

# Town of Carefree

## February 2004 Amended Zoning Ordinance



*Effective: August 2021*



# AMENDMENTS

Adopted: Ordinance #2004-02	Adopted: March 2, 2004	Effective: April 2, 2004
Amended: Ordinance #2005-03	Adopted: June 7, 2005	Effective: July 7, 2005
Amended: Ordinance #2005-05	Adopted: July 5, 2005	Effective: August 7, 2005
Amended: Ordinance #2006-05	Adopted: June 6, 2006	Effective: July 6, 2006
Amended: Ordinance #2007-05	Adopted: August 7, 2007	Effective: September 6, 2007
Amended: Ordinance #2009-04	Adopted: August 4, 2009	Effective: August 4, 2009
Amended: Ordinance #2010-02	Adopted: January 5, 2010	Effective: March 6, 2010
Amended: Ordinance #2010-06	Adopted: June 25, 2010	Effective: June 25, 2010
Amended: Ordinance #2010-11	Adopted: November 3, 2010	Effective: November 3, 2010
Amended: Ordinance #2011-01	Adopted: March 1, 2011	Effective: March 31, 2011
Amended: Ordinance #2011-02	Adopted: March 1, 2011	Effective: March 31, 2011
Amended: Ordinance #2011-08	Adopted: January 10, 2012	Effective: February 1, 2012
Amended: Ordinance #2012-02	Adopted: January 10, 2012	Effective: February 9, 2012
Amended: Ordinance #2012-04	Adopted: December 4, 2012	Effective: December 4, 2012
Amended: Ordinance #2013-01	Adopted: April 2, 2013	Effective: April 2, 2013
Amended: Ordinance #2013-02	Adopted: April 2, 2013	Effective: April 2, 2013
Amended: Ordinance #2013-03	Adopted: July 2, 2013	Effective: August 1, 2013
Amended: Ordinance #2013-06	Adopted: November 5, 2013	Effective: December 5, 2013
Amended: Ordinance #2015-02	Adopted: August 4, 2015	Effective: August 4, 2015
Amended: Ordinance #2016-04	Adopted: June 7, 2016	Effective: June 7, 2016
Amended: Ordinance #2016-06	Adopted: November 1, 2016	Effective: December 2, 2016
Amended: Ordinance #2018-03	Adopted: June 5, 2018	Effective: July 5, 2018
Amended: Ordinance #2018-02	Adopted: September 4, 2018	Effective: October 4, 2018
Amended: Ordinance #2018-07	Adopted: December 4, 2018	Effective: January 3, 2019
Amended: Ordinance #2021-02	Adopted: July 6, 2021	Effective: August 6, 2021



# **TOWN OF CAREFREE**



## **TOWN COUNCIL**

John Crane, Mayor  
Cheryl Kroyer, Vice Mayor  
Vince D'Aliesio  
Sheila Amoroso  
Tony Geiger  
Stephen Hatcher  
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Mary Roberts, Vice Chairperson  
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Susie Dymoke  
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Sharon Smith

## **TOWN STAFF**

Gary S. Neiss, Town Administrator  
Kandace French Contreras, Town Clerk  
Stacey Bridge-Denzak, Planning Director  
Samantha Gesell, Planning Clerk



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# **Article I. PURPOSE, TITLE, SEVERABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, VIOLATION, PENALTY, AND EFFECTIVE DATE**

## **Section 1.01 Purpose of this Zoning Ordinance**

- (1) To conserve and promote the public health, safety, and general welfare by regulating the use of buildings, structures, and land and the intensity of land use for agriculture, residence, commercial, industry, and other purposes.
- (2) To implement the adopted Town of Carefree General Plan.

## **Section 1.02 Short Title**

- (1) This Ordinance may be cited as "The 2004 Amended Zoning Ordinance for the Town of Carefree."

## **Section 1.03 Severability Clause**

- (1) Should any provision of this Ordinance be held to be unconstitutional or invalid, such action shall not apply to the Ordinance as a whole, and to this end the provisions of this Ordinance are declared to be severable so that all parts of the Ordinance not expressly declared to be invalid or unconstitutional shall continue in full force and effect.

## **Section 1.04 Repeal of Conflicting Ordinance**

- (1) All Ordinances or portions of Ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

## **Section 1.05 Violation**

- (1) If any building, structure, land, or landscaping is used or proposed to be used or erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of the provisions of this Ordinance, the Town may use any one of the following actions to prevent or abate violation:
  - (A) Issue an order of abatement.
  - (B) Issue a Notice and Order to Comply.
  - (C) Pursue criminal prosecution.
  - (D) Issue a civil citation.
  - (E) Seek an injunction from Superior Court.

## **Section 1.06 Penalty**

- (1) Anyone violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00), by imprisonment in a designated place of confinement for a term not exceeding six (6) months, by a term of probation not exceeding three (3) years, or by any combination of such fine, imprisonment, and probation.
- (2) It is a separate offense for each and every day the violation is committed, continued, or permitted.
- (3) The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this Ordinance.
- (4) The owner, lessee, tenant, and/or other person in possession of the property or use in violation are all and equally responsible for the violation(s).
- (5) In addition, the Town may bring civil proceedings in a court of competent jurisdiction to enforce compliance with this ordinance including the prevention, restraining, and/or abatement of the violation(s).
- (6) In addition, any violation is declared to be a public nuisance and the Town may enjoin or restrain said violation like any other nuisance under authority of any applicable Town or State law.

## **Section 1.07 Interpretation**

- (1) In interpreting and applying the regulations of this Ordinance, the regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) It is not intended by this Ordinance to interfere with, abrogate, or annul any Ordinance, rules, or regulations adopted before the effective date of this Ordinance and not in conflict with any of the regulations of this Ordinance, except, if this Ordinance imposes a greater restriction, this Ordinance shall control.
- (3) Nor is it intended by this Ordinance to interfere with, abrogate, or annul any vested property rights, permits issued by the Town or any easements, covenants or other agreements between the Town and third parties entered into, adopted, and executed before the effective date of this Ordinance.

## **Section 1.08 Effective Date**

- (1) This amended ordinance shall become effective on the 5<sup>th</sup> day of December, 2013.

## Article II. RULES AND DEFINITIONS

### Section 2.01 General Rules For Construction Of Language

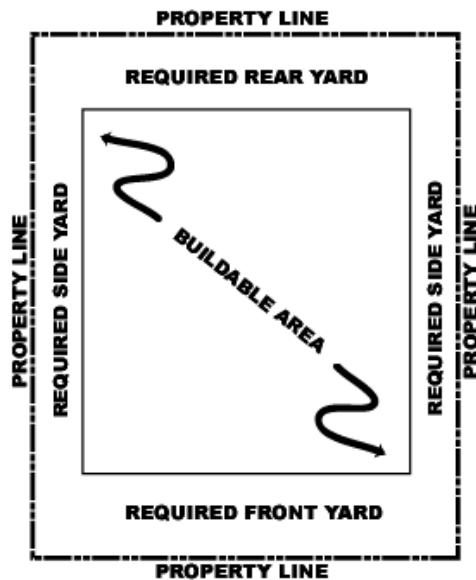
- (1) Words in this Ordinance shall be interpreted as follows:
  - 1) Words used in the present tense include the future tense; words used in the future tense include the present tense; the singular includes the plural; the plural includes the singular.
  - (B) The word "may" is permissive; the words "shall" and "will" are mandatory.
  - (C) The word "person" includes a corporation, company, partnership, firm, association, or society, as well as a natural person. The word "person" also includes the United States, the State of Arizona, and any political subdivision thereof A. R. S. § 1-215 (29).
  - (D) The following words can be used interchangeably:
    - 1) Lot, plot, parcel, or premises
    - 2) "Uses" or "occupied".
    - 3) "Dwelling", "residence"; or "building".
  - (E) The term "Town" shall mean the Town of Carefree.
  - (F) "Council" shall mean the Town Council.
  - (G) "Commission" shall mean the Planning and Zoning Commission.
  - (H) "DRB" shall mean the Development Review Board.
  - (I) "Board" shall mean the Board of Adjustment.

