to talk with, you know, I don't know, the red developments of

the world or whomever. But I think that's the conversation we should have here and let the density be the byproduct of it.

KOVACEVIC: Commissioner Sveum.

SVEUM: It seems like that the parking lots are driving the design.

WESLEY: Constraint.

SVEUM: It's a huge constraint. Is the constraint. And you're working around something that really, like you said, is 50 years old, that should be looked at as more of a development asset that you can't use is building around the frame. And it doesn't lead to great development. And we're picking and choosing, you know, this little eighth of an acre lot here and this one there.

Frankly, I'll take design over density any day if it's well done. I will. And I think when we approved the one plan that became Bondy, that was -- we approved it initially for 12 units. And then she sold the property and then -- now it is six. I thought that plan was great for the 12 unit building that she wanted to build.

And it's almost -- you know, I just throw the units per acre out the window. It's not even -- to me, it's not even important. It was great design. We're only talking 12 units. You got 12 more customers, 24 more customers on the Avenue that are paying a pretty hefty price that probably would go to Grapeables or the other establishments and spend some money out.

So it's -- I agree. A lot -- I think you really hit on something, Peter, that should be looked at closer. And it is the big -- some of the biggest decisions that might be made going long term into the future. What happens with these -- especially these two districts, the Business and the Avenue District?

Maybe that's something to really have some more discussion about. What can be done with those lots? What can be done in a more grander vision and not just sit on 38 units per acre, 22 units per acre, and everyone feels good because we've lessened the density. I don't think that's good planning.

And I'm not looking for 50 or 60 units per acre. I'm looking for good design and good development that will create value for the rest of the building owners that have their

investments in these -- and especially in these two areas. How can we enhance those areas?

I think some of the things that we've done, frankly, I think restricting first level to retail is a mistake. I think it's onerous mistake, devaluation of people's property, by restricting the use of that first floor to sales tax driven businesses. Just my opinion. But I think that this density is just a small part of good design and long-term design.

So sorry, long-winded opinion, but I think Peter's hitting on something here that we should really give some thought to.

KOVACEVIC: Commissioner Proctor.

PROCTOR: Well, I agree with everything that's being said here. It seems to me when I was reading this that we're trying to pound a square peg into a round hole here, and I agree that we're dealing with an old system. I've never been a fan of Plat 208 and how everything is done. So blowing up the system has a -- rang a certain appeal to me. I don't know how you would approach that because there are property rights and we have to deal with a lot of different factors here.

But I view that downtown, you know, we need some density. Now, what that may be -- I'm not big on, you know, everything apartments. But I view -- if you have some density, that's going to attract business. It's going to attract a need. When you have people, there's going to be a need for something and then we'll get things in. Who knew we'd have Oka Sushi, sushi restaurant in town, and we built it, some density. People like it and they come from both downtown and around.

I think the International Dark Sky Discovery Center is going to drive visitors. It's going to be a destination. And I think somehow, we've got to build on that with our land usage in a combination of commercial and retail and entertainment development. What that is, I don't know. But we've got to figure out how we can use those vast spaces that are just parking lots now. I don't know how we approach that, but I like blowing up the system and seeing what we can come up with.

KOVACEVIC: Commissioner Corrigan.

CORRIGAN: So what I'm hearing, I think what I'm hearing here is that maybe we're

looking at the wrong strategy. Maybe we should be looking at paradigms or models of the success stories rather than the ordinance and the zoning per se. Is that what -- I think that's what I'm hearing. And I hope I'm hearing from Mr. Meyers that that's the idea.

The plan is to take a successful model, duplicate that somehow, hopefully in Arizona. And whether it's -- I don't know, Flagstaff with their observatory and, you know, as Commissioner Proctor stated, we've got the Discovery Center coming up soon and success models around that, whether successful or not. Is that what I'm hearing? I think that's what I'm hearing. Am I right or wrong or? I mean, that's what I think I should be hearing because we want success in Fountain Hills. Let's look for examples elsewhere with this population.

When I see 12,000 per mile, that's half of Fountain Hills population. That's not realistic. What's realistic is a model or an example of some other community that speaks to success. They've done it successfully and we can do that too. Similar size, similar population, similar property values, so on and so forth. My thought.

KOVACEVIC: Commissioner Gray, you have something else?

GRAY: Yeah, I got more notes. I pretty much concur with everything that everybody said here. John, what's the origins of these overlays? Was that just once upon a time and the idea that we need to aggregate to cover our infrastructure costs, like a special assessment sort of structure?

WESLEY: Chair, Commissioner Gray, of course, I don't really have details on that history. I put together what I think the basic history is from my understanding when this area was platted originally in the county, with these small lots in Zone C-2, that it was platted and developed in a way that really didn't conform with the C-2 Zoning Ordinance as the I think Target or Safeway. That's C-2 zoning.

And so through the county, they were issuing variances to allow for the lots to be built upon without having their own parking because it was common parking had a hundred percent lot coverage, those things.

And so after the area -- after the town incorporated, the town looked at, okay, well,

how do we move forward? We've got a platting pattern that has gotten started and a Zoning Ordinance that doesn't exactly match. And so they created this overlay, so that the development had a way to move forward with conformity to a zoning. And it was with an overlay versus creating some kind of new base zone. And so that's just what we've carried forward since that time.

GRAY: So I know we've talked about it in other cases, but are there mechanics available to dismantle an overlay?

WESLEY: Certainly, there are. We could -- another option, we could have taken through this process would be to create some new zoning district and rezone from the C-2 to a new base zone. The challenge with that potentially comes through Prop 207 issues and what we may be doing to somebody's property values as we really change a base zone. It's possible. And we could go back and look at that. It became -- again, as we also wanted to expand up and include the Innovation District. That's another reason why the overlay seemed to be the better approach to getting all the things we wanted to do versus base zones, but it is possible.

GRAY: I mean, just -- you know, obviously, the objective would be take away the restrictions to development that come with some of the components of the platting. But I think that that's something we really need to look at in Fountain Hills is these, you know, the 208s and the other one that we always talk about --

KOVACEVIC: 106.

GRAY: Yeah. I mean, these things are just perpetually in the way of -- you know, any, any true meaningful reinvestment. I'll just dive into it, I think.

My thought is hold for now and let's figure out a way to solve kind of the bigger problem. I don't really think we should pick up the density conversation. I do think density is maybe a little bit more important to the equation than Commissioner Proctor -- just because, you know, that is how you pick up younger demographic. You get that little bit deeper profile there.

I also think, you know, just based on what we see in my day job, density at a certain threshold is really key to getting a level of development investor in that can really do

something with properties.

I think we also -- we have always thought in Fountain Hills at the parcel level. We've always thought about protecting the investment of whomever bought C-2 parcel, you know, one, two, three, four or five.

But we're not talking about coming in and taking parcels through eminent domain or some governmental vehicle. We're talking about a developer in this theoretical conversation that's coming in and paying fair market value plus a premium that makes it such a good idea that you want to sell. So investment protected, profit gained, you know, we're moving on for the betterment here.

I think we need to probably remove our -- you know, whatever they're called -- our blinders for individual plat ownership as though we're preserving a family farm or something. That's not what we're doing. We're preserving C-2 parcels in a Business District that were bought for the purpose of investment and a return on that investment.

I think the traffic conversation, which is I heard John say that's, you know, in part what led to this request, as always, that's kind of just an erroneous go to.

And then finally looking to Commissioner Sveum. I know that ASU School did some work with the state trust land. I don't know if there's an opportunity to play with some modeling in this space, too. I mean, let's -- if we can take a public institution that we're all paying property taxes into anyway and levy them and give that design school some opportunity to play in the sandbox, I say, let's do it. Let's see what it can -- let's see what comes out of that, utopian or otherwise, and then figure out how we want to change our underlying construct. But again, I think we just need to park it for right now and maybe solve for a bigger problem.

KOVACEVIC: Anybody else?

PROCTOR: I'm just curious if our strategic planning group has discussed this along in their discussions.

WESLEY: Chair, Commissioner Proctor, I haven't been attending their meetings lately. I'm not sure exactly what they've been talking about, but I did get heads up about a

meeting coming up in a couple of weeks that I'm going to be invited to attend. And as I looked at that agenda, I believe I saw something along these lines on there, but I'm not for sure.

PROCTOR: Yeah. I think it'd be nice to coordinate thinking along this line. See what they're thinking up too. The more minds on this, the better, I would suppose.

KOVACEVIC: Yeah. And my thought out of the box is, well, I totally agree. If we were coming in and we were going to design a downtown area, you know, let's do it. Let's start from scratch and let's do it.

The issue we have here is that there's -- the Chamber of Commerce didn't know how many owners there were, but they guessed about 110 owners. And to do anything with even the common areas, you need two-thirds. I've heard anywhere from a hundred percent to a simple majority, but I had some conversation today with Amanda. You need two-thirds to do anything. So you need 66 owners to do anything different with Plat 208.

And so as -- I mean, it would be great to be able to blow the thing up and start over again and do it right. But as a practicality, I don't know how that happens. I mean, so I do -- we have an overlay in effect right now, correct?

WESLEY: Two, yes.

KOVACEVIC: So if we did nothing and MCO decides to go out and take space in the Business District, they would have to be replaced by a restaurant, entertainment or retail?

WESLEY: So today on the Avenue with no change to the zoning, is that what you're saying?

KOVACEVIC: Yes.

WESLEY: So for the MCO or one of the realty offices moves out --

KOVACEVIC: Right.

WESLEY: -- another realty office can just move in. That's fine.

KOVACEVIC: They can?

WESLEY: Yes, because we haven't changed the ordinance yet.

KOVACEVIC: I thought we had. That's why that was my question.

WESLEY: No, we haven't. That was the step we were at. I was applying the new ordinance to the downtown, but council postponed action on that pending this discussion. So no, those two existing ordinances are still in place, so there's no --

KOVACEVIC: Okay. Because I thought --

PROCTOR: I'm sorry. Can you repeat that? I mean, I thought --

WESLEY: No. The council did not take action to approve the new overlay. They postponed any action pending this discussion and change on density.

PROCTOR: On the Avenue?

WESLEY: On the Avenue or any place. Yes, they did not -- they approved Chapter 27 to be part of the Zoning Ordinance, but they have not applied it to land. We have not rezoned the downtown yet.

PROCTOR: So the restriction for first floor use was not -- is not in place yet?

WESLEY: Not yet, no.

KOVACEVIC: Because how -- my feeling is if we don't allow for density, we have got to import a market in order to support a first floor of sales tax paying businesses. And if we don't import that market, we should scrap the overlay. And of that, I am in a hundred percent agreement with you guys. And we should -- yeah, maybe look at ways to do something completely different. So now what?

WESLEY: I say you make a motion to approve your 45 units breaker, and we go on. No. I guess what I'm hearing from the Commission is a continuance. I would say probably for at least two months to let us explore some options to bring back to you for further consideration and expand it from just the discussion tonight. Tonight, you were just agendized to discuss density. I've been hearing a lot more than just density, and so I have to agendize it as a as a wider discussion if that's where you want to go.

GRAY: Chair.

KOVACEVIC: Commissioner Gray.

GRAY: I think we're -- you know, before we spend too much energy of mostly John's, well, I think we're kind of asking for permission to play in the sandbox a little bit, right? I

mean, if the council, if the town is not going to support, what's the point, right?

KOVACEVIC: Um-hum.

GRAY: But we're asking for a little latitude and permission to re-scheme.

KOVACEVIC: So what we're looking for is a motion for a continuance then is what it sounds like for -- you think two months?

WESLEY: That's in March.

KOVACEVIC: March?

WESLEY: Um-hum.

KOVACEVIC: Okay. So does anybody make a motion to continue this until March?

PROCTOR: So moved.

GRAY: Second.

KOVACEVIC: Okay.

CORRIGAN: I'm not in disagreement if we have a little discussion. But my question is, we can continue this until the cows jump over the moon. What's next? How do we wrestle with this? We're playing with a deck or a hand dealt from a deck that we didn't want. And now we're talking about changing decks, basically. That's a daunting task. I don't know if two months is going to be sufficient time to come up with some viable options.

