

## **ORDINANCE NUMBER 2018-08**

### **AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA; REPEALING THE EXISTING “ARTICLE XXII – HILLSIDE DEVELOPMENT REGULATIONS” OF THE TOWN OF PARADISE VALLEY ZONING ORDINANCE IN ITS ENTIRETY AND ADOPTING BY REFERENCE, PURSUANT TO A.R.S. 9-801 *et. seq.* ARTICLE XXII HILLSIDE DEVELOPMENT REGULATIONS MAY 2018 – ENTITLED HILLSIDE DEVELOPMENT REGULATIONS OF THE TOWN OF PARADISE VALLEY ZONING ORDINANCE**

**WHEREAS**, Article III Amendments, Section 306, establishes the authority and procedures for amending the Zoning Ordinance; and

**WHEREAS**, the Town of Paradise Valley has revised the text of the Hillside Development Regulations of the Town of Paradise Valley Zoning Ordinance and declared that certain document known as “Article XXII – Hillside Development Regulations May 2018” as a public record by adopting Resolution Number 2018-07 as recorded pursuant to A.R.S. §9-801 *et. seq.*; and

**WHEREAS**, the Town of Paradise Valley Zoning Ordinance is hereby amended by repealing the existing “Article XXII - Hillside Development Regulations” and creating a new article, “Article XXII – Hillside Development Regulations May 2018”, that provides regulations for the reasonable use and development of land while promoting the public health, safety, convenience, and general welfare; and,

**NOW THEREFORE BE IT ORDAINED** BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

**Section 1.** “Article XXII - Hillside Development Regulations” of the Paradise Valley Zoning Ordinance is hereby repealed in its entirety.

**Section 2.** That “Article XXII - Hillside Development Regulations May 2018” as drafted for the Town of Paradise Valley Zoning Ordinance and declared a public record by Resolution Number 2018-07 is hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

**Section 3.** Any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described. A violation of the provisions of this Code or amendments thereto may constitute a civil offense, and any person who is served with a citation charging such violation and who

admits, or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed five hundred dollars. Each day that a violation continues shall be a separate offense punishable as described.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of “Article XXII - Hillside Development Regulations May 2018” adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

**Section 5.** This Ordinance shall become effective in 30 days. Upon the effective date of this Ordinance, all applications for Hillside Development shall comply with this Ordinance; provided, however, if the application process for a subdivision or lot split is commenced prior to the effective date of this Ordinance, such subdivision or lot split shall be processed and approved or disapproved in accordance with the Zoning Ordinance in effect at the time the application process is commenced; provided that if the subdivision or lot split is not approved within 12 months after the effective date of this Ordinance, then the then-current Zoning Ordinance provisions shall thereafter apply to the property.

**Section 6.** In accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2018

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew M. Miller, Town Attorney