### Section 2.02 Definitions

- (1) ACCESS: The place, means, or way by which vehicles and pedestrians shall have safe, adequate, and usable physical and legal ingress/egress to and from a property. The physical and legal access shall be one and the same, unless otherwise approved by the Zoning Administrator.
- (2) ACRE: 43,560 square feet.
- (3) ADULT ORIENTED FACILITIES including the following:
  - (A) Adult Bookstore;

- 1) Having as a substantial portion of its stock in trade, novelties, devices, books, pictures, magazines, and other periodicals depicting, describing, or relating to "specified sexual activities" or which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas".
  - 2) Having as a substantial portion of its stock in trade, books, magazines, and other periodicals, and which excludes all minors from the premises or a section thereof.
- (B) Adult Live Entertainment Establishment is an establishment which features topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.
- (C) Adult Theater is an enclosed building or open-air drive-in theater regularly used for presenting any film or plate positive film or videotape designed to be projected on a screen or otherwise displayed for exhibition, or films, glass slides, or transparencies, either in negative or positive form, designed for exhibit by projection on a screen or holographic projections or other methods known or to become known for projection or display, depicting, describing, or related to "specified sexual activities" or characterized by emphasis on matter depicting, describing, or relating to "specified anatomical areas," which regularly excludes all minors.
- (D) A Massage Establishment that is not located in an office associated with a physician, chiropractor, podiatrist, medical office, beauty salon, resort, or health club where any person, firm, association, or corporation engages in or carries on or permits to be engaged in or carried on any massage activities identical or similar to massage therapy as defined herein.
- (4) AMENDMENT: A change in the wording, layout, or format of this Ordinance or any change in the district boundaries or classifications upon the zoning district map.
- (5) AIRPORT: An approved landing area used by aircraft.
- (A) Helipad: An area on a heliport established for the landing or take-off of helicopters.
  - (B) Heliport: An approved landing area for the sole use of helicopters. A heliport may include more than one helipad.
  - (C) Landing Area: Any approved area which is used or intended to be used for the landing and take-off of aircraft.

- (6) ALLEY: A public way other than a street which provides a secondary means of legal vehicular access to abutting property.
- (7) AS-BUILT PLANS: Certification that a project is built in accordance with a lawfully issued permit. A registered professional architect, engineer, or surveyor shall certify the actual construction.
- (8) ASSISTED CARE FACILITY: A residential care institution (facility) subject to licensing by the State of Arizona that provides choices and varying levels of personal and health related services including, supervisory care, personal care, or custodial care services. (Ord. #2006-05)
- (9) BED AND BREAKFAST: A single family-dwelling where the owners provide temporary lodging including breakfast to guests for compensation.
- (10) BOARDING HOUSE: A building where lodging is provided for three (3) or more persons but not exceeding twenty (20) persons.
- (11) BRAIDED STREAM: A shallow stream (with a large width/depth ratio) within which the normal flow passes through a number of smaller interlaced channels separated by bars or shoals.
- (12) BUILDABLE AREA: The portion of a lot which is within the area formed by the required yard (building setbacks) or within the building envelope in the case where a building envelope has been established.

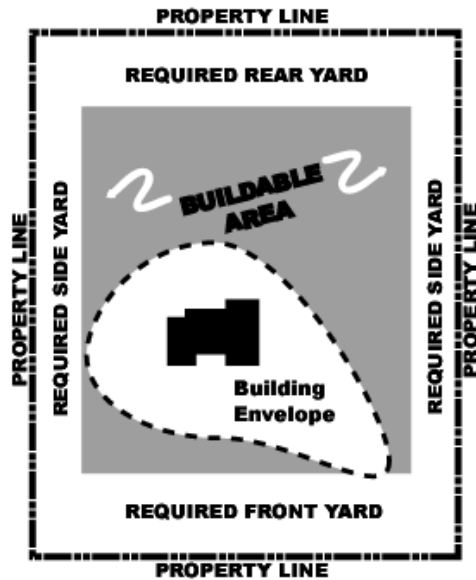


*Figure 2.1: Illustration of buildable area.*

- (13) BUILDING: A permanent structure having a roof supported by columns or walls.



- (14) **BUILDING, ACCESSORY**: A detached structure which is subordinate to and incidental to the main use of the principal structure on the same lot. Accessory structures must be located in the building envelope and shall comply with the applicable sections of this Ordinance.
- (15) **BUILDING ENVELOPE**: The portion of a lot within the buildable area that may be disturbed as illustrated and is recorded in association with a final plat.



*Figure 2.2: Illustration of building envelope.*

- (16) **BUILDING, HEIGHT**: The vertical distance of a building or structure measured from the structure’s design grade, at any individual point within the building footprint, to the highest point of a roof or parapet. (Ord. 2016-04)
- (17) **BUILDING, PRINCIPAL**: A building which houses the principal use of the lot.
- (18) **BUILDING SETBACK (required yard)**: The horizontal distance prescribed per zoning district measured from the property line towards the center of the property. This open space shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In order to maintain the community’s native desert character and identity, no non-native shrubs, plants or trees shall be planted within any building setback. Where the existing desert vegetation is sparse native, drought tolerant and/or desert hybrid shrubs,

trees and/or cacti may be planted within the building setback but shall not create a structure as defined in this Ordinance. (Ord.#2007-05)

- (19) CAMPER: A camper is a structure designed for occupancy as a dwelling or sleeping place by one (1) or more persons, which may be placed upon or attached to a vehicle.
- (20) CARPORT: A permanent roofed structure with two (2) or more open sides used or intended to be used for motorized vehicle shelter.
- (21) CEMETERY: A place for the burial of the remains of deceased humans either below ground or in a mausoleum or other structure above ground.
- (22) CONSERVATION EASEMENT: A permanent open space granted to the Town or to a public trust to prohibit development of property including roads and utilities and to retain and preserve the undisturbed land for the scenic enjoyment of the general public.
- (23) CONTINUING CARE RETIREMENT COMMUNITY: A community subject to licensing by the State of Arizona which offers several levels of assistance, including independent living, assisted living and nursing home care. (Ord. #2006-05)
- (24) CONVALESCENT HOME OR NURSING HOME: Any place or institution, licensed by the State of Arizona as a convalescent or nursing home, which makes provisions for bed care, chronic care, or convalescent care for one or more persons who by reason of illness or physical infirmity are unable to properly care for themselves. This does not include home care by relatives. A nursing home typically provides 24-hour skilled care for the more acute patients. (Ord. #2006-05)
- (25) DESIGN GRADE: The lowest finished floor grade of an existing or proposed building or structure. (Ord. #2016-04)
- (26) DETENTION BASIN: A reservoir where water is stored for regulating a flood and having outlets for releasing the flows during a flood event.
- (27) DEVELOPMENT: A man-made change to property, such as buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (28) DISTURBED AREA: The total area of grading or other disturbance of natural terrain and vegetation typically occurring within a building envelope.
- (29) DRIVEWAY: A vehicular access way that serves a single principal use or parcel.