And some of those viable options are distasteful. I heard eminent domain. I mean, that is an option. It's not one that I would be welcome to consider on council, that's for sure. But it is an option. How do you bring that change about? That's the question. Where do we go next if we continue this? Do we have a work session between us and maybe the planning -- the strategic planning people? Where do we go next?

WESLEY: Chair, Commissioners, my thoughts are to look at some of the things you've talked about this evening. I can explore what some of the other zoning options might be to help address some of the comments that I've heard.

I think it would be important to have some leadership from Plat 208 to come to the meeting, if possible, so they can explain to you directly what the constraints are they have and what they see as some of the possibilities. And I probably also am going to

need to touch bases back through at least the town manager to see how far we can really go with the discussions at this point because basically the council only directed us to talk about density. Well, you are, but, you know, are they really want us to expand that or not? So I need to find out the answer to that.

So I think there's some things I can do in two months I can bring back. And then from there, I think you can make a better decision about moving forward at that point.

CORRIGAN: Are there unintended consequences by delaying this?

WESLEY: So certainly, one of the main issues that the Economic Development Office has been trying to do is get the zoning north of Palisades, because they've had interest of employment type uses in that area that can't go with the basic zoning. And so that's another thing that we'll explore. Can we go ahead and just complete the rezoning of the overlay for the Innovation District and not rezone the rest of it so those tools are at least in place for that development? That's one of the main things is that concern there.

Secondarily to that is we have had various inquiries, although none recently, for development within Plat 208 where they've wanted to do a little bit higher density. But contrary to what Mr. Meyer said earlier, but similar to what he has said in other situations, is if you have to go through that hearing process, it introduces risk, it introduces time, it introduces costs. So a lot of developers just don't want to do it. Even if the chances of success are fairly good, they just don't want to do it. And so that's why we're trying to determine what is the thing we want downtown and make it the easiest thing to do and not the hardest thing to do.

KOVACEVIC: Anybody else? Okay. We have a motion. We have a second for continuance to the March meeting.

Paula, you want to take a roll call?

WOODWARD: Yes. That would be March 9th.

Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Chair Kovacevic.

KOVACEVIC: Aye.

WOODWARD: Commissioner Gray.

GRAY: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: 5-0.

KOVACEVIC: Okay. Our next item is review and discuss the planned update to the Zoning Ordinance to adjust the list of permitted uses, reorganized chapters, and revise standards for some uses.

WESLEY: Okay. Chair, Commissioners, in my spare time, because I like to do things with zoning and you all also keep adding to that, so I appreciate that. I've been looking at and working on an overall update to our Zoning Ordinance for consideration by you and ultimately the town council.

So just a little background. The Zoning Ordinance we have was initially adopted in 1993. That was taking what was the county ordinance prior to that and making some adjustments to it for the town but still pretty much a copy of the county ordinance at the time. There has not been a comprehensive update to our zoning ordinance in 30 years, but a lot of tweaks here and there, but no real comprehensive review.

And so I've been looking at and working on various changes to reorganize the chapters, move from our list of uses to use categories and create tables for those, and then organization of the development standards and requirements.

So we're not really, at this point, proposing any substantive changes to the provisions. It's mostly get these things in place, I think, as a precursor to then looking more comprehensively, but there may be some provisions along the way. We'll see if that could be modified.

So here is an example. On the left are the existing ordinance chapters. And so you can see the district pieces are scattered through and the various standard chapters are kind of scattered through. So I want to reorganize them so they flow together better.

And then currently in the zoning ordinance chapters, using the commercial as an example, we have a list of very specific types of uses. Some of those things aren't as prominent as they may be used to be 30 years ago, but we see the uses listed. And then in a separate section, you see what requires a special use permit and so forth.

What I'm proposing is that they come together in a table. So it's much easier then to see a use -- see what zoning districts and you know where they are allowed much more quickly and easily. And then also in the commercial chapter to pull the town center commercial into the commercial chapter instead of being a separate chapter in the ordinance. So again, you can see all the different commercial districts in one spot. As far as the use categories, again, if you recall back a couple of slides ago, we had the list of uses by name. So here, we'd put them into categories that describe what can fit in a category. And so when new things come in that aren't listed, it makes it easier for me as the zoning administrator to look at those characteristics and see where something fits.

Then also in the use table, it has these numbers. And those are four footnotes at the end of the table, which are very simple statements about some qualifications or requirements that go along with the particular use.

So again, if you recall back -- I'll go ahead and go back there real quick on this slide. You can see on the right-hand column, you have the use. But then there are various provisions and so forth that go along with the use. It's not just a straight list of uses. And so you have to read through all those things to understand the uses.

This puts some of those things in footnotes at the end. So again, it's easier to see the use and where it's allowed and then go find any of the related standards. But then it also has other more detailed references if it's got a longer list of requirements, such as sending you back to the chapter that has the use categories or to another section that provides details on how you implement a particular use. So I think that those in combination will make our zoning ordinance a lot more user friendly, easy to follow for staff and anybody else that's trying to utilize our zoning ordinance.

So the chapters have all been drafted for a first round review, and my thought is that

we'll bring a chapter or two at a time to the Commission, so you can look through how each is being organized, compare it to the existing chapter, provide any feedback on how that looks. And then once we have been through those, we can package them together and go through the actual hearing process.

Again, my plan at this point is not to make substantive changes to the content, although we'll see things as we go through that don't make much sense that we'll want to modify, but I don't want to get bogged down with detailed discussions. I want to get all the organization, the bones there, in good shape, and then we can maybe look back in more detail some of those things.

So that's the idea. That's the plan. Hopefully, you're excited about this chance to delve into details of the Zoning Ordinance. Any comments or questions you have at this point?

KOVACEVIC: Okay. Not yet.

WESLEY: Okay. Probably have those chapters for you in February then.

KOVACEVIC: Do we have to -- we won't get bogged down.

WESLEY: Yes. Absolutely.

KOVACEVIC: Okay. Next item. Consideration of possible action of appointing a chairperson to the Planning and Zoning Commission.

Commissioners.

PROCTOR: If I could begin this. I've always believed why make a change if something is working? Well, so I would propose that we reappoint Chairman Kovacevic for another year.

KOVACEVIC: Thank you.

PROCTOR: Second.

KOVACEVIC: Anybody else? So all in favor?

IN UNISON: Aye. 5-0.

WOODWARD: 5-0.

KOVACEVIC: Consideration of possible action appointing a vice chairperson to the Planning and Zoning Commission.

Commissioner Corrigan.

CORRIGAN: I'd like to nominate Commissioner Sveum.

KOVACEVIC: Is that -- you're not -- do you --

SVEUM: I'm going to decline. Thank you.

KOVACEVIC: All right.

CORRIGAN: That's not very nice.

GRAY: You see how Dan just accepted it?

KOVACEVIC: Yeah. Nominate Commissioner Gray.

CORRIGAN: I'll make that motion again and the adage of why change something that's working very well. I would renominate Commissioner Gray.

KOVACEVIC: I'll second.

All in favor?

IN UNISON: Aye. 5-0.

WOODWARD: 5-0.

KOVACEVIC: Okay. Discussion request for research to staff. Anything for John?

CORRIGAN: Well, I could say with the workload that you have just an unsolicited comment. Whatever they're paying you, it ain't enough.

KOVACEVIC: All right. Number 7, Commission requests from development services. Director Wesley.

WESLEY: So Commissioners, I guess really, the only thing is that we'll continue to look at options for the downtown area and that zoning, which leads us into our next item, which is where we talk about upcoming meetings. And Paula, I'm not recalling anything that we have for a February meeting. Are you either -- so we can use that as looking at a couple of zoning chapters then and start that process. So look forward to seeing you then for that discussion.

KOVACEVIC: All right. Commissioner Sveum.

SVEUM: John, could you send out that map that showed the quadrants and the green, with the color?

WESLEY: Sure.

SVEUM: Could you send that out to all of us, please?

WESLEY: Sure.

SVEUM: Thank you.

KOVACEVIC: And Director Wesley, do you have a report for us?

WESLEY: That's it. That's my report.

KOVACEVIC: Okay. Motion to adjourn.

SVEUM: I'll make that motion.

KOVACEVIC: I'll second.

All in favor?

IN UNISON: Aye.

KOVACEVIC: That's a wrap.

Having no further business, Commissioner Sveum adjourned the Regular Meeting of the Planning and Zoning Commission held on January 12, 2026, at 7:04 p.m.

TOWN OF FOUNTAIN HILLS

Dan Kovacevic, Chairperson

ATTEST AND PREPARED BY:

Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting held by the Planning & Zoning Commission of Fountain Hills in the Town Hall Council Chambers on the 12 of January 2026. I further certify that the meeting was duly called and that a quorum was present.

DATED this 9 Day of February 2026.

Paula Woodward, Executive Assistant





TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 2/9/2026
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services
Prepared by: John Wesley, Development Services Director
Staff Contact Information: Phone: 480-816-5138
Email: jwesley@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION: Relating to approval of a Special Use Permit to allow light assembly and storage in the C-3 Zoning District for property located at 16939 E. Colony Dr, Suite 4.

Staff Summary (background)

The zoning ordinance establishes allowed uses for each zoning district. The list also includes uses which may be considered and approved on a case-by-case basis through the Special Use Permit process.

A window assembly business has been started at 16939 E. Colony, Suite 4. This business includes a showroom and office areas where they meet with customers and determine the desired window designs. The business orders the glass and the frames for the windows and assembles the windows per customer requests.

This property is zoned C-3. Section 12.06 E., Uses Subject to Special Use Permit in the C-3 District Only, lists the following:

E. Light assembly and storage as an accessory use if all of the following criteria are met:

1. Any assembly or storage areas associated with assembly activities shall not occupy more than fifty (50%) of enclosed building space used for the business.
2. There shall be no use of hazardous materials involved in the assembly operation(s).

The floor plan submitted with the application shows the use is meeting the above criteria by not occupying more than 50% of the building space with the assembly activity. The remaining portions of the building are being used for office, showroom, and employee spaces. There are no manufacturing operations occurring and they do not use any hazardous materials.

Zoning Ordinance Section 2.02 F. a. d. sets forth the review criteria for consideration of a SUP. It states:

In order to recommend approval of any use permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for

will not be detrimental to the public health, safety, peace, comfort, and general welfare of persons residing or working the neighborhood of such proposed use, nor shall it be detrimental or injurious to property and improvements in the neighborhood of to the general welfare of the Town.

The C-3 Zoning District is a retail commercial zoning district, but also allows for a wide range of associated uses. This area of the town has long been used for a variety of heavy commercial activities. The business was unaware of the need for the Special Use Permit when they signed the lease and began using the building. They have now been in operation for several months while preparing this SUP application. Staff is unaware of any concerns by surrounding businesses. Staff has not identified any issues with public health, safety, peace, comfort or welfare for the neighborhood or community associated with this business.

The applicant implemented a citizen participation plan which included contacting all the surrounding property owners to inform them of their use and receive feedback on any concerns. The applicant reports they were unable to contact one of the businesses. No issues were identified in that process. Staff has not received any calls regarding the proposed use.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Sec. 2.02, Special Use Permits

Zoning Ordinance Sec. 12.06 E. Light Assembly and Storage in C-3

Risk Analysis

N/A

Recommendation(s) by Board(s) or Commission(s)

N/A

Staff Recommendation(s)

Staff supports a recommendation of approval.

