

**RESOLUTION NUMBER 2016-16**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING AND DIRECTING THE PROPERTY LOCATED AT 6622 N 40<sup>th</sup> STREET BE EXCLUDED FROM HILLSIDE AS DEFINED IN ARTICLE XXII, HILLSIDE DEVELOPMENT REGULATIONS, OF THE TOWN ZONING ORDINANCE.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

WHEREAS, Brandon E Dale and Lisa C Dale Revocable Trust Etal (“Applicant”), property owner of 6622 N 40<sup>th</sup> Street, Lot 7, Lincoln Heights, according to Book 83 of Maps, Page 29, Records of Maricopa County, Arizona, has requested that the Town of Paradise Valley (“Town”) consider removing Lot 7 from Hillside Development Area, as such term is defined in Article II of the Town Zoning Ordinance and in Article XXII, Hillside Development Regulations; and

WHEREAS, the Hillside Building Committee, which was established pursuant to Article XXII of the Town Zoning Ordinance, has after public notice and public hearing recommended to the Town Council that Lot 7 be removed from the Hillside Development Area; and

WHEREAS, the Town Council held a public meeting on September 8, 2016, in the manner prescribed by law, to hear and to take action on the Applicant’s request to remove Lot 7 from the Hillside Development Area; and

WHEREAS, the Town Council finds that the Applicant has satisfactorily demonstrated that Lot 7 has a building pad and site slope less than ten percent and that no cause exists for retaining Lot 7 as a Hillside Development Area; and

WHEREAS, the Town Council finds that the removal of Lot 7 from Hillside Development Area is supported by characteristics of said property such as its location in the vicinity of several non-hillside properties and its slope is less than ten percent;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Paradise Valley, Maricopa County, Arizona, as follows:

**SECTION I. In General**

1. Lot 7 of Lincoln Heights, according to Book 83 of Maps, page 29, Records of Maricopa County, Arizona is hereby removed from the Hillside Development Area as such term is defined in the Town Zoning Ordinance.
2. The Town Manager and Town Attorney are authorized to take all actions necessary, including the reprinting and revising of the Hillside Development Area map shown as “Figure 2 - Hillside Development Area” in Article XXII of the Zoning Ordinance so as to remove Lot 7 from those lots or areas designated as a Hillside Development Area on said map.
3. That removal of a hillside designation on a property does not cause certain aspects of the structures on said property to no longer be in compliance with the Town Code as some regulations governing hillside and non-hillside properties differ.
4. That removal of a hillside designation does not waive the requirement that Hillside Building Committee approval is obtained for all structures built without their approval and that building permits are required for all structures built without approval and that Corps of Engineers approval is required for the bridge.

**SECTION 2. Effective Date**

This resolution be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council this 8<sup>th</sup> day of September 2016.

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Michael Collins, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM

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Andrew M. Miller, Town Attorney

### **CERTIFICATION**

I, Duncan Miller, Town Clerk hereby certify that the foregoing is a full, true and correct copy of Resolution Number 1331 duly and regularly passed and adopted by vote of the Town Council of Paradise Valley at a meeting thereof duly called and held on the 28<sup>th</sup> day of May 2015. That said Resolution appears in the minutes of said meeting, and that the same has not been rescinded or modified and is now in full force and effect.

I further certify that said Municipal Corporation is duly organized and existing, and has the power to take the action called for by the foregoing Resolution.

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Duncan Miller, Town Clerk