- (30) DWELLING, MULTIPLE -FAMILY: A building containing three (3) or more housekeeping units. (Ord. #2016-06)
- (31) DWELLING, SINGLE-FAMILY: A building designed for occupancy by one (1) housekeeping unit. (Ord. #2016-06)
- (32) DWELLING, TWO-FAMILY: A building designed for occupancy by two (2) housekeeping units in separate and distinct quarters. (Ord. #2016-06)
- (33) DWELLING UNIT: A building or portion thereof containing cooking accommodations and designed or used exclusively for residential occupancy by a single housekeeping unit.
- (34) FACTORY-BUILT BUILDING: A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except for a manufactured home or recreation vehicle as defined by this Ordinance. A factory-built building shall be erected on a permanent foundation in accordance with the Uniform Building Code (UBC) as adopted by the Town.
- (35) FLOOD PLAIN: The portion of a watercourse, outside of the stream channel but adjacent to it, which is described by the perimeter of the probable limiting flood. It is the land which is not covered by the stream at low or average flow but which has been flooded in the past or is likely to be flooded.
- (36) FLOOD, REGULATORY: The 100-year flood with a peak discharge of 50 cubic feet per second (cfs) , or greater, and which has a one percent (1%) chance of being equaled or exceeded in any given year.
- (37) FLOODING, SHEET: A condition which occurs within those areas which are subject to flooding of about one (1) foot in depth, more or less, during the regulatory flood, and where a clearly-defined channel does not exist, so that the path of the flooding is often unpredictable and indeterminate.
- (38) FLOW, SHEET: The shallow, diffuse runoff produced from rainfall on a large flat surface. It is characterized by approximately equal depth of runoff across a broad width of flow.
- (39) FLOODWAY: The area along a watercourse which will allow passage of the regulatory flood without increasing flood elevations by more than one (1) foot after a hypothetical encroachment has been made into the floodway fringe.
- (40) FLOODWAY FRINGE: The portion of the regulatory flood plain that lies outside the floodway.

- (41) GARAGE, PRIVATE: A covered and completely enclosed building designed for the parking of motor vehicles. A private garage is accessory to the principal structure.
- (42) GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.
- (43) GRADING: Any land excavation, land clearing, land filling, or disturbance of natural terrain and vegetation, or combination thereof.
- (44) GRADE, FINISHED: The proposed and ultimately the final grade of the lot.
- (45) GRADE, NATURAL: The original undisturbed natural surface of the lot.
- (46) GROUP HOME: A long-term residential care facility licensed by the State of Arizona functioning as a single housekeeping unit providing meals, supervision, and other support services for not more than ten (10) residents (greater than ten residents is defined as a supervisory care facility) , that are physically, emotionally, and/or mentally disabled individuals not related to the owner/manager of the group home. Typical uses include adult care homes, homes for the developmentally disabled, group foster homes, and homes for the chronically mentally ill. A group home does not include nursing homes, shelter facilities, or community correctional facilities.
- (47) GROSS FLOOR AREA: The floor area contained inside the building as measured along the exterior walls of the building.
- (48) GUEST RANCH: A building or group of buildings containing two or more temporary guest rooms including but not limited to such facilities as swimming pools, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for use primarily by guests of the guest ranch.
- (49) GUEST HOUSE: Living quarters in an accessory building or attached to the principal residence, which may include cooking facilities, used to house guests or domestic attendants of the occupants of the principal building, and which shall never be rented or offered for rent or lease separate from the principal residence.
- (50) HOME OCCUPATION: An occupation or profession customarily conducted entirely within a dwelling and carried on by a member(s) of the housekeeping unit residing therein. The occupation or profession is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the character of the dwelling. There are no employees other than a member(s) of the housekeeping unit residing in

the dwelling. No mechanical equipment is allowed except for that which is customarily used for domestic, hobby, or household purposes. *(Ord. #2016-06)*

- (51) HOUSEKEEPING UNIT: One (1) or more persons living, sleeping, and cooking in a single dwelling unit who share housekeeping tasks and responsibilities as an interdependent unit.
- (52) HOSPITAL: An institution for the diagnosis, treatment, or other care of human ailments. The term hospital is deemed to include sanitarium, clinic, nursing home, convalescent home, and maternity home.
- (53) HOTEL/MOTEL: A commercial building that provides guest rooms for the lodging of travelers and other temporary residents and may include customarily incidental uses such as, but not limited to, meeting rooms, restaurants, and cocktail lounges.
- (54) INDEPENDENT LIVING: A residential living setting subject to licensing by the State of Arizona for elderly or senior adults that may or may not require minimal hospitality or supportive services. *(Ord. # 2006-05)*
- (55) JUNK: Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber, plastic, glass, plant debris, waste, iron, steel; or other old or scrap ferrous or nonferrous material; or junked, dismantled, wrecked automobiles, or parts thereof.
- (56) KENNEL: Any establishment housing dogs, cats, or other domestic pets and where grooming, breeding, training, raising, caring for, adoption, or selling of animals is conducted as a business. Kennel also includes for-profit or non-profit animal shelters.
- (57) LAUNDRY, SELF-HELP: A building with clothes washing, drying, and dry cleaning machines that are provided on a rental basis to individuals doing their own laundry and/or dry cleaning but not including outdoor drying facilities.
- (58) LOT: A parcel of land, or contiguous parcels under one ownership, established by an approved subdivision plat, lot split, or other lawful method. A lawful lot must meet minimum ordinance requirements.
- (59) LOT AREA: The area of a horizontal plane within the lot lines of a lot.
- (60) LOT, CORNER: A lot located at the intersection of two (2) or more streets.
- (61) LOT COVERAGE: The total area under roof of all structures on a lot.

- (62) LOT DEPTH: The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- (63) LOT, INTERIOR: A lot other than a corner lot.
- (64) LOT LINE, FRONT: The boundary of a lot which separates the lot from the street; and in the case of a corner or through lot, a front yard setback shall be provided along each street that is adjacent to the lot.
- (65) LOT LINE, REAR: The boundary of a lot which is most distant from and is most nearly opposite to the front lot line. In the absence of a rear lot line as in the case of a triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
- (66) LOT LINE, SIDE: The boundary of a lot which is not a front lot line nor a rear lot line.
- (67) LOT OF RECORD: A lot which is part of a lawful subdivision, the plat of which has been recorded in the office of the County Recorder of Maricopa County. A lot split or combination, the deed of which has been recorded in the office of the County Recorder of Maricopa County. A parcel of land lawfully created prior to the incorporation of the Town, the deed of which has been recorded in the office of the County Recorder of Maricopa County.
- (68) LOT, THROUGH: A lot having a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot.
- (69) LOT WIDTH: For rectangular lots the shortest distance between the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the width as measured at the front setback line. If the lot is a flaglot, the subject lot shall be measured at the building setback line (required yard).
- (70) MANUFACTURED HOME: A multi-sectional structure not exceeding two (2) stories in height and manufactured after June 15, 1976, to standards established by the United States Department of Housing and Urban Development, that when joined forms a residence for human occupancy that measures sixteen (16) feet by forty (40) feet or larger and which is designed to be installed on a permanent foundation.
- (71) MASSAGE THERAPY: Manipulation of the human body through the skillful application of any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance approved by the American Massage Therapy Association.