Suggested Motion

MOVE TO recommend approval of SUP25-000005.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | |
|---|
| <ol style="list-style-type: none">1. Colony Rd. Case Details Map2. Citizen Participation Report3. Business pictures |
|---|

Special Use Permit Vicinity Map

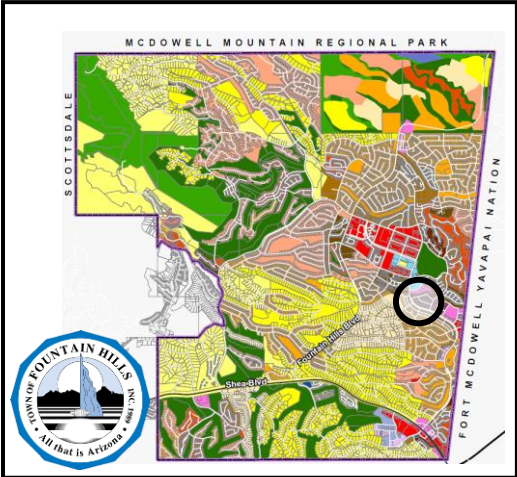
Case Details



CASE:
SUP25-000005
SITE / ADDRESS:
16939 E. Colony, Suite 4

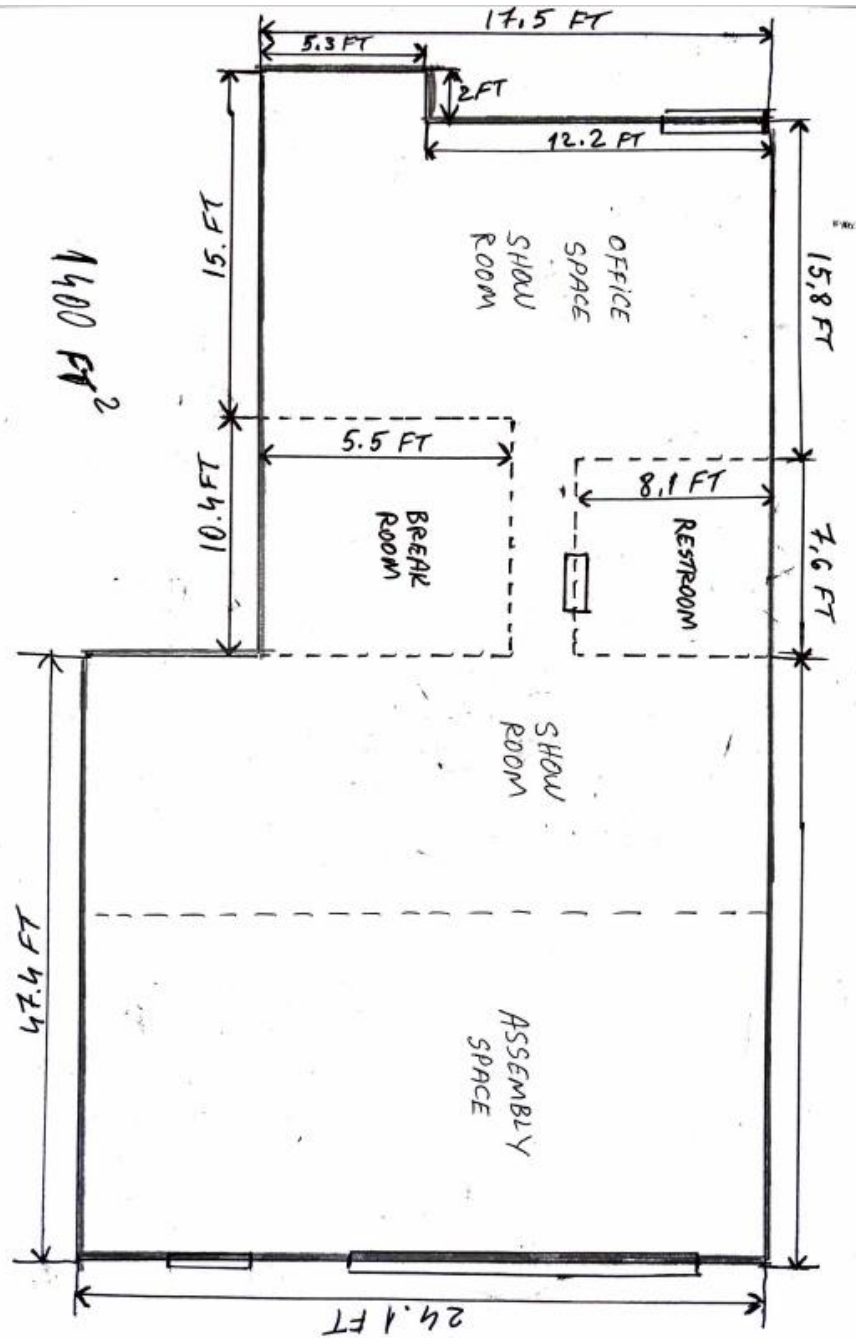
REQUEST:
Allow assembly and storage as an accessory use for assembly of custom windows

 Site Location





Building Use Areas



01-27-2026
VIP Smart Windows LLC
Adrian Ciobanita

Citizen Participation Plan Report

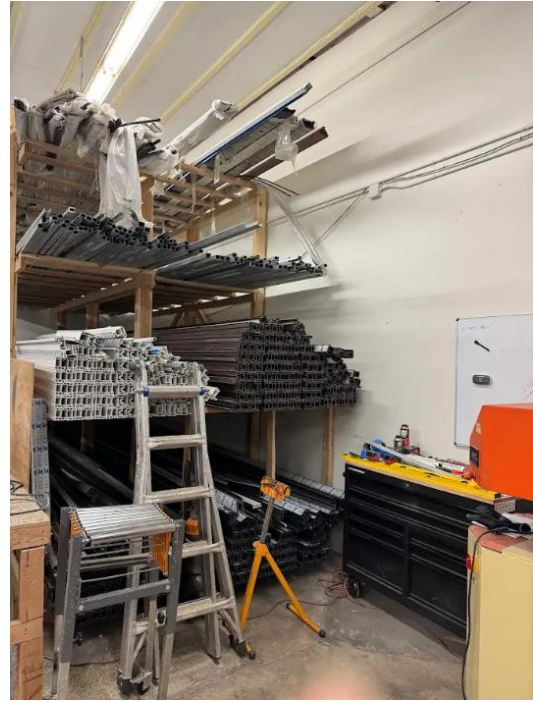
This report provides results of the implementation of the Citizen Participation Plan for VIP Smart Windows LLC. This site is located at 16939 East Colony Drive Suite #4 in Fountain Hills 85268 This report provides evidence that citizens, neighbors, and interested persons have had adequate opportunity to learn about and comment on the proposed plans and actions addressed in the application.

Starting with January 18 2026 to the present date of January 27 2026, I personally walked in and knocked at each business within 300 feet from our establishment to engage with the proprietors or the employees. I explained that we are applying for a special use permit to continue to make windows at our location, and if they have any comments or concerns, I would take them and present them to the board on the 9th of February when is the hearing or they can be present to voice them personally. Every person we talked to had no comments or concerns, more over a few business owners asked if I need them to come to the meeting on my behalf to support us. I politely declined, however if they want to attend the hearing they are welcomed.

I explained that the special use permit will allow us to continue to make windows in our location and the impact to the surroundings will be minimal, the traffic will not increase more than 3 cars that we usually have in the parking lot and that we will be good neighbors regarding noise pollution, however, if they have any complains or suggestion, my number and email address ate on the front door and the back door of our suite and they can reach me directly.

I have to say that everyone I talked to was very welcoming and no concerns were raised.

Pictures from inside the business supplied by the applicant



Pictures from inside the business supplied by the applicant





TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 2/9/2026
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services
Prepared by: John Wesley, Development Services Director
Staff Contact Information: Phone: 480-816-5138
Email: jwesley@fountainhillsaz.gov

Request to Town Council Regular Meeting (Agenda Language)

DISCUSSION AND POSSIBLE DIRECTION: Regarding the draft revisions to Sec. 1.13 and Chapters 5, Open Space, and 6, Single-Residence, Zoning Districts of the Zoning Ordinance

Staff Summary (background)

As introduced at the January 2026 Commission meeting, staff is working on an update to the Zoning Ordinance. The proposed update will reorganize the chapters, create use categories rather than rely on a list of specific uses, create use tables in each district to clearly state what uses are allowed, and organize development standards and requirements.

Prior to bringing the changes forth in a public hearing for consideration and adoption, staff will bring individual chapters to the Commission for review, discussion, and direction for final drafting of the revised ordinance. While there will be a few substantive changes made where needed, the primary focus, however, is the re-organization and the establishment of the use tables to facilitate use of the ordinance.

For this meeting, staff and the Commission will review the Use Classifications and the Open Space and Single-family Residential Zoning Districts.

Use Categories

As explained previously, the current zoning ordinance relies on a list of specific uses for each zoning district. This becomes cumbersome because not all uses can be listed, uses change, and decisions need to be made as to where a new or unlisted use fits. To address this, it is proposed that the ordinance establish uses categories that contain a description of what types of activities are allowed in the category and some examples of what those uses are.

For the updated ordinance, a new section is being added to Chapter 1 following the definitions section. The new section, Section 1.13, Use Classifications, includes the following subsections:

- A. Open Space
- B. Agricultural
- C. Residential
- D. Public/Quasi-Public
- E. Office
- F. Commercial
- G. Employment and Industrial

- H. Utilities
- I. Accessory

Within each category there are one or more use categories listed (e.g. Residential includes Assisted Living Facility, Community Residence, Duplex, Multiple Residence, Single Residence, etc.). Some use categories include subsets such as Single Residence having Attached and Detached subcategories.

Staff has reviewed each of the draft use categories against the uses listed in the current zoning ordinance district chapters and found that all listed existing uses, with a few exceptions that will be discussed when they come up, are provided for in the new categories. The use categories have also been drafted to address some recent issues with desired land uses. One example of that is to add "day care and training" under Animal Services. Another example is to distinguish types of contractor businesses.

Staff is not planning to provide a detailed review of each of the use categories at this time but rather to discuss them as needed when reviewing the individual zoning district chapters.

Open Space Zoning District (Chapter 9 in current ordinance, Chapter 5 in the revised ordinance)

Section 5.01, Purpose, has been expanded to include a description of each of the zoning districts as done in the other chapters.

Section 5.02, Permitted Uses, lists the uses allowed in each zoning district. The footnotes and Zoning Requirements (Sec. 5.03) provide all the details listed for each of the uses in the existing ordinance.

Open Space Conservation District - OSC

Listing of uses:

- The current ordinance allows "Trails, with approval of the Town Council" as a use in the OSC zoning district. There is no process provided for how the Town Council approval is to be given. To provide a clear path for this approval, this use is included in the "Trails, Trail Heads" use category and requires approval of a SUP.
- The statement that no other uses are allowed in the OSC District is covered in footnote 1.

Open Space Recreational District - OSR

Listing of uses:

- The current ordinance allows "Golf course" as a use with a limitation on miniature golf. The new ordinance allows this use and uses footnote 2 to provide the use limitation.
- This district also includes "Park land" and "Public and private wildlife reservations" as uses by right in this district. Those are both included in the "Parks and Nature Preserves" use category.
- "Publicly and privately owned or operated fire and/or public police stations" are included in the "Protective Services" use category of the revised ordinance.

- The conditions for "Utility services" are provided in Sec. 5.03 B of the revised ordinance.
- The "Special Event Facility" use is provided as an Accessory use with the standards provided in Sec. 5.03 C.
- Current Sec. 9.03 allows "Mater-Planned Village Sales" as a temporary use. This is listed under Accessory uses in the new table with the associated requirements in Sec. 5.03 D.
- Wireless telecommunication uses are not specifically listed in the current ordinance for each zoning district. The current Chapter 17, Wireless Telecommunications Towers and Antennas, allows for this use either by right or with a SUP in most districts. Adding the use to the district tables helps clarify this allowance.

Open Space Preservation District - OSP

Listing of uses:

- "Archaeological or historic sites" are included in the "Parks and Nature Preserves" use category.
- For the two uses in the current ordinance for "Public Trailheads", a SUP is required to give the required Council approval and the standards are listed in Sec. 5.03 A.
- The standards for "Utility Services" are included in Sec. 5.03 B.
- The limitation on other uses in the current code is addressed in footnote 1 of the revised ordinance.

Sections 5.04–5.08 contain the same references as listed in the current Sections 9.07 - 9.11.