- (72) MEDICAL MARIJUANA: All parts of genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate qualifying patients with debilitating medical conditions or symptoms associated with the patient's debilitating medical condition. (Ord. #2011-02)
- (73) MEDICAL MARIJUANA CULTIVATION: The process by which a person grows a medical marijuana plant. A facility shall mean a building, structure or premises used for cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary. (Ord. #2011-02)
- (74) MEDICAL MARIJUANA DISPENSARY: A non-profit entity defined in Arizona Revised Statute §36-2801(11) that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients. (Ord. #2011-02)
- (75) MEDICAL MARIJUANA INFUSION (or MANUFACTURING) FACILITY: A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporations into consumable/edible goods. (May be combined with cultivation definition). (Ord. #2011-02)
- (76) MEDICAL MARIJUANA QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Arizona Revised Statute §36-2801.13. (Ord. #2011-02)
- (77) MOBILE HOME: A structure built prior to June 15, 1976 on a permanent chassis, capable of being transported in one or more sections, and designed to be used with or without a permanent foundation as a dwelling unit when connected to on-site utilities, but excluding factory-built buildings and recreation vehicles as defined in this Ordinance.
- (78) MULTI-TENANT COMPLEX: A building with space partitioned and/or allocated for five (5) or more business tenants or a property with two (2) or more buildings with shared onsite facilities, such as access, private parking, and/or pedestrian amenities. (Ord. #2010-02)
- (79) NON-CONFORMING USE, LEGAL: Any structure, building, or use of land which at one time conformed to the applicable provisions of zoning laws or regulations of the Town or Maricopa County but subsequently failed to conform to any such applicable provisions, either as a result of incorporation or annexation of the structure, building, or land into the Town, or as a result of the adoption or amendment of the applicable zoning laws and regulations of the Town.
- (80) NURSERY SCHOOL: A facility in which child care is regularly provided for five (5) or more children not related to the proprietor in exchange for

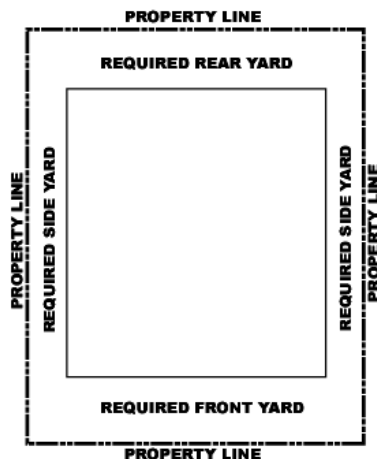
compensation. Any child care facility shall meet all requirements for certification by the Arizona Department of Health.

- (81) PLANT NURSERY: A place for commercial growing and/or keeping of plants.
- (82) PRIVATE CLUB: A meeting place for members of a group or organization and their guests, but not including any adult oriented facilities, wherein a variety of business uses can take place provided:
  - (A) No products of any kind are manufactured or assembled; and
  - (B) Sales are limited to food, beverages and merchandise related to the private club, such as clothing and accessory items.
- (83) PRIVATE ROAD/STREET: Any non-public vehicular access way on private property that serves two or more principal uses or parcels.
- (84) PUBLIC BUILDING: A building owned, occupied, and operated by a public entity such as the United States, the State of Arizona, Maricopa County, the Town, or other municipality.
- (85) PUBLIC ROAD/STREET: Any thoroughfare not less than twenty-four (24) feet in width (back of curb to back of curb) or otherwise approved in the Mountainside District which has been dedicated or deeded to the public for public use.
- (86) RECREATION VEHICLE: A vehicular type unit that is:
  - (A) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
  - (B) A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab, or van that is an integral part of the completed vehicle.
  - (C) A parked trailer on a single chassis, excluding fifth wheel trailers, that is mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances; that has a gross trailer area of not less than three hundred twenty square feet; and that is not more than four hundred square feet when it is set up.
  - (D) A travel trailer, including a fifth wheel trailer, mounted on wheels and designed to provide temporary living quarters for recreational, camping, or travel use; that is of a size or weight that may or may



not require special highway movement permits when towed by a motorized vehicle; and that has a trailer area of less than three hundred twenty square feet.

- (E) A portable truck camper constructed to provide temporary living quarters for recreation travel or camping use and consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
- (87) **RENTAL STORE:** A commercial establishment that allows for the short term use of household items, party supplies, and small construction equipment. Rental stores do not include the leasing or rental of motor vehicles.
- (88) **REPAIR SHOPS:** A commercial establishment that restores, renovates, or refurbishes household items. This does not include the restoration, renovation, or fixing of motor vehicles.
- (89) **REQUIRED YARD (building setbacks):** The horizontal distance prescribed per zoning district measured from the property line towards the center of the property. This open space shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In order to maintain the community's native desert character and identity, no non-native shrubs, plants or trees shall be planted within any building setback. Where the existing desert vegetation is sparse native, drought tolerant and/or desert hybrid shrubs, trees and/or cacti may be planted within the building setback but shall not create a structure as defined in this Ordinance. *(Ord. #2007-05)*



**Figure 2.3:** Illustration of required yard (building setbacks).

- (90) **REQUIRED FRONT YARD:** An open space extending across the front width of a lot and being the minimum horizontal distance from the property

line towards the center of the property. Other than the address identification sign as defined within this Ordinance, no column, driveway gate, free-standing solid masonry wall, fence or other structure shall be placed within the required front yard. The required front yard of a single-family residential corner lot is the yard adjacent to the shorter street frontage. The required front yard of a multiple-family or nonresidential corner lot shall be the yard adjacent to each street frontage. In order to maintain the community's native desert character and identity, no non-native shrubs, plants or trees shall be planted within the required front yard. Where the existing desert vegetation is sparse native, drought tolerant and/or desert hybrid shrubs, trees and/or cacti may be planted within the required front yard but shall not create a structure as defined in this Ordinance. (Ord. #2007-05)

- (91) REQUIRED REAR YARD: An open space extending across the rear width of a lot and being the minimum horizontal distance from the property line towards the center of the property. The required rear yard is typically opposite the required front yard. If the lot has frontage on a cul-de-sac, the required rear yard shall be the lot line which most closely approximates the rear lot line of abutting lots.
- (92) REQUIRED SIDE YARD: An open space between the required front and rear yards and being the minimum horizontal distance from the property line towards the center of the property. Any required lot line that is not a rear lot line or front lot line shall be deemed a side lot line.
- (93) RESORT HOTEL: A building or group of buildings other than a motel, boarding house, or lodging house containing individual guest rooms, suites of guest rooms, and/or dwellings which furnish services customarily provided by hotels.
- (94) RESTAURANT: An establishment whose primary business is the serving of food to the public, where revenues from the sale of food served to the public equal at least forty percent (40%) of the gross revenue. (Ord. #2010-02)
- (95) RIDGE: A relatively narrow elevation that is prominent due to the steep angle at which it rises and/or an elongated crest or series of crests with or without peaks which are significantly higher than the adjoining ground and are vulnerable to erosion, unstable slopes, and boulder slides.
- (96) RIDGE LINE: A ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.
- (97) SERVICE STATION: A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

- (98) SETBACK LINE: The line from which the minimum required yard (building setback) is measured.
- (99) SHADE STRUCTURE: A roofed structure without walls constructed in conjunction with a corral which provides shade from the elements for horses or other equines but is not used for the keeping of feed or tack.
- (100) SIGN: Any device for visual communication, including any structure, natural object, or part thereof which is used for the purpose of bringing the subject to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency. See Article VIII for other definitions related to signs.
- (101) SPA: A place providing any of the following:
- (A) Personal services such as massages, facials, hair and nail salons.
  - (B) Fitness therapy and nutrition consultation.
  - (C) Exercise facilities such as a therapy or swimming pool, saunas, lockers.
  - (D) Food services and/or sale of specialty retail items related to the spa facilities.
- (102) SPECIFIED ANATOMICAL AREAS:
- (A) Less than completely and opaquely covered:
    - 1) Human genitals or pubic region.
    - 2) Buttock.
    - 3) Breast below a point immediately above the top of the areola.
  - (B) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (103) SPECIFIED SEXUAL ACTIVITIES:
- (A) Human genitals in a state of sexual stimulation or arousal.
  - (B) Acts of human masturbation, sexual intercourse, or sodomy.
  - (C) Fondling or other erotic touching of human genitals, pubic region, buttocks, or breasts.
- (104) STABLE: Any building or structure used to house or provide shelter for horses or other equines including the keeping of feed and tack. Any

portion of the building used for other than shelter for horses or the keeping of feed and tack shall be deemed accessory building area. The term "stable" shall not include a corral or shade structure.

- (105) STREET: All property lawfully dedicated or reserved for public or private street uses.
- (106) STREET LINE: The boundary which separates the dedicated or reserved right-of-way of a street from the abutting property.
- (107) STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.
- (108) STRUCTURE: Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner, including a combination of organic or inorganic materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land. For the purposes of this Ordinance, structure is also defined to include a living fence or a hedge consisting of plants, shrubs, trees or other organic material placed in a linear or regular pattern to act as a wall or barrier.
- (109) STUDIO: A place providing office space for individuals to fabricate and display artistic work such as paintings, sculptures, graphic illustrations, or similar applications. (Ord. #2007-05)
- (110) SUPERVISORY CARE FACILITY: A facility with the characteristics of a group home which houses eleven (11) or more individuals and is licensed and regulated by the Arizona Department of Health Services.
- (111) SWIMMING POOL, PRIVATE: A contained body of water used for swimming or bathing, either above ground level or below ground level, having either a maximum depth at any point of more than eighteen (18) inches or a water surface area of more than thirty-eight (38) square feet, or both. Hot tubs, spas, and jacuzzis meeting the criteria of the preceding sentence are included in this definition.
- (112) TRAILER: A non-motorized towed vehicle designed to transport things including but not limited to sand, gravel, horses, boats, or vehicles.
- (113) USE: The purpose for which land or a building is occupied, maintained, arranged, intended, designed, let, or leased.
- (114) USE, ACCESSORY: A subordinate use of a building or land customarily incidental to and conducted on the same lot with the principal use, including servant or caretaker quarters, which does not alter the character

of the principal use or adversely affect other properties within the surrounding area.

- (115) USE, PRINCIPAL: The main or primary use or uses on any lot which establishes the basic land use characteristics of the property as distinguished from an accessory use.
- (116) UTILITY POLES AND WIRES: Poles, structures, wires, cable, conduit, transformers, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio, or television communications.
- (117) VARIANCE: An exception to the provisions of this Ordinance granted by the Board of Adjustment.
- (118) WAREHOUSE: A building the principal use of which is storage of merchandise, commodities, or personal property but excluding storage as an incidental or accessory use.
- (119) WATERCOURSE: Any naturally occurring lake, river, stream, creek, wash, arroyo, draw, or other body of water or channel having banks and/or beds through which waters flow at least periodically; any depression serving to give direction to a current of storm water; and other naturally occurring areas that are designated by rule or order of the Town of Carefree where substantial flood damage may occur.
- (120) WIRELESS COMMUNICATION FACILITIES (WCF): A facility transmitting a radio frequency approved by the FCC and composed of antennas, cables, and equipment cabinets to house associated infrastructure for the provision of wireless communication services as defined by the Federal Telecommunications Act of 1996 and any amendments thereto.
- (121) ZONING ADMINISTRATOR: The Town Administrator or his duly authorized representative.
- (122) ZONING CLEARANCE: A permit or other authorization by the Zoning Administrator indicating that a proposed building, structure, or use of land meets all the standards contained in this Ordinance.

## **Article III. ADMINISTRATION**

### **Section 3.01 Zoning Administrator**

- (1) Shall be responsible for the administration, enforcement, and interpretation of this Ordinance.
- (2) May prepare application guidelines, forms, and administrative procedures consistent with this Ordinance for the implementation thereof.

### **Section 3.02 Planning and Zoning Commission**

#### (1) PURPOSE

- (A) The Planning and Zoning Commission shall serve as the planning agency for the Town to carry out the purposes of this Ordinance and the Arizona Revised Statutes relating to planning, zoning, subdivision, and building regulations.

#### (2) ORGANIZATION

- (A) The number of members of the Commission shall be seven (7) who shall be appointed by the Town Council to serve without compensation for a term of office at the pleasure of the Town Council.
- (B) The Commission shall elect one of its members to serve as Chairperson and one to serve as Vice-Chairperson.

#### (3) RULES

- (A) Meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission shall determine, provided that notice of all hearings, the conduct thereof, and minutes taken, shall meet the requirements of the Arizona Open Meeting Law.
- (B) All meetings shall be open to the public.
- (C) A quorum consisting of four (4) members shall be present in order to conduct business.
- (D) A majority of members present shall be required to approve or deny a motion on any item.

(4) DUTIES AND RESPONSIBILITIES

- (A) Preparation and/or review of all present, future, and proposed planning, zoning, subdivision, and building ordinances for the Town and amendments thereto.
- (B) The holding of public hearings on such proposed planning, subdivision, and building ordinances and amendments thereto, and the making of recommendations to the Town Council for action.
- (C) The holding of public hearings when necessary and the making of recommendations to the Town Council on matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, the amendments of this Ordinance, the granting of Special Use Permits, Conditional Use Permits and any other matter within the scope of zoning powers.
- (D) Reviewing, conducting public hearings, and making recommendations to the Town Council, the Board of Adjustment, or the Zoning Administrator, whichever is applicable, for action on all requests for plans of development, subdivisions, and zoning clearances referred by the Zoning Administrator. (*Ord. #2013-02*)

**Section 3.03 Development Review Board:**

(1) PURPOSE

- (A) The Planning and Zoning Commission shall serve as the Development Review Board for the Town to carry out the purposes of this Ordinance and the Arizona Revised Statutes relating to planning, zoning, and building regulations.

(2) ORGANIZATION

- (A) The Board shall be composed of the seven (7) Planning and Zoning Commissioners who are appointed by the Town Council to serve without compensation for a term of office at the pleasure of the Town Council.
- (B) The Board's Chairperson and Vice-Chairperson shall be the Chairperson and Vice-Chairperson of the Planning and Zoning Commission.

(3) PROCEDURE

- (A) The procedures are contained in the Town of Carefree Development Review Manuals titled "Site Plan" and "Mountainside".

- (B) Any approval by the Board shall expire after twelve (12) calendar months if building permits are not granted for the respective development proposal within the aforementioned time period. An extension of a maximum of six (6) months may be granted by the Zoning Administrator. Extension will only be granted if the applicant provides to the Zoning Administrator a written request detailing circumstances beyond the applicant's control that have caused unanticipated delays in the development of the project.

(4) GOALS

- (A) To encourage, protect, and enhance the health, safety, and general welfare of the citizens of the Town of Carefree.
- (B) To encourage, protect, and enhance the attractive appearance of the Town of Carefree as defined in the Town of Carefree Design Guidelines titled "Single-Family", "Mountainside", and "Commercial".
- (C) To promote development consistent with the Town's goals of protecting its unique desert environment.
- (D) To ensure the provision of necessary utilities, services, and circulation.

(5) WHEN REQUIRED

- (A) For all new non-residential construction including land disturbance for roads, structures, or buildings of any kind.
- (B) An increase in square footage of a non-residential use by approximately one third (1/3) or a significant exterior alteration (determined by the Zoning Administrator) of a non-residential use.
- (C) Any amendment to an approved development review plan.
- (D) Any new development within the Mountainside zoning district defined by Article X.
- (E) Other applicable uses as required in the Zoning Ordinance.  
*(Ord. #2013-01)*

(6) APPEALS:

- (A) The approval, with or without conditions, or denial by the Development Review Board shall be final unless within twenty-one (21) calendar days from the date of the Board's decision the applicant appeals the decision in writing to the Town Council. Such



appeal shall be submitted to the Town Clerk and shall include a brief statement of the grounds of the appeal and the relief requested. The Town Council shall hear such appeal at the next regularly scheduled Council meeting if there is a minimum of fourteen (14) calendar days before the next regularly scheduled Council meeting. If there is not a minimum of fourteen (14) calendar days, such appeal shall be heard at the second regularly scheduled Council meeting following the official filing of the appeal with the Town Clerk.