Section 5.09, Density, Area, Building, and Yard Regulations, contains the same table format used in the other chapters to provide this information. This section replaces the current Sections 9.04 -9.06. The table format makes it easier to read and understand these requirements.

Single Family Zoning Districts (Chapter 10 in the current ordinance, Chapter 6 in the revised ordinance)

The major change in this chapter has been to put the uses into the new table format.

Clarifications or requirements associated with uses contained in the current ordinance are handled through the footnotes and the references under the Zoning Requirements heading.

Listed uses, all districts:

- Single-family dwelling. The new use category describes it as a single dwelling unit per lot. An addition to the revised ordinance is to recognize both detached and attached single-family homes. Attached single-family homes are homes on their own lot that share a common wall with an adjacent dwelling. These are often referred to as town homes or row houses. Note, the attached single-family is not permitted in the single-family zoning districts. This use category includes reference to two sections for additional requirements.
- Churches are listed as "Place of Worship" in the revised ordinance. Footnote 2

addresses the requirements stated in the current code.

- Public schools are allowed by right. Private schools with substantially the same curricula as public schools are listed under Commercial land uses and includes a footnote to cover the condition stated in the current code.
- Utility services are the same, footnote 4 addresses the conditions stated in the current code.
- The other uses by right are also included within the table with footnotes and references as needed to cover all the requirements listed in the current code. One change is to drop "Accessory buildings" from the list. Zoning Ordinance Sec. 5.02 C covers accessory buildings.

The current ordinance, in Sec. 10.03 B, provides for Bed and Breakfast use. This has been dropped from the revised ordinance due to the current allowances under state statutes for short-term rentals. This is one of the few substantive changes to the ordinance.

What is Sec. 10.04 B in the current ordinance was moved to 6.04 C in the revised ordinance.

The remaining sections were renumbered to the current format with no changes.

Related Ordinance, Policy or Guiding Principle

N/A

Risk Analysis

N/A

Recommendation(s) by Board(s) or Commission(s)

N/A

Staff Recommendation(s)

This item is for discussion and general direction. No recommendations are being made at this time.

Suggested Motion

N/A

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | |
|--|
| <ol style="list-style-type: none">1. Section 1.13 Land Use Classifications2. New Chapter 5 Open Space3. New Chapter 6 Residential4. Fountain Hills Zoning Ordinance Chapter 9 (1)5. Fountain Hills Zoning Ordinance Chapter 10 |
|--|

Section 1.13 Land Use Classifications

Land use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Zoning Administrator shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Section. The Zoning Administrator may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

A. Open space.

Golf Course. An area of land laid out for playing golf with a series of 9 or 18 holes, each including tee, fairway, and putting green and often with one or more natural or manmade hazards. This use classification includes associated clubhouses and maintenance facilities. Does not include miniature golf or practice driving ranges.

Parks and Nature Preserves. Includes passive and active parks, natural area preservation, public and private wildlife reservations, and archeological and historic sites.

Trails, Trail Heads. Improved trails for biking and hiking. May include provision of trailhead facilities such as parking lots, restrooms, benches, ramadas, and similar features.

Undeveloped Natural Land. Land that has been left in it's natural, unaltered condition including topography and vegetation.

B. Agricultural.

Corrals. Areas set aside and fenced for the keeping of livestock.

C. Residential.

Assisted Living Facility. A residential care institution, including adult foster care, that is licensed by the State of Arizona to provide supervisory care services, personal care services or directed care services on a continuing basis for eight (8) or more residents.

Community Residence. A dwelling unit shared by five (5) or more unrelated individuals as defined in Sec. 1.12 of the Zoning Ordinance.

Family Community Residence. A community residence with five (5) to eight (8) beds, including resident staff, that is a relatively permanent living arrangement with no limit on the length of tenancy as determined in practice or by the rules, charter, or other governing documents of the community residence. The minimum length of tenancy is typically a year or longer.

Transitional Community Residence. A community residence with five (5) to six (6) beds, including resident staff, that provides a relatively temporary living arrangement with a limit on length of tenancy more than thirty (30) days and less than a year, as determined either in practice or by the rules, charter, or other governing document of the community residence.

Duplex. Two attached dwelling units on one lot.

Multiple Residence. Three or more primary dwelling units on a single lot. Types of multiple residence dwellings include garden apartments, multi-story apartments, and condominiums.

Single Residence. A dwelling unit designed for occupancy by one household, and located on a separate lot from any other unit (except for an accessory dwelling unit where allowed). This classification includes individual manufactured housing units and individual recreational vehicles when used as residences in RV parks and subdivisions.

Attached. A single residence dwelling unit, located singly on a lot, but attached through common vertical walls to one or more dwellings on abutting lots. An attached single residence dwelling unit is sometimes referred as a "townhome" or a "rowhouse."

Detached. A single residence dwelling unit that is not attached to any other dwelling unit (except accessory living quarters, where allowed).

D. Public/Quasi-Public.

Community and Cultural Activities. Public or non-profit facilities and institutions providing services and activities to the population of the community such as recreation centers, community centers, libraries, and museums.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Detoxification Center, Inpatient. Facilities that provide onsite, inpatient detoxification services. These same facilities may also provide outpatient detoxification services.

Educational Facilities.

Colleges and Universities. Public or private post-secondary institutions of higher learning that grant associates or higher degrees and may also have research facilities. This classification includes community colleges that grant associate degrees and/or certificates of completion in business or technical fields.

Primary and Secondary Schools. Public facilities for primary or secondary education having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, junior high school, and high school, including accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

Trade School, Commercial. Public schools established to provide teaching of clerical, medical, managerial, or artistic skills such as nursing, accounting, data processing, or computer repair. This classification excludes establishments providing training for activities that are not otherwise allowed in the zoning district.

Trade School, Industrial. Public schools offering training in industrial trades such as welding or metal fabrication.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes equipment service centers and similar centers and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

Hospitals. Institutions providing medical and surgical care to the sick or injured, including operating facilities and beds for patients to stay overnight. These establishments may include ancillary uses such as nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, temporary housing for families of patients, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors.

Nursing and Convalescent Facilities. Establishment that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of Arizona, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Parks and Recreation Facilities. Parks, playgrounds, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and botanical gardens and ancillary concessions or other support facilities.

Places of Worship. A facility of religious worship and incidental religious education and offices and may include private schools (grades K -12) for primary or secondary education, as defined in this section. This classification includes churches, synagogues, temples, and other facilities primarily used for religious services and activities.

Protective Services. Facilities providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, and maintenance facilities.

Public Maintenance Facilities. Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas for government entities. This classification includes equipment service centers and similar public facilities.

Substance Abuse or Addiction Treatment Center, Lodging. Facilities providing treatment, training, or education as part of an alcoholism or drug addiction program. May include providing detoxification services in conjunction with the treatment and may include provisions where clients can lodge at the facility and receive meals.

E. Office.

Business and Professional. Offices of firms or organizations providing professional, executive, management, administrative, or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, real estate, and legal services.

Detoxification Center, Outpatient. Facilities providing outpatient drug or alcohol detoxification services with or without training, education, or treatment services at the same location.

Medical. Offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification includes medical laboratories, massage therapy, and counseling services.

Radio and Television Broadcasting Stations. An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, or television programs or motion pictures. This use category does not include transmission towers.

Substance Abuse or Addiction Treatment Centers. Facilities providing treatment, training or education as a part of an alcoholism or drug addiction program without on-site detoxification, lodging, or meals.

F. Commercial.

Adult Businesses. An adult business is a commercial establishment that regularly offers, sells, or distributes adult-oriented material or sexually-oriented merchandise, or that features entertainment or services characterized by depictions or descriptions of specified sexual activities or anatomical areas. This often includes establishments like adult bookstores, arcades, theaters, cabarets, and motels.

Animal Services.

Day Care and Training. Commercial facilities for the keeping or training of four (4) or more dogs, cats, or other household pets not owned by the facility owner or operator for periods no longer than twelve (12) hours.

Groomers. Facilities providing grooming services for dogs and cats including incidental keeping of animals associated with drop off and pick up.

Kennels. Facilities for keeping, boarding, breeding or maintaining for commercial purposes, four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops, grooming services, and animal hospitals that provide 24-hour accommodation of animals receiving medical.

Veterinary. Medical care for small and large animals on a commercial basis. This classification allows 24-hour accommodations of animals receiving medical services but does not include kennels. This classification includes animal hospitals and clinics providing services such medical examinations, diagnosis, and procedures; dispensing of medications for animals; providing surgical procedures, and space for supervised recuperation from medical and surgical procedures.

Automotive Sales and Rentals.

Automobile Rentals. Rental of automobiles, including storage and incidental maintenance.

Automobile Sales. Sales or leasing of motorcycles, automobiles and trucks up to 14,000 pounds gw, including storage and incidental maintenance.

Golf Cart and ATV's. Sales or leasing of electric or gas-powered golf carts and ATV's up to 2000 pounds in size.

Large Trucks and RV's. Sales and leasing of large vehicles, boats, motor homes and recreational vehicles including storage and incidental maintenance.

Construction Equipment. Sales, service, rental and storage of construction equipment such as forklifts, excavators, backhoes, dump trucks, etc.

Automotive Maintenance and Repair.

Automotive Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

Automotive Repair, Minor. The service and repair of automobiles, light-duty trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, and tire sales and installation, where repairs are made, or service is provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy (14,000 pounds or more) trucks or construction vehicles.

Carwash. Washing, waxing, vacuuming, or cleaning of automobiles or similar light vehicles, including automatic, self-serve, and hand washing facilities.

Business Support Services. Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including such things as printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building.

Child/Adult Day Care Facilities. Establishments providing non-medical care for persons on a less than 24-hour basis other than in a residential home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of Arizona.

Commercial Entertainment. Provision of spectator entertainment to the general public including live and motion picture theaters and concert halls. This category excludes cabarets, nightclubs, and similar establishments providing entertainment incidental to food or beverage sales.

Commercial Parking. Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity.

Contractors, Building and Property Maintenance. Establishments engaged in providing contracting, or building, property and landscape maintenance services. This classification includes uses such as land surveyors, pest control, plumbers, electricians, homebuilders, etc.

Offices Only. Establishments for the uses described above that maintain an office only with parking for company vehicles but no other onsite storage of equipment or materials.

Indoor Storage. Establishments for the above uses that also include provisions for indoor storage and warehousing of equipment and supplies.

Outdoor storage/Large Equipment. Establishments for the above uses that include onsite storage and maintenance of large construction equipment and/or outdoor storage of other equipment, material, or supplies.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bar, Club, Lounge. Businesses serving beverages for consumption on the premises as a primary use including on-sale service of alcohol including beer, wine, or mixed drinks, and businesses that do not meet the definition of restaurant.

Catering. Businesses that prepare food and drinks for delivery to an event which takes place off-site.

Restaurants. Establishments providing food and beverage sales and services to patrons for consumption on-site, take out, or delivery. At least 40% of gross sales revenue must be from serving food to be classified as a restaurant.

Event and Reception Centers. Facilities that are rented on a short-term basis for events such as weddings, receptions, banquets, and conferences as a principle business activity (not as an accessory to an other use such as a place of worship or a community center).

Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions and businesses offering check-cashing facilities, but excluding non-chartered financial institutions.

Food and Beverage Stores. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

Convenience Stores. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically found in establishments with long or large hours of operation and relatively small building of less than 5,000 square feet. This

classification includes small retail stores located on the same parcel as or operated in conjunction with a fueling station.

General Market. Retail markets of food and grocery items for off-site preparation and consumption. Typical uses include supermarkets and specialty food stores, such as bakeries, candy, nuts and confectionary stores, meat or produce markets, vitamins and health food stores, cheese stores and delicatessens.

Liquor Stores. Retail establishments that sell a variety of beer, wine, and other spirituous liquors for off-site consumption.

Fueling Stations.

Electric Vehicle Charging Stations. Establishments providing stations for charging of electric vehicles as a primary use.

Gasoline Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing convenience or grocery services.

Funeral Parlors and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Includes facilities for pets.