- (B) The Town Council shall have the right and the prerogative to initiate its own review of any decision arrived at by the Development Review Board and shall uphold, modify, or over-rule said decision. Such Council-initiated review of any Board decision shall be considered at the next regularly scheduled Town Council meeting after the Development Review Board's decision if there is a minimum of fourteen (14) calendar days before the next regularly scheduled Council meeting. If there is not a minimum of fourteen (14) calendar days, such appeal shall be heard at the second regularly scheduled Council meeting after the Board's decision. If no review is initiated by the Town Council, the Board's decision shall be deemed to be final and binding.

### **Section 3.04 Board of Adjustment (Ord. #2013-02)**

#### **(1) PURPOSE**

- (A) The Board of Adjustment is a quasi-judicial body created to hear and decide requests for relief from the terms of this Ordinance (variance) and to hear and decide appeals from interpretations of this Ordinance made by the Zoning Administrator.

#### **(2) ORGANIZATION**

- (A) The Board of Adjustment shall be composed of the seven (7) members of the Planning and Zoning Commission, which includes the Chairperson and the Vice-Chairperson.
- (B) The Planning and Zoning Commission's Chairperson and Vice-Chairperson shall be the Chairperson and Vice-Chairperson of the Board of Adjustment.

#### **(3) RULES**

- (A) In the absence of the Chairperson, the Vice-Chairperson shall be the Chairperson.

- (B) The Chairperson, or in his absence the Vice-Chairperson, may administer oaths and take evidence.
- (C) Meetings of the Board of Adjustment shall be held at the call of the Chairperson or Vice Chairperson at times deemed necessary for the transaction of business.
- (D) A quorum consisting of four (4) members shall be present in order to conduct business.
- (E) A majority of members present shall be required to approve or deny a motion on any item.
- (F) All meetings shall be open to the public.
- (G) The Board of Adjustment shall keep minutes of its proceedings, of its hearings, and of other official actions showing the vote or failure to vote of each member upon each question and indicating the absence of any member of the Board.
- (H) A copy of every rule or regulation, variance or order, requirement, decision, or determination of the Board of Adjustment shall be filed with the Zoning Administrator and shall be a public record.
- (I) The Board of Adjustment shall adopt all rules and procedures necessary or convenient for the conduct of its business.

#### (4) POWERS AND DUTIES

- (A) The Board of Adjustment shall hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator in the enforcement of this Ordinance.
  - 1) Appeals to the Board of Adjustment may be taken by persons aggrieved or by any officer, Department, Board, or bureau of the municipality affected by a decision of the Zoning Administrator regarding an interpretation of the Zoning Ordinance within twenty-one (21) calendar days of such decision or within twenty-one (21) calendar days of when the appealing party knew or should have known of the decision by filing with the Zoning Administrator and with the Board a Notice of Appeal specifying the grounds thereof.
  - 2) No development activities shall commence under the decision and no building permits shall be issued based upon the decision until expiration of the twenty-one (21) calendar day appeal period, unless the Zoning Administrator determines

that the delay would cause imminent peril to life or property. If applicable, the Zoning Administrator shall notify the property owner in writing of an appeal and shall advise the property owner to cease all activities under the decision, pending resolution of the appeal.

- 3) The Board shall hear the appeal within sixty (60) calendar days from the date of original decision and shall give notice of hearing by both publication in a newspaper of general circulation and by posting the notice in a conspicuous place(s) on or near to the property affected.
  - 4) The Board may reverse or affirm, wholly or partly, or modify the order of an interpretation of the Zoning Ordinance made by the Zoning Administrator.
- (B) The Board of Adjustment shall hear and decide appeals for variances from the terms of the Zoning Ordinance only if the strict application of this Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district because of special circumstances applicable to the subject property, including its size, shape, topography, location, or surroundings.
- 1) Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
  - 2) The Board of Adjustment may not grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
  - 3) The Board of Adjustment may prescribe any conditions or stipulations for the approval of a variance as it deems necessary to carry out the intent of this Ordinance.

(5) PROHIBITED ACTION

- (A) The Board of Adjustment may not make any changes in the uses permitted in any zoning classification or zoning district or make any changes in the terms of the Zoning Ordinance, provided this limitation shall not affect the Board's authority to grant variances pursuant to this Article.

(6) APPEAL FROM THE BOARD OF ADJUSTMENT DECISION

- (A) A person aggrieved by a decision of the Board of Adjustment may, at any time within thirty (30) days after the Board of Adjustment has rendered its decision, file a complaint for special action in the Superior Court to review the decision.
- (B) Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed.

**Section 3.05 Neighborhood Unit Plan of Development**

- (1) The Town Council may authorize, within any zoning district, a Neighborhood Unit Plan of Development (NUPD) to provide for the development of a large site as a complete neighborhood unit having a range of dwelling types, the necessary shopping centers and off-street parking areas, parks, playgrounds, school sites, and other community facilities after being reviewed at public hearings by the Planning and Zoning Commission and the Town Council. The minimum allowable size of a NUPD is thirty (30) acres.
- (2) The procedure is contained in the Town of Carefree Development Review Manual titled "Zoning".

**Section 3.06 Residential Unit Plan of Development**

- (1) The Town Council may authorize, within any zoning district, a Residential Unit Plan of Development to provide for the large scale residential development wherein variation in the lot size, dwelling types, and/or open spaces about them is warranted due to topography or other considerations after being reviewed at public hearings by the Planning and Zoning Commission and the Town Council. The minimum allowable size of a RUPD is ten (10) acres.
- (2) The procedure is contained in the Town of Carefree Development Review Manual titled "Zoning".

### **Section 3.07 Special Use Permit (Ord. #2006-05)**

- (1) The uses defined as Special Uses in Article V. may be approved by the Town Council after being reviewed at public hearings by the Planning and Zoning Commission and the Town Council.
- (2) Prior to the public hearing, the site shall be posted a minimum of fifteen (15) days before the Planning and Zoning Commission hearing. Such posting shall remain on the site until the completion of the Town Council's hearing in which the application for the Special Use Permit is considered. In addition, all property owners within a 500 foot radius of the subject property shall be notified of both the Commission and Town Council hearing dates by first class mail a minimum of fifteen (15) days before the Planning and Zoning Commission hearing.
- (3) The Applicant shall complete and submit information that the Zoning Administrator requests from the Special Use Permit checklist prior to consideration of the application.
- (4) The Zoning Administrator shall review all submitted information for accuracy and completeness prior to scheduling the Planning and Zoning Commission and Town Council public hearings. Once the application is deemed complete by the Zoning Administrator, the public hearings shall be scheduled by the Zoning Administrator.
- (5) The Planning and Zoning Commission may recommend imposing conditions for the approval of a Special Use Permit and the Town Council may place any conditions upon the approval of a Special Use Permit.
- (6) A refusal to issue a Special Use Permit is not the denial of a right, conditional or otherwise. The authority to issue a Special Use Permit is not a mandatory one and the permissive power granted is to be exercised or not, at the Town Council's discretion. Such action by the Town Council on a Special Use Permit request shall be considered a legislative act and, if approved, adopted through an Ordinance to amend the Town's zoning map.
- (7) The burden of providing specific evidence and facts showing that the public health, safety, and welfare will be served and will not be adversely affected and that necessary safeguards will be provided for the protection of adjacent property shall rest with the applicant.

### **Section 3.08 Conditional Use Permit (Ord. #2006-05)**

- (1) The uses defined as Conditional Uses in Article V. may be approved by the Town Council after being reviewed at public meetings by the Planning and Zoning Commission and the Town Council.