Crematory, columbarium, or mausoleum.

Furniture and Appliance Repair. The on-site maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive Maintenance and Repair) and personal apparel (see Personal Care).

Hotels/Motels/Lodging. Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs. The length of stays for the majority of guests at these facilities are for 30 days or less.

Landscape Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products - such as trees, shrubs, plants, seeds, bulbs, and sod - that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves as well as other related products such as pavers, fence materials, landscape lighting, etc. This classification includes wholesale and retail nurseries offering plants for sale.

Live/Work Units. A commercial or industrial unit with integrated residential accommodations that include adequate working space reserved for office, commercial or industrial use and regularly used for such purpose by 1 or more persons residing in the unit and a cooking space and sanitary facilities in conformance with applicable building code standards.

Medical Marijuana. A nonprofit facility operating as medical marijuana dispensary and/or cultivation site in conformance duly registered and certified pursuant to ARIZ. REV. STAT. § 36-2801 - 2822.

Personal Care. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

Recreation. Provision of commercial participant or spectator recreation to the general public, excluding public park and recreation facilities.

Indoor. This classification includes indoor facilities such as billiard parlors, bowling centers, card rooms, dance studios, exercise studios, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, archery and gun ranges, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small. Occupy less than 15,000 square feet of building area,

Large. Occupy 15,000 square feet of building area or more.

Outdoor. This classification includes outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, driving ranges, golf courses (daily fee), riding stables, pickleball, tennis facilities, campgrounds etc. This

classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small. Occupy less than 2 acres and do not have stadium seating.

Large. Occupy more than 2 acres or have stadium seating.

Retail/Rental. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores.

Small. Occupy less than 25,000 square feet of building area and maintain all merchandise and materials indoors.

Large. Occupy 25,000 square feet of building area or more or include outdoor display or storage of merchandise for sale.

Pawn Shops. A business in which a principal business activity involves advancing money on the security of pledged goods or purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Schools, Private. An institution conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels operated by a nongovernmental organization.

Primary and Secondary Schools. Private facilities for primary or secondary education having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, junior high school, and high school, including accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

Trade School, Commercial. Private schools established to provide teaching of clerical, medical, managerial, or artistic skills such as nursing, accounting, data processing, or computer repair. This classification excludes establishments providing training for activities that are not otherwise allowed in the zoning district.

Trade School, Industrial. Private schools offering training in industrial trades such as welding or metal fabrication.

Self-storage. Commercial facilities offering storage for individual use. An on-site residence may be present for use by the site manager and family.

Indoor. Facilities which have all of the individual storage units accessed from a climate controlled interior hallway.

Exterior. Facilities which have some or all of the individual storage units accessed from an exterior door.

Vehicle, Boat and RV. Facilities providing outdoor storage for cars, trucks, boats, RV's and similar vehicles.

Studios (art, dance, music, photography, etc.) Galleries and workspace for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. There may be incidental retail sales of items produced on the premises. This category may also include incidental instruction.

Taxidermists. Businesses involved in the art of preparing, stuffing, and mounting the skins of animals with lifelike effect

Tattoo and Body Piercing Studios. Establishments whose principal business activity is one (1) or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Exception: Piercing earlobes as an accessory or subordinate activity when done at a shop or store selling jewelry as primary activity.

G. Employment and Industrial.

Art, Metal and Ornamental Iron Shops. Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, furniture, cabinet making, and similar items using hand tools and small mechanical devices.

Light Assembly/Cabinet Shops. Putting together, fabricating, or making minor modifications to pre-manufactured items or pre-cut lumber as a last step for items intended to be sold as finished products. Includes assembling cabinets, furniture making and welding of pre-made parts, but excludes metal extrusion, sawmills, and manufacturing.

General Industrial. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; recycling materials processing facilities in which post-consumer materials are sorted, condensed, baled, or transformed; and automotive, ship, aircraft, and heavy equipment manufacturing.

Light Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Impound Yard. These facilities are for the temporary storage of abandoned, wrecked or legally impounded vehicles regardless of running condition. Such facilities are not to be used for the dismantling of any vehicle, the storage of parts, nor the retailing or wholesaling of any vehicle or vehicle parts.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber.

Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of materials, vehicles or commercial goods (other than construction materials and commercial vehicle storage facilities) in open lots.

Recycling. A center for the collection and/or processing of recyclable materials.

Research and Testing Laboratories. Establishments primarily engaged in scientific research, and the design, development, engineering, and testing of high-technology electronic, industrial or scientific products in advance of product manufacturing. The production of products, plans, or designs may be part of this classification when the primary purpose of such production is research, development, or evaluation, rather than sale. Typical uses include biotechnology firms, electronic research firms, or pharmaceutical research laboratories.

Salvage. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Wholesale. Establishments engaged in the distribution and sale of items for resale by retail stores, or bulk sale of goods to other professional business, industrial, or institutional users. Such activities are characterized through sales of items in large or gross quantities and not as individual items, and such establishments are typically not open to the general public for the purpose of offering items for individual sale or consumption of goods.

H. Utilities.

Utility Facilities. Electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utility Services. Includes distribution mains with attendant facilities and appurtenances, water tanks, control cabinets, and related equipment to facilitate the functioning of the utility system.

I. Accessory Uses. In addition to uses listed above that could become an accessory use to another primary activity on a property, the following uses may only occur as an accessory use.

Guest House. Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. The accessory building may be attached to or detached from the main building. Such quarters shall not be rented, and/or otherwise used for income producing purposes.

Home Day Care Center. A residential facility in which care for nonresidents is provided for periods of less than twenty-four hours per day, for five or less people.

Home occupation. Any occupation or profession carried on in a dwelling unit by residents thereof which use or activity is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof.

Master-Planned Village Sales and Information Center. A temporary facility as part of a master planned development offering information about the development.

Model Home. Temporary use of a home built in a subdivision for the purposes of demonstrating the types of homes and features that can be built in the subdivision.

Stand-alone ATM. An automated teller machine located away from and not part of any other building or structure.

Swim school. A school provided from a single-family dwelling providing swimming lessons.

Wireless Communications Towers. Towers erected on a property to contain antennas for broadcast of radiofrequencies.

Chapter 5

Open Space Zoning Districts

Section 5.01 Purpose

The principal purpose of the Open Space Zoning Districts is to conserve and protect open space, natural desert lands, wildlife habitat, and lands agreed to be left undeveloped in master plan approval through hillside disturbance transfers. The primary purpose of designating these areas is to raise the degree of assurance that designated open space and recreational areas will remain open.

- A. Open Space Conservation (OSC). The principal purpose of this Zoning District is to conserve open space areas of the Town in their natural state. Trail use approved by the Town Council is the only development allowed in this district.

- B. Open Space Recreational (OSR). The principal purpose of this district is to maintain natural desert terrain and vegetation while allowing limited amounts of compatible development.

- C. Open Space Preservation (OSP). The principal purpose of this district is to preserve and protect open space, natural desert lands, and wildlife habitat, while allowing minimal development activities that support the ability to enjoy the native desert.

Section 5.02 Permitted Uses

"P" designates use classifications permitted in the Agriculture District.

"SUP" designates use classifications permitted on approval of a Special Use Permits.

"--" designates use not allowed in that zoning district.

"TUP" designates use classifications permitted on approval of a Temporary Use Permit.

"(x)" a number in parentheses refers to a footnote following the table.

Table 5.02: Uses Permitted in Open Space Districts

Land Use Category (See Sec. 1.13)	Zoning Districts			Zoning Requirements
	OSC (1)	OSR	OSP (1)	
A. Open Space				
Golf Course	--	P (2)	--	
Parks and Nature Preserves	--	P	P	
Trails, Trail Heads	SUP	--	P/SUP	Sec. 5.03 A.
Undeveloped Natural Land	P	P	P	
D. Public/Quasi-Public				
Protective Services	--	P	--	
H. Utilities				
Utility Services	--	P	P	Sec. 5.03 B.
I. Accessory				
Event and Reception Center	--	P	--	Sec. 5.03 C.
Master-Planned Village Sales and Information Center	--	TUP	--	Sec. 5.03 D.
Wireless Telecommunication Towers	--	SUP	--	Chapter 24

(1) No other uses or structures except those specifically listed are permitted.

(2) Includes clubhouses but not miniature golf courses

Section 5.03 Specific Regulations

A. Public Trailhead with facilities such as, but not limited to ranger stations, parking areas, restrooms, seat benches, covered ramadas and similar structures, trails, trail improvements, and similar features. Within the Fountain Hills McDowell Mountain Preserve must substantially conform to the adopted Master Plan.

B. Utility Services

1. In the OSR district, does not including offices, wastewater treatment plants, generating stations, and wireless communications towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.

2. In the OSP district, only allows utility services, water tanks, and emergency access easements. May grade, landscape, or otherwise encroach with specific approval of the Town Council with an encroachment permit.

C. Event and Reception Centers. A golf course operator may develop and operate a special event facility within or immediately adjacent to a clubhouse, if those criteria listed below are met. A special event facility is a permanent building that is developed for individual short-term special events at the clubhouse, including weddings, parties, meetings, golf tournaments and other similar events. The size limitations of the special event facility, as noted below, shall include any restrooms, storage areas, or other portions of the building that are developed for the sole use of the special events facility. In the review of a building permit application for a special event facility, the Town may consider building elevations, building materials, building color, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

1. A special event facility shall be constructed using the same exterior building materials and paint color as the clubhouse. Unless permitted by a development agreement, tents, membrane structures or similar buildings or structures are specifically prohibited. However, temporary single-event tent(s) may be permitted by Special Event permit pursuant to Section 15.16 of this Ordinance.

2. Any golf course clubhouse may have a special event facility that is up to 2,400 square feet in size, regardless of the size of the clubhouse. A special event facility may be greater than 2,400 square feet in size, but the special event facility shall be no greater than thirty (30%) percent of the air-conditioned areas of the clubhouse, but not including any golf cart storage or maintenance areas of the clubhouse,

3. In no case shall a special event facility be used between the hours of 12:00 AM and 6:00 AM on Friday and Saturday evenings. A special event facility shall not be used between the hours of 10:00 PM and 6:00 AM on Sunday through Thursday evenings. However, on holidays that occur on Sunday through Thursday evenings, the Development Services Director may, with prior approval, allow a special event facility to be used until 12:00 AM instead of 10:00 PM. If the Development Services Director determines that music or crowd noise has disturbed adjacent residential users, the Development Services Director, at his/her discretion and by certified letter to the golf course operator, may further limit the hours of future special events.

4. No additional parking spaces are required to be provided for a special event facility. However, there shall be no nongolf-related events that utilize the special event facility that begin before 4:00 PM unless either additional on-site parking for the facility is provided at a rate of one parking space per every 4 persons of the capacity of the special event facility or alternative parking accommodations and transportation (if necessary) are provided and prior approval is given by the Development Services Director.

5. There shall be no additional signage associated with the special event facility.

D. Master – Planned Village Sales and Information Center within a Clubhouse. The developer of a master-planned village may operate a master-planned village sales and information center within a clubhouse by temporary use permit only. In the review for a master-planned village sales and information center temporary use permit, the Town staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a center be open before 7:00 A.M. or after 9:00 P.M.
2. The center shall be for the purpose of marketing the specific master-planned village, the sale of lots in the master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, the resale of lots, subdivisions with model homes, or property outside of the master-planned village. The sale of country club memberships within the master-planned village is permitted as an accessory use only if the master-planned village has such a country club.
3. There shall be at least twenty (20) off-street parking stalls provided in addition to the minimum parking demand for the golf course.
4. The use shall cease upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
5. Signage shall be in conformance with Chapter 6 of this ordinance.

Section 5.04 General Provisions

The general provisions in Chapter 5 herein shall apply.

Section 5.05 Signs

The sign regulations in Chapter 6 herein shall apply.

Section 5.06 Parking and Loading

The parking and loading regulations in Chapter 7 herein shall apply.

Section 5.07 Outdoor Lighting

The outdoor lighting provisions in Chapter 8 herein shall apply.

Section 5.08 Plan Review

The site plan review provisions in Chapter 2, Section 2.04 herein shall apply.

Section 5.09 Density, Area, Building and Yard Regulations

Table 5.09 specifies the minimum lot sizes, minimum lot widths, maximum building heights, minimum yard setbacks and maximum lot coverage percentages, and the minimum distance between buildings.

Table 5.09 Density, Area, Building and Yard Regulations

District	Area (Sq. Ft.)	Width (feet)	Bldg. Height (feet)	Minimum Yard Setbacks			Lot Coverage	Distance Between Bldgs. (feet)
				Front	Side	Rear		
OSC	None	None	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)
OSR	5 acres per building	None	30'	60'	30' (2)	60'	5%	10'
OSP	10 acres per building	None	20'	60'	30' (2)	60"	5%	10"

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- (1) This district does not allow buildings or structures.
 - (2) On each side of a building

Chapter 6

Single-Family Residential Zoning Districts

Section 6.01 Purpose

The Single-Family Residential Districts are designed to provide for a wide range of single-family residential land use areas. The purpose of these Districts is to protect the stability of existing neighborhoods and to encourage desirable new residential developments, encompassing the many lifestyles and areas of the Town, from large-lot development to cluster development. It is also the intent of these Districts to accommodate the needs of single-family residential neighborhoods by providing for associated, limited, nonresidential uses, including religious, educational and recreational facilities. The Single-Family Residential Districts are further delineated in the following categories:

A. Low-Density Residential Districts:

1. R1-190. Single-Family Residential Zoning District – 190,000 Square Feet Per Dwelling Unit: The principal purpose of the zoning district is to conserve and protect open space land uses, foster orderly growth in steep topography, and prevent urbanization of significant topographic areas with native desert vegetation. The primary purpose of requiring large minimum lots not less than one hundred ninety thousand (190,000) square feet in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks, and playgrounds, and governmental services such as police and fire protection are not as readily available or could not reasonably be made available. Principal uses permitted in this zoning district include both low-density single-family residential, recreational and institutional uses.

2. R1-43. Single-Family Residential District – One-Acre Per Dwelling Unit: The principal purpose of this zoning district is to foster orderly low-density growth and prevent urban land use conflicts; but when governmental facilities and services, public utilities and street access are available, or can reasonably be made available, applications for change of this zoning district to any other single-family residential zoning district will be given favorable consideration.

3. R1-35. Single-Family Residential Zoning District – 35,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than thirty-five thousand (35,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

4. R1-35H. Single-Family Residential Hillside Zoning District – 35,000 Square Feet per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than thirty-five thousand (35,000) square feet in area are suitable and appropriate, taking into consideration existing hillside conditions, including present use of land, present lot sizes, future land use needs, hillside preservation, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

B. Medium Density Residential:

1. R1-18. Single-Family Residential Zoning District – 18,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eighteen thousand (18,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

2. R1-10. Single-Family Residential Zoning District – 10,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than ten thousand (10,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

3. R1-10A. Single-Family Residential Zoning District – 10,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family

residential development where minimum lots of not less than ten thousand (10,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

4. R1-8. Single-Family Residential Zoning District – 8,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eight thousand (8,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

5. R1-8A. Single-Family Residential Zoning District – 8,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eight thousand (8,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

6. R1-6. Single-Family Residential Zoning District – 6,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than six thousand (6,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

7. R1-6A. Single-Family Residential Zoning District – 6000 Square Feet Minimum Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than four thousand, five hundred (4,500) square feet in area are suitable. Additional useable open space within the platted subdivision must be provided, so that when the lot areas and the useable open space are combined, they will result in not less than six thousand (6,000) square feet in

area per dwelling unit. This Zoning District may be designated in areas that are suitable and appropriate when taking into consideration the existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

Section 6.02 Permitted Uses

"P" designates use classifications permitted in the Residential District.

"SUP" designates use classifications permitted on approval of a Special Use Permits.

"--" designates use not allowed in that zoning district.

"TUP" designates use classifications permitted on approval of a Temporary Use Permit.

"(x)" a number in parentheses refers to footnotes following the table.

Table 6.02 Uses Permitted in Single-Family Residential Zoning Districts

Land Use Category (See Sec. 1.13)	Zoning Districts	Zoning Requirements
	R1-190, R1-43, R1-35H, R1-35, R1-18, R1-10, R1-10A, R1-8, R1-8A, R1-6, R1-6A	
A. Open Space		
Golf Course	P (1)	
Parks and Nature Preserves	P	
B. Agricultural		
Corrals	P (R1-190, R1-43, R1-35H, and R1-35 only)	Sec. 6.04 A.
C. Residential		
Community Residence	P	Sec. 15.13
Single Residence		

Detached	P	Sec. 6.04 B. & C.
D. Public/Quasi-Public		
Community and Cultural Activities	P	
Educational Facilities		
Primary and Secondary Schools	P	
Parks and Recreation Facilities	P	
Place of Worship	P (2)	
Protective Services	P	
F. Commercial		
Child/Adult Day Care Facility	TUP	Sec. 6.04 D.
Schools, private		
Primary and Secondary Schools	P(3)	
H. Utilities		
Utility Services	P (4)	
I. Accessory		
Guest House	P (5)	Sec. 15.06 H.
Home Day Care Center	P	Sec. 6.04 E.
Home Occupation	P	Sec. 15.14
Master-Planned Village Sales and Information Center	TUP	Sec. 6.04 F.
Model Home	TUP	Sec. 6.04 G.
Swim School	TUP	Sec. 6.04 H.
Wireless Communication Towers and Equipment	P	Chapter 24

(1) Includes clubhouses but not miniature golf courses.

(2) Includes accessory columbaria provided that the building area of the columbaria shall not exceed ten (10) percent of the total building area of the church buildings.

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- (3) Private schools allowed if they have curricula substantially the same as customarily offered in public schools.
 - (4) Not including offices, wastewater treatment plants, generating plants, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in this ordinance.
 - (5) May not be used for any commercial or non-residential use and cannot be owned separately from the principal building.

Section 6.03 Prohibited Uses

Except for items listed above, nonresidential uses or activities of property or dwellings and associated structures are prohibited.

Section 6.04 Specific Regulations

A. Corrals for the keeping of horses are permitted in the R1-190, R1-43, R1-35H, and R1-35 Zoning Districts provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than forty (40) feet and contain at least twenty thousand (20,000) square feet of area for each horse kept therein. The keeping of horses on properties located in residential Zoning Districts in other than permitted corral areas is prohibited.

B. In order to ensure that homes being built in single-family zoned neighborhoods qualify to be considered single-family dwellings, the following provisions shall apply:

1. The front facade of the dwelling should not include mirror images of each half of the building, especially with the placement and orientation of multiple two-car garages and points of entry.
 2. *Kitchens.* If a dwelling unit includes more than one area indoors for the preparation of food (a kitchen), one kitchen must be designated on the building plans as the primary kitchen and the total countertop area, including islands, devoted to other indoor area(s) for preparation of food can be no more than half the square footage of countertop area in the designated primary kitchen.
 3. *Floor Plan, Except as Allowed for Guest Houses.* All conditioned space within the dwelling must be fully accessible from all other areas within the dwelling without having to go outside. No fire rated walls can separate one part of the dwelling from another.
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C. A plan for a single-family dwelling shall not be approved as a single-family dwelling:

1. If it is designed with more than one distinct living area when each area contains at least six of the following:

- a. Bedroom(s);
- b. Three-quarter or larger bathroom(s);
- c. Laundry room;
- d. Kitchen or area for food preparation;
- e. Separate water heater;
- f. Separate, direct access from:
 - i. The front side of the property, or
 - ii. The garage;
- g. Separate HVAC system with thermostats;
- h. Electrical service from subpanels are aligned with the distinct living areas of the dwelling.

2. The above limitation shall not apply to:

- a. Guest houses meeting the requirements of large accessory structures; or
- b. Designs when one of the living areas is less than thirty percent (30%) of the size of the livable area of the dwelling unit.

D. Child/Adult Day Care Facilities. A day care center for the care of more than five (5) people is permitted by temporary use permit only. A day care center for the care of more than five (5) people may be operated in Single-Family Residential Zoning Districts with the following minimal stipulations:

1. The Day Care Operator must reside in the house. If a nonresidential facility is legally used for another purpose, such as a church building, this requirement may be waived.

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2. No more than ten (10) nonresidents may be cared for in a residential structure.
 3. Only one (1) nonresident employee may be allowed and one (1) additional on-site parking space shall be required for this employee.
 4. One non-tandem parking space shall be required for each five (5) persons, or fraction thereof, allowed in the day care center.
 5. Only one sign not to exceed two (2) square feet in size and mounted flatly on the wall of the residence shall be permitted.
 6. The play yard must be fenced with a minimum five (5) foot high fence.
 7. No playground equipment, ornamental figures, or designs denoting a Day Care Center shall be allowed in front of the front plane of the principal building.
 8. Any Day Care Center with a swimming pool or other applicable body of water as defined in Section 5.09 D. of this Ordinance must meet the requirements for a pool enclosure described in that Section.
 9. Any Day Care Center, which cares for more than five people, shall be required to have a valid Fountain Hills Business License and be licensed by the State of Arizona.

E. Home Day Care Center in an operator's residence, with no swimming pool, for five (5) or less people, operation only between the hours of 6:00 A.M. and 8:00 P.M. No signage or other evidence of a day care center is permitted. One additional off-street parking space is required. Any operation of a day care center prior to 6:00 A.M. and after 8:00 P.M. is permitted only by a special use permit.

F. Master-Planned Village Sales and Information Center: The developer of a master-planned village may operate a master-planned village sales and information center within a residentially zoned area by temporary use permit only. In the review for a master-planned village sales and information center temporary use permit, the staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall the center be open before 7:00 A.M. or after 9:00 P.M.
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2. The center shall be for the purpose of marketing the specific master-planned village, the sale of lots in the master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, the resale of lots, subdivisions with model homes, or property outside of the master-planned village. The sale of country club memberships within the master-planned village is permitted as an accessory use only if the master-planned village has such a country club.
 3. There shall be at least twenty (20) off-street parking stalls provided.
 4. The center must be a permanent structure that meets the adopted building codes of the Town.
 5. There shall be no more than one such center in the master-planned village.
 6. The center shall be removed upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
 7. Signage shall be in conformance with Chapter 6 of this ordinance.
 8. There shall be a landscape buffer of at least one hundred fifty (150) feet between the sales and information center and any occupied residential structures.
 - a. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and nonorganic ground cover materials. Landscaping shall consist of one (1) plant for each twenty (20) square feet of landscape area. At least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five (5) gallon plants. The approval of the above mixture of landscape materials shall be by the Zoning Administrator with appeal to the Planning and Zoning Commission.
 - b. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
 - c. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.
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G. Model Homes: Model Homes may be permitted in a single-family residential area by Temporary Use Permit only. In the review for a model home, the staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five days a week during normal business hours. In no case shall a model home be open before 7:00 A.M. or after 9:00 P.M.
2. The model home shall be for the purpose of marketing the construction of custom or tract homes with a given product line in Fountain Hills. A model home may not be used as an office for the marketing of developed property, or the marketing of property outside of Fountain Hills.
3. An off-street parking stall for each person stationed on site, plus two spaces shall be provided. Parking lots for model homes may be located on an adjacent lot owned by the owner of the model home.

H. Swim School: Swim schools may be permitted in residential zones by temporary use permit only. At a minimum, the following standards shall apply:

1. The swim school shall operate from a single-family dwelling unit. The operation of the swim school shall not change the residential character of the dwelling unit.
2. All employees of the swim school shall be members of the immediate family residing in the dwelling unit where the swim school is being operated, except that one employee may be a nonresident.
3. The area used for a swim school shall not exceed:
 - a. Thirty (30) percent of the area of the rear yard; and,
 - b. Twenty-five (25) percent of the gross floor area of the dwelling.
4. Customer trip generation shall not exceed twenty (20) trips a day.
5. No signs identifying the business or any commercial project or service are allowed.
6. Any pool used for a swim school shall be fenced in accordance with subsection 5.09(D) of this ordinance, as may be amended from time to time.