- (2) Prior to the public meetings, the site shall be posted a minimum of fifteen (15) days before the Planning and Zoning Commission meeting. Such posting shall remain on the site until the completion of the Town Council's meeting in which the application for the Conditional Use Permit is considered.
- (3) The Applicant shall complete and submit information that the Zoning Administrator requests from the Conditional Use Permit checklist prior to consideration of the application. The Zoning Administrator shall review all submitted information for accuracy and completeness prior to scheduling the Planning and Zoning Commission and Town Council public meetings. Once the application is deemed complete by the Zoning Administrator, the public meetings shall be scheduled by the Zoning Administrator.
- (4) The burden of providing specific evidence and facts showing that the public health, safety, and welfare will be served and will not be adversely affected and that necessary safeguards will be provided for the protection of adjacent property shall rest with the applicant.
- (5) The Planning and Zoning Commission may recommend imposing conditions for the approval of a Conditional Use Permit and the Town Council may place any conditions upon the approval of a Conditional Use Permit.

### **Section 3.09 Special Event Permits (Ord. #2006-05)**

- (1) The Zoning Administrator shall hear applications for and may grant Special Event Permits for a period of time not to exceed sixty (60) days for special events such as circuses, Christmas tree lots, revivals, horse shows, rodeos, charity events, and other short term events. Temporary construction offices and sales offices for new subdivisions shall be granted for a length of time specified by the Zoning Administrator.
- (2) The Special Event Permit may be issued if a finding that the use covered by the permit, or the manner of conducting the same is not detrimental to:
  - (A) Persons residing or working in the vicinity,
  - (B) Adjacent property,
  - (C) The surrounding neighborhood, or
  - (D) The public welfare in general.
- (3) Factors which may be reviewed include but are not limited to:
  - (A) Emitting odor, dust, gas, noise, smoke, heat, or glare beyond any boundary of the lot on which the use is being conducted.

- (B) Causing a significant increase in traffic congestion.
  - (C) Constituting a threat to public health or safety.
  - (D) Causing or contributing to disturbances or breaches of the public peace and order.
- (4) A Special Event Permit may be revoked by the Zoning Administrator upon a finding that there is material noncompliance with any condition prescribed in conjunction with the issuance of the permit, or that the use covered by the permit or the manner of conducting the same:
- (A) Is detrimental to persons residing or working in the vicinity, adjacent property, the neighborhood, or the public welfare in general.
  - (B) Is in violation of any provision of this Ordinance or any law of the Town of Carefree or, if applicable, any law of Maricopa County, the State of Arizona, or the United States.
  - (C) The revocation of a Special Event Permit shall become final immediately.

### **Section 3.10 Amendments to the Zoning Ordinance**

- (1) The provisions of this Ordinance including the zoning map may, from time to time, be amended, supplemented, changed, modified, or repealed by the Town Council.
- (2) Requests to amend this Ordinance may be initiated by the Commission, a member of the Town Council, or a real property owner in the area to be included in the proposed amendment. Applications for amendment shall be made in the office of the Zoning Administrator on a form provided.
- (3) Zoning map amendments within the Zoning Ordinance must conform to the land use map of the Town of Carefree General Plan 2020. Any required amendment to the General Plan 2020 land use map must be requested by the applicant and approved by the Planning and Zoning Commission and Town Council prior to any decision being made on the zoning map amendment.
- (4) The procedure for zoning amendments is contained in the Town of Carefree Development Review Manual titled "Zoning".

### **Section 3.11 Zoning Clearance and Building Permit**

- (5) A zoning clearance and building permit for a principal use are required prior to starting any construction including any change to existing buildings, roads, driveways, or native plants and including grading or grubbing.
- (6) A zoning clearance may not be required for the repair or replacement of a roof or exterior finish depending upon the extent of the work involved. However, approval by the Zoning Administrator is required.



## **Article IV. ZONING DISTRICT BOUNDARIES**

### **Section 4.01 Zoning Districts**

- (1) The Town is hereby divided into the following zoning districts:
  - (A) Rural-190, Rural Zoning District - 190,000 Square Feet Per Single-Family Dwelling.
  - (B) Rural-70, Rural Zoning District - 70,000 Square Feet Per Single-Family Dwelling.
  - (C) Rural-43, Rural Zoning District - One (1) Acre (43,560 Square Feet) Per Single-Family Dwelling.
  - (D) R1-35, Single-Family Residential Zoning District - 35,000 Square Feet Per Single-Family Dwelling.
  - (E) R1-18, Single-Family Residential Zoning District - 18,000 Square Feet Per Single-Family Dwelling.
  - (F) R1-10, Single-Family Residential Zoning District - 10,000 Square Feet Per Single-Family Dwelling.
  - (G) R-3, Multiple-Family Residential Zoning District.
  - (H) L, Lodging.
  - (I) GO, Garden Office Zoning District.
  - (J) C, Commercial Zoning District.
  - (K) OS-R, Open Space-Recreation Zoning District. (*Ord. #2013-01*)

### **Section 4.02 Boundary Lines**

- (1) The boundaries of the zoning districts are shown upon the map designated as the Zoning District Map; the original of which is signed and dated by the Town Administrator and stored for safe-keeping by the Town Clerk. The Zoning District Map, along with all the notations, references, and other information shown thereon, are hereby adopted and are made a part of this ordinance and have the same force and effect.

### **Section 4.03 Boundary Determination**

- (1) Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning District Map, the following rules shall apply:
  - (A) Where zoning district boundaries approximately follow street or alley lines or their centerlines, the lines shall be construed to be the zoning district boundaries.

- (B) Where zoning district boundaries approximately follow lot lines, the lot lines shall be the zoning district boundaries.
  - (C) Where zoning district boundaries approximately follow the line of any stream, irrigation canal, waterway, railroad right of way, or the boundary line of public land, the lines shall be the zoning district boundaries.
  - (D) Where a zoning district boundary divides a lot, the location of the boundary (unless indicated by dimensions shown on the Zoning District Map) shall be determined by the use of the scale shown on the map.
- (2) The following shall apply whenever a lot is divided by zoning district boundaries:
- (A) If any zoning district comprises a minimum of 51 percent of the land area of the lot, that zoning district shall apply to the entire lot.
  - (B) In all other cases the Zoning Administrator shall determine the zoning district that applies to the lot.
  - (C) In all cases only one zoning district shall apply to the entire lot.

#### **Section 4.04 Public Way Vacation**

- (1) Whenever any street, alley, or other public way is vacated by the Town Council, the zoning districts adjoining each side of such street, alley, or public way shall be extended to the center of such vacation.

#### **Section 4.05 Lands Not Previously Zoned**

- (1) Lands, which come under the authority of the Town after this ordinance becomes effective and which have not been zoned by any other jurisdiction, shall be zoned Rural-190 Zoning District until such lands are rezoned pursuant to this Ordinance. This rezoning shall take place and shall become effective no later than six months after the lands come under the authority of the Town.

#### **Section 4.06 Lands Previously Zoned By Other Jurisdictions**

- (1) Lands, which come under the authority of the Town after this Ordinance becomes effective and which have been zoned by another jurisdiction, shall retain such zoning until rezoned by the Town.
- (2) This rezoning shall take place and shall become effective no later than six months after the lands come under the authority of the Town.

# Article V. USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT

## Section 5.01 Uses Permitted In Each Zoning District (Ord. #2006-05)

Table 5.1 illustrates the land uses qualified for each zoning district by right or through a Special or Conditional Use Permit. An “X” in the box below a zoning district and to the right of the described land use implies the use is allowed by right. A “C” in the box below a zoning district and to the right of the described land use authorizes an application for a Conditional Use Permit. An “S” in the box below a zoning district and to the right of the described land use authorizes an application for a Special Use Permit. A blank in any box indicates the use is not permitted. The subscripted numbers in the boxes illustrate additional conditions, provisions and/or criteria pertaining to the respective land use, if authorized by the Town Council.

### *Permitted Uses*

Those uses allowed by right, subject to the stated conditions (subscripted numbers in Table 5.1) and applicable regulations, are required to obtain a building permit prior to commencement of construction activity. In some instances, such as a commercial project, garden-office development, multiple-family development or mountainside development (as defined by Article X.), a site/development plan must be reviewed and approved by the Development Review Board prior to the approval and issuance of a building permit.