7. Other related activities, including, but not limited to, pool parties and aerobics instruction, are not allowed.

Section 6.05 General Provisions

The general provisions in Chapter 15 herein shall apply.

Section 6.06 Signs

The sign regulations in Chapter 16 herein shall apply.

Section 6.07 Parking and Loading

The parking and loading regulations in Chapter 17 herein shall apply.

Section 6.08 Outdoor Lighting

The outdoor lighting provisions in Chapter 18 herein shall apply.

Section 6.09 Plan Review

The site plan provisions of Chapter 2, Section 2.04, herein shall apply.

Section 6.10 Density, Area, Building and Yard Regulations

Table 6.10 specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks and maximum lot coverage percentages, and distance minimum between buildings.

Table 6.10 Density, Area, Building, and Yard Regulations

District	Area (Sq. Feet)	Width (Feet)	Bldg. Height (Feet) ^f	Minimum Yard Setbacks (Feet)				Lot Coverage	Distance Between Bldgs. (Feet)
				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,g}	25	30%	6
R1-10A	10,000	80 ^a	30	20	7	20 ^{d,g}	20	40%	6
R1-8	8,000	80	30	20	7	20 ^{d,g}	25	35%	6
R1-8A	8,000	80 ^a	30	20 ^{b,d,e}	7	20 ^{d,g}	20	40%	6
R1-6	6,000	60	30	20	5	20 ^{d,g}	25	40%	6
R1-6A	6,000 ^c	60 ^a	30	20 ^b	5	20 ^{d,g}	10	50%	6

a Flag lots permit a 30-foot width provided there are no more than two flag lots adjoining each other.

b A side entry garage is allowed a 10-foot 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 be set back at least 15.

f Lots on which the house footprint has an average natural slope in excess of equal to or greater than thirty percent (30%) are permitted to utilize the modified front setback and height standards for canyon-side lot, as determined pursuant to Section 15.10.

g For corner lots, extensions to a nonconforming structure on the street side yard may encroach into the required minimum building setback line if the extension is at or behind the existing wall plane of the adjoining structure, but shall be no closer than 10 feet to the property line, or the height of the extension, whichever is greater.

Chapter 9

Open Space Zoning District (OSC and OSR and OSP)

Section 9.01 Purpose

The principal purpose of the Open Space Zoning Districts are to conserve and protect open space, natural desert lands, wildlife habitat, and lands agreed to be left undeveloped in master plan approval through hillside disturbance transfers. The primary purpose of designating these areas is to raise the degree of assurance that designated open space and recreational areas will remain open.

Section 9.02 Permitted Uses

A. In the Open Space Conservation ("OSC") Zoning District:

1. Undeveloped natural land.
2. Trails, with the approval of the Town Council.
3. No other uses or structures, except those specifically allowed above, are permitted in the "OSC" Zoning District.

B. In the Open Space Recreational ("OSR") Zoning District:

1. Golf course, including clubhouses located thereon, but not including miniature courses.
2. Park land.
3. Public and private wildlife reservations.
4. Publicly and privately owned or operated fire and/or public police stations.
5. Undeveloped natural land.
6. Utility services, but not including offices, wastewater treatment plants, generating stations, and wireless communications towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.
7. *Special Event Facility as an Accessory Use to a Clubhouse.* A golf course operator may develop and operate a special event facility within or immediately adjacent to a clubhouse, if those criteria listed below are met. A special event facility is a permanent building that is developed for individual short-term special events at the clubhouse, including weddings, parties, meetings, golf tournaments and other similar events. The size limitations of the special event facility, as noted below, shall include any restrooms, storage areas, or other

portions of the building that are developed for the sole use of the special events facility. In the review of a building permit application for a special event facility, the Town may consider building elevations, building materials, building color, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

- a. A special event facility shall be constructed using the same exterior building materials and paint color as the clubhouse. Unless permitted by a development agreement, tents, membrane structures or similar buildings or structures are specifically prohibited. However, temporary single-event tent(s) may be permitted by Special Event permit pursuant to Section [5.16](#) of this Ordinance.
- b. Any golf course clubhouse may have a special event facility that is up to 2,400 square feet in size, regardless of the size of the clubhouse. A special event facility may be greater than 2,400 square feet in size, but the special event facility shall be no greater than thirty (30%) percent of the air-conditioned areas of the clubhouse, but not including any golf cart storage or maintenance areas of the clubhouse,
- c. In no case shall a special event facility be used between the hours of 12:00 AM and 6:00 AM on Friday and Saturday evenings. A special event facility shall not be used between the hours of 10:00 PM and 6:00 AM on Sunday through Thursday evenings. However, on holidays that occur on Sunday through Thursday evenings, the Development Services Director may, with prior approval, allow a special event facility to be used until 12:00 AM instead of 10:00 PM. If the Development Services Director determines that music or crowd noise has disturbed adjacent residential users, the Development Services Director, at his/her discretion and by certified letter to the golf course operator, may further limit the hours of future special events.
- d. No additional parking spaces are required to be provided for a special event facility. However, there shall be no nongolf-related events that utilize the special event facility that begin before 4:00 PM unless either additional on-site parking for the facility is provided at a rate of one parking space per every 4 persons of the capacity of the special event facility or alternative parking accommodations and transportation (if necessary) are provided and prior approval is given by the Development Services Director.
- e. There shall be no additional signage associated with the special event facility.

C. In the Open Space Preservation ("OSP") Zoning District:

1. Undeveloped natural land and open space.
2. Parks and Nature Preserves.
3. Archaeological or historic sites.
4. Public Trailhead with facilities such as, but not limited to , ranger stations, parking areas, restrooms, seat benches, covered armadas and similar structures, trails, trail improvements, and similar features that substantially conform to the adopted Master Plan for the Fountain Hills McDowell Mountain Preserve, with specific approval of the Town Council.

5. Public Trailhead with facilities such as, but not limited to, ranger stations, parking areas, restrooms, seat benches, covered armadas and similar structures, trails trail improvements, and similar features on land other than the Fountain Hills McDowell Mountain Preserve with specific approval of the Town Council.
6. Utility services, water tanks, and emergency access easements, may grade, landscape, or otherwise encroach, but not including offices, wastewater treatment plants, generating stations, sub-stations, or similar structures, with specific approval of the Town Council with an encroachment permit.
7. No other uses or structures, other than as listed above are permitted in the OSP Zoning District.

Section 9.03 Uses Subject to Temporary Use Permit in the "OSR" Zoning District

A. *Master – Planned Village Sales and Information Center within a Clubhouse.* The developer of a master-planned village may operate a master-planned village sales and information center within a clubhouse by temporary use permit only. In the review for a master-planned village sales and information center temporary use permit, the Town staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a center be open before 7:00 A.M. or after 9:00 P.M.
2. The center shall be for the purpose of marketing the specific master-planned village, the sale of lots in the master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, the resale of lots, subdivisions with model homes, or property outside of the master-planned village. The sale of country club memberships within the master-planned village is permitted as an accessory use only if the master-planned village has such a country club.
3. There shall be at least twenty (20) off-street parking stalls provided in addition to the minimum parking demand for the golf course.
4. The use shall cease upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
5. Signage shall be in conformance with Chapter [6](#), Section [6.07](#) of this ordinance.

Section 9.04 Height Regulations

A. Open Space Conservation ("OSC") Zoning District: In the "OSC" Zoning District, any building or other structure that height regulations regulate are not permitted.

- B. Open Space Recreations ("OSR") Zoning District: In the "OSR" Zoning District, the height of the buildings shall not exceed thirty – (30) feet.
- C. Open Space Preservation ("OSP") Zoning District: In the "OSP" Zoning District, the height of any buildings shall not exceed twenty – (20) feet.

Section 9.05 Yard Regulations

The required yards are as follows:

- A. Open Space Conservation ("OSC") Zoning District: In the "OSC" Zoning District, buildings or other structures which would need to observe specific setbacks are not permitted.
- B. Open Space Recreations ("OSR") Zoning District:
1. There shall be a front yard having a depth of not less than sixty (60) feet.
 2. There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.
 3. There shall be a rear yard having a depth of not less than sixty – (60) feet.
- C. Open Space Preservation ("OSP") Zoning District:
1. There shall be a front yard having a depth of not less than sixty – (60) feet.
 2. There shall be a side yard on each side of a building having a width of not less than thirty – (30) feet.
 3. There shall be a rear yard having a depth of not less than sixty – (60) feet.

Section 9.06 Intensity of Use Regulations

The intensity of use regulations are as follows:

- A. Lot Area: There shall be no minimum lot area.
- B. Lot Width: There shall be no minimum lot width.
- C. Lot Area per Building in the "OSR" Zoning District: The minimum lot area per building shall be five (5) acres.
- D. Lot Coverage in the "OSR" Zoning District: The maximum lot coverage shall be five (5%) percent of the lot area.
- E. Distance Between Building in the "OSR" Zoning District: The minimum distance between buildings on the same lot shall be ten (10) feet.

- F. Lot area per building in the “OSP” Zoning District: The minimum lot area per building shall be ten (10) acres.
- G. Lot coverage in the “OSP” Zoning District: The maximum lot coverage shall be five (5%) percent of the lot area.
- H. Distance between buildings in the “OSP” Zoning District: The minimum distance between buildings on the same lot shall be ten (10) feet.

Section 9.07 General Provisions

The General Provisions in Chapter [5](#) herein shall apply.

Section 9.08 Signs

All signs shall comply with Chapter [6](#) herein.

Section 9.09 Parking Regulations

The parking regulations are as provided in Chapter [7](#) hereof.

Section 9.10 Outdoor Lighting

All outdoor lighting shall conform to Chapter [8](#) herein.

Section 9.11 Plan Review

The provisions of Chapter [2](#), Section [2.04](#) shall apply.

The Fountain Hills Zoning Ordinance is current through Ordinance 25-09, passed November 18, 2025.

Disclaimer: The town clerk’s office has the official version of the Fountain Hills Zoning Ordinance. Users should contact the town clerk’s office for ordinances passed subsequent to the ordinance cited above.

[Town Website: www.fh.az.gov](http://www.fh.az.gov)

[Hosted by General Code.](#)

The Fountain Hills Zoning Ordinance is current through Ordinance 25-09, passed November 18, 2025.

Chapter 10

Single-Family Residential Zoning Districts: R1-190, R1-43, R1-35, R1-35H, R1-18, R1-10, R1-10A, R1-8, R1-8A, R1-6, R1-6A

Section 10.01 Purpose

The Single-Family Residential Districts are designed to provide for a wide range of single-family residential land use areas. The purpose of these Districts is to protect the stability of existing neighborhoods and to encourage desirable new residential developments, encompassing the many life styles and areas of the Town, from large lot development to cluster development. It is also the intent of these Districts to accommodate the needs of single-family residential neighborhoods by providing for associated, limited, nonresidential uses, including religious, educational and recreational facilities. The Single-Family Residential Districts are further delineated in the following categories:

A. Low-Density Residential Districts:

1. *R1-190*. Single-Family Residential Zoning District – 190,000 Square Feet Per Dwelling Unit: The principal purpose of the zoning district is to conserve and protect open space land uses, foster orderly growth in steep topography, and prevent urbanization of significant topographic areas with native desert vegetation. The primary purpose of requiring large minimum lots not less than one hundred ninety thousand (190,000) square feet in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks, and playgrounds, and governmental services such as police and fire protection are not as readily available or could not reasonably be made available. Principal uses permitted in this zoning district include both low-density single-family residential, recreational and institutional uses.
2. *R1-43*. Single-Family Residential District – One-Acre Per Dwelling Unit: The principal purpose of this zoning district is to foster orderly low-density growth and prevent urban land use conflicts; but when governmental facilities and services, public utilities and street access are available, or can reasonably be made available, applications for change of this zoning district to any other single-family residential zoning district will be given favorable consideration.
3. *R1-35*. Single-Family Residential Zoning District – 35,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than thirty-five thousand (35,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.
4. *R1-35H*. Single-Family Residential Hillside Zoning District – 35,000 Square Feet per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development

where minimum lots of not less than thirty-five thousand (35,000) square feet in area are suitable and appropriate, taking into consideration existing hillside conditions, including present use of land, present lot sizes, future land use needs, hillside preservation, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

B. Medium Density Residential:

1. *R1-18*. Single-Family Residential Zoning District – 18,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eighteen thousand (18,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

2. *R1-10*. Single-Family Residential Zoning District – 10,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than ten thousand (10,000) square feet in area are suitable and appropriate, taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

3. *R1-10A*. Single-Family Residential Zoning District – 10,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than ten thousand (10,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

4. *R1-8*. Single-Family Residential Zoning District – 8,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eight thousand (8,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

5. *R1-8A*. Single-Family Residential Zoning District – 8,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than eight thousand (8,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

6. *R1-6*. Single-Family Residential Zoning District – 6,000 Square Feet Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than six thousand (6,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

7. *R1-6A*. Single-Family Residential Zoning District – 6000 Square Feet Minimum Per Dwelling Unit: The principal purpose of this Zoning District is to conserve and protect single-family residential development where minimum lots of not less than four thousand, five hundred (4,500) square feet in area are suitable. Additional useable open space within the platted subdivision must be provided, so that when the lot areas and the useable open space are combined, they will result in not less than six thousand (6,000) square feet in area per dwelling unit. This Zoning District may be designated in areas that are suitable and appropriate when taking into consideration the existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this Zoning District include single-family dwellings, churches, schools, parks, playgrounds and other community facilities.

Section 10.02 Permitted Uses

A. In R1-190, R1-43, R1-35, R1-35H, R1-18, R1-10, R1-10A, R1-8, R1-8A, R1-6, and R1-6A Zoning Districts, a building or premises shall be used only for the following purposes:

1. One (1) single-family dwelling per lot of record.
2. Churches, including accessory columbaria provided that the building area of the columbaria shall not exceed ten (10) percent of the total building area of the church building(s).
3. Public schools, kindergarten through the twelfth (12) grade, and private schools with curricula substantially the same as customarily offered in public schools.
4. Public and private forests and wildlife reservations.
5. Utility Services, but not including offices, wastewater treatment plants, generating plants, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in this ordinance.
6. Publicly or privately owned or operated fire stations, and publicly owned or operated police stations and post offices.
7. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.
8. Libraries, museums, parks, playgrounds, and community buildings, provided such uses are conducted on a nonprofit basis.

9. Home Occupations as prescribed in Section [5.14](#).
 10. Home Day Care Center in an operator's residence, with no swimming pool, for five (5) or less people, operation only between the hours of 6:00 A.M. and 8:00 P.M. No signage or other evidence of a day care center is permitted. One additional off-street parking space is required. Any operation of a day care center prior to 6:00 A.M. and after 8:00 P.M. is permitted only by a special use permit.
 11. Accessory buildings and uses customarily incidental to the above uses.
 12. Community residence, subject to the requirements of Section [5.13](#).
 13. Guest houses; provided, that they shall not be used for any commercial or nonresidential uses and are not owned separately from the principal building.
- B. Additional Permitted Uses in the R1-190, R1-43, R1-35H, and R1-35 Zoning Districts:
1. Corrals for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than forty (40) feet and contain at least twenty thousand (20,000) square feet of area for each horse kept therein. The keeping of horses on properties located in residential Zoning Districts in other than permitted corral areas is prohibited.
- C. *Prohibited Uses*. Except for items listed above, nonresidential uses or activities of property or dwellings and associated structures are prohibited. (24-06, Amended, 03/19/2024; 22-01, Amended, 05/03/2022; 20-13, Amended, 08/24/2020; 18-15, Amended, 01/15/2019)

Section 10.03 Uses Subject to Temporary Use Permit

- A. Day Care Center for the Care of More Than Five (5) People: A day care center for the care of more than five (5) people is permitted by temporary use permit only. A day care center for the care of more than five (5) people may be operated in Single-Family Residential Zoning Districts with the following minimal stipulations:
1. The Day Care Operator must reside in the house. If a nonresidential facility is legally used for another purpose, such as a church building, this requirement may be waived.
 2. No more than ten (10) nonresidents may be cared for in a residential structure.
 3. Only one (1) nonresident employee may be allowed and one (1) additional on-site parking space shall be required for this employee.
 4. One nontandem parking space shall be required for each five (5) persons, or fraction thereof, allowed in the day care center.
 5. Reserved

6. Only one sign not to exceed two (2) square feet in size and mounted flatly on the wall of the residence shall be permitted.
7. The play yard must be fenced with a minimum five (5) foot high fence.
8. No playground equipment, ornamental figures, or designs denoting a Day Care Center shall be allowed in front of the front plane of the principal building.
9. Any Day Care Center with a swimming pool or other applicable body of water as defined in Section [5.09\(D\)](#) of this Ordinance must meet the requirements for a pool enclosure described in that Section.
10. Any Day Care Center, which cares for more than five people, shall be required to have a valid Fountain Hills Business License and be licensed by the State of Arizona.

B. Bed and Breakfast: Bed and Breakfast operations may be permitted in Single-Family Residential zones by Temporary Use Permit only. At a minimum, the following standards shall apply:

1. No more than two bedrooms per residence may be used for the business.
2. No more than two persons per room.
3. One off-street, nontandem parking space per bedroom.

C. Model Homes: Model Homes may be permitted in a single-family residential area by Temporary Use Permit only. In the review for a model home, the staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five days a week during normal business hours. In no case shall a model home be open before 7:00 A.M. or after 9:00 P.M.
2. The model home shall be for the purpose of marketing the construction of custom or tract homes with a given product line in Fountain Hills. A model home may not be used as an office for the marketing of developed property, or the marketing of property outside of Fountain Hills.
3. An off-street parking stall for each person stationed on site, plus two spaces shall be provided. Parking lots for model homes may be located on an adjacent lot owned by the owner of the model home.

D. Master-Planned Village Sales and Information Center: The developer of a master-planned village may operate a master-planned village sales and information center within a residentially zoned area by temporary use permit only. In the review for a master-planned village sales and information center temporary use permit, the staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall the center be open before 7:00 A.M. or after 9:00 P.M.

2. The center shall be for the purpose of marketing the specific master-planned village, the sale of lots in the master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, the resale of lots, subdivisions with model homes, or property outside of the master-planned village. The sale of country club memberships within the master-planned village is permitted as an accessory use only if the master-planned village has such a country club.
3. There shall be at least twenty (20) off-street parking stalls provided.
4. The center must be a permanent structure that meets the adopted building codes of the Town.
5. There shall be no more than one such center in the master-planned village.
6. The center shall be removed upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
7. Signage shall in conformance with Chapter [6](#), Section [6.07](#) of this ordinance.
8. There shall be a landscape buffer of at least one-hundred-fifty (150) feet between the sales and information center and any occupied residential structures.

Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and nonorganic ground cover materials. Landscaping shall consist of one (1) plant for each twenty (20) square feet of landscape area. At least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five (5) gallon plants. The approval of the above mixture of landscape materials shall be by the Zoning Administrator with appeal to the Planning and Zoning Commission.

- a. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
- b. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.

E. Swim School: Swim schools may be permitted in residential zones by temporary use permit only. At a minimum, the following standards shall apply:

1. The swim school shall operate from a single-family dwelling unit. The operation of the swim school shall not change the residential character of the dwelling unit.
2. All employees of the swim school shall be members of the immediate family residing in the dwelling unit where the swim school is being operated, except that one employee may be a nonresident.
3. The area used for a swim school shall not exceed (a) thirty (30) percent of the area of the rear yard and (b) twenty-five (25) percent of the gross floor area of the dwelling.
4. Customer trip generation shall not exceed twenty (20) trips a day.

5. No signs identifying the business or any commercial project or service are allowed.
6. Any pool used for a swim school shall be fenced in accordance with subsection [5.09\(D\)](#) of this ordinance, as may be amended from time to time.
7. Other related activities, including, but not limited to, pool parties and aerobics instruction, are not allowed. (18-15, Amended, 01/15/2019)

Section 10.04 General Provisions

- A. The general provisions in Chapter [5](#) herein shall apply.
- B. In order to ensure that homes being built in single-family zoned neighborhoods qualify to be considered single-family dwellings, the following provisions shall apply:
 1. The front facade of the dwelling should not include mirror images of each half of the building, especially with the placement and orientation of multiple two-car garages and points of entry.
 2. *Kitchens.* If a dwelling unit includes more than one area indoors for the preparation of food (a kitchen), one kitchen must be designated on the building plans as the primary kitchen and the total countertop area, including islands, devoted to other indoor area(s) for preparation of food can be no more than half the square footage of countertop area in the designated primary kitchen.
 3. *Floor Plan, Except as Allowed for Guest Houses.* All conditioned space within the dwelling must be fully accessible from all other areas within the dwelling without having to go outside. No fire rated walls can separate one part of the dwelling from another.
- C. A plan for a single-family dwelling shall not be approved as a single-family dwelling:
 1. If it is designed with more than one distinct living area when each area contains at least six of the following:
 - a. Bedroom(s);
 - b. Three-quarter or larger bathroom(s);
 - c. Laundry room;
 - d. Kitchen or area for food preparation;
 - e. Separate water heater;
 - f. Separate, direct access from:
 - i. The front side of the property, or

- ii. The garage;
 - g. Separate HVAC system with thermostats;
 - h. Electrical service from subpanels are aligned with the distinct living areas of the dwelling.
2. The above limitation shall not apply to:
- a. Guest houses meeting the requirements of large accessory structures; or
 - b. Designs when one of the living areas is less than thirty percent (30%) of the size of the livable area of the dwelling unit. (21-17, Amended, 02/15/2022)

Section 10.05 Signs

All signs shall comply with Chapter [6](#) herein.

Section 10.06 Parking Regulations

The parking regulations are as provided in Chapter [7](#) hereof.

Section 10.07 Outdoor Lighting

All outdoor lighting shall conform to Chapter [8](#) herein.

Section 10.08 Plan Review

The provisions of Chapter [2](#), Section [2.04](#) shall apply.

Section 10.09 Density, Area, Building and Yard Regulations

The chart that follows specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, lot coverage percentages, and distance between buildings.

Fountain Hills Zoning Ordinance Summary
Single-Family District

District	Area (Sq. Feet)	Width (Feet)	Bldg Height (Feet) ^f	Minimum Yard Setbacks				Lot Coverage	Distance Between Bldgs (Feet)
				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,g}	25	30%	6
R1-10A	10,000	80 ^a	30	20	7	20 ^{d,g}	20	40%	6
R1-8	8,000	80	30	20	7	20 ^{d,g}	25	35%	6
R1-8A	8,000	80 ^a	30	20 ^{b,d,e}	7	20 ^{d,g}	20	40%	6
R1-6	6,000	60	30	20	5	20 ^{d,g}	25	40%	6
R1-6A	6,000 ^c	60 ^a	30	20 ^b	5	20 ^{d,g}	10	50%	6

a Flag lots permit a 30-foot width provided there are no more than two flag lots adjoining each other.

b A side entry garage is allowed a 10-foot 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 be set back 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 equal to or greater than thirty percent (30%) are permitted to utilize the modified front setback and height standards for canyon-side lot, as determined pursuant to Section [5.10](#).

g For corner lots, extensions to a nonconforming structure on the street side yard may encroach into the required minimum building setback line if the extension is at or behind the existing wall plane of the adjoining

structure, but shall be no closer than 10 feet to the property line, or the height of the extension, whichever is greater.

(21-18, Amended, 12/07/2021)

The Fountain Hills Zoning Ordinance is current through Ordinance 25-09, passed November 18, 2025.

Disclaimer: The town clerk's office has the official version of the Fountain Hills Zoning Ordinance. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

[Town Website: www.fh.az.gov](http://www.fh.az.gov)

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