### *Conditional Uses*

Those uses permitted through the approval of a Conditional Use Permit shall fulfill all the conditions specified in the footnote (subscripted number) specified both in Table 5.1 and further described in Section 5.02. The issuance of a Conditional Use Permit is considered an administrative act.

### *Special Uses*

Those uses permitted through the approval of a Special Use Permit shall fulfill all the criteria specified both in the footnote (subscripted number) specified in Table 5.1 and further described in Section 5.02. The issuance of a Special Use Permit is considered a legislative act.

**Table 5.1:** Uses allowed in each zoning district, residential (Rural-190 through R-3) , Lodging (L) , Garden Office (GO), and Commercial (C). (Ord. #2005-05, Ord. #2006-05)

<b>ZONING DISTRICT</b>										
<b>USES ALLOWED</b>	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
Airports, Existing			S <sub>1</sub>							
Accessory Uses	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>3</sub> ★X <sub>2</sub>	X <sub>3</sub>	X <sub>3</sub>
Assisted Care Facility/Nursing Home							S <sub>4</sub>	S <sub>4</sub>	S <sub>4</sub>	
Bakery										X <sub>5</sub>
Bank, Savings and Loans									S <sub>6</sub>	X
Financial Institutions										X
Barber and Beauty Shops										X
Bowling Alley										X
Candy Shops										X <sub>5</sub>
Catering										X
Church (Places of Worship)	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>	S <sub>7</sub>
Clinic, Health									X	X
College, Business										X
Dry Cleaning										X
Dwelling, One-Family	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	★		
Dwelling, Multiple-Family							X <sub>2</sub>			C <sub>8</sub>
Fire Station										X
Galleries										X
Golf Courses, Existing				X <sub>9</sub>	X <sub>9</sub>					
Group Home	X <sub>10</sub>	X <sub>10</sub>	X <sub>10</sub>	X <sub>10</sub>	X <sub>10</sub>	X <sub>10</sub>				
Guest House	X	X	X	X	X	X				
Gyms										X
Hobby Shops										X

★ Carefree Inn Estates

**(Continued) Table 5.1: Uses allowed in each zoning district, residential (Rural-190 through R-3), Lodging (L), Garden Office (GO), and Commercial (C).**

<b>ZONING DISTRICT</b>										
<b>USES ALLOWED</b>	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
Home Occupations	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>	X <sub>2</sub>			
Horses	X <sub>11</sub>									
Hospitals										X
Hotels, Motels								X		X
Interior Decorator									X <sub>12</sub>	X
Kennels										X
Locksmith										X
Medical Laboratories										X
Medical Marijuana Dispensary										C <sub>13</sub>
Nursery Schools							S <sub>14</sub>	S <sub>14</sub>	S <sub>14</sub>	X
Offices									X <sub>12,16</sub>	X
Pharmacy										X
Plant Nursery										X <sub>17</sub>
Printing/Copying										X
Public Buildings								X	X	X
Public Facilities/Utilities	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>	S <sub>18</sub>
Public Park	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>	C <sub>15</sub>
Private Clubs										X <sub>19</sub>
Rental Store										X <sub>20</sub>
Repair Shops										X <sub>21</sub>
Resort Hotel								X		X
Restaurants										X <sub>22</sub>
Restaurant, Drive-through										S

**(Continued) Table 5.1:** Uses allowed in each zoning district, residential (Rural-190 through R-3), Lodging (L), Garden Office (GO), and Commercial (C).

<b>ZONING DISTRICT</b>										
<b>USES ALLOWED</b>	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
Retail Sales										X <sup>19, 20</sup>
Schools						S <sup>23</sup>	S <sup>23</sup>	S <sup>23</sup>	S <sup>23</sup>	X
Schools, Trade										X <sup>23</sup>
Service Stations										S <sup>24</sup>
Small Wireless Service Facilities in the ROW	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>	X <sup>28</sup>
Studios									X <sup>16</sup>	X <sup>16</sup>
Supervisory Care Facility							S <sup>25</sup>	S <sup>25</sup>	S <sup>25</sup>	S <sup>25</sup>
Spas										X <sup>19</sup>
Taxidermists										X
Theater										X <sup>19</sup>
Veterinary Clinic									S <sup>26</sup>	X
Warehouse										S <sup>27</sup>
Wireless Communication Facilities	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>

**Section 5.02 Additional Requirements and Clarifications**  
(Ord. #2006-05)

- (1) The existing SkyRanch Airport is allowed as a Special Use in the Rural-43 zoning district. Any new construction, expansion, remodeling, upgrading, and other changes shall be subject to the approval of a Special Use Permit. No other airports are allowed in the Town of Carefree. The application for an amendment to the Special Use Permit shall comply with the process prescribed in Article III., Section 3.07.
- (2) Permitted Residential Accessory Buildings and Uses:
  - (A) Home occupations:
    - 1) An occupation or profession customarily conducted entirely within a dwelling and carried on by a member(s) of the housekeeping unit residing therein. The occupation or profession is clearly incidental and subordinate to the use of

the dwelling for dwelling purposes and does not change the character of the dwelling. There are no employees other than a member(s) of the housekeeping unit residing in the dwelling. No mechanical equipment is allowed except for that which is customarily used for domestic, hobby, or household purposes.

- 2) Home occupation includes the use of a dwelling by physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of the profession.
  - 3) Home occupation does not include clinic, hospital, barber shop, beauty parlor, animal hospital, advertising or public relations agency, interior decorator's office, art gallery, or similar use.
  - 4) No indication shall be detected from the exterior of the building or property that it is being utilized for any purpose other than that of a dwelling, nor shall such use generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
  - 5) A carport or garage may not be used for home occupations.
- (B) Fences or free-standing walls subject to the fences and walls Article IX.
- (C) Private swimming pool and related structures, provided:
- 1) Such pool and related mechanical equipment shall be located in other than a required yard (building setback).
  - 2) Fences and walls shall meet the requirements of Article IX.
  - 3) Accessory equipment such as pumps, heaters, and filters shall be fully screened by a solid wall at least four and one-half (4.5) feet high to screen sound and sight from neighboring lots.
- (D) Private tennis court provided:
- 1) Lights are not permitted.
  - 2) For fencing requirements see fences and walls Article IX.
- (E) A satellite or communications dish having:
- 1) A non-reflective finish.

- 2) Maximum diameter of one (1) meter or less unless a larger diameter is approved by the Development Review Board.
  - 3) Must be attached to the principal structure.
- (F) In the single-family residential zones only, a maximum of one (1) antenna may be attached to the roof. The antenna may be up to a maximum of four (4) feet above the highest roof line, unless a taller antenna is approved by the Development Review Board.
- (G) In the multi-family residential zones only:
- 1) A manager's office or rental office that shall be used for the purpose of managing, leasing, renting, or sales of the property it is located on.
  - 2) A recreation or meeting room that shall be only for the use of the persons inhabiting the property and their guests.
  - 3) A self-service laundry to be used only by the persons inhabiting the property.
  - 4) Such facilities shall not be used for commercial purposes.
- (H) Private garage.
- (I) At no time shall a motor home, bus, trailer, travel trailer, boat, or camper be occupied or used for sleeping, living, or housekeeping purposes.
- (J) No motor home, bus, mobile home, trailer, travel trailer, boat, or camper may be parked, located, or stored on any vacant lot.
- (K) Any motor home, bus, trailer, travel trailer, boat, camper, and mechanical equipment shall be stored within a garage. Except for loading and unloading purposes which may not exceed a time period of forty-eight (48) hours.
- (L) The underground storage of fuels or chemicals including but not limited to gasoline, kerosene, diesel oil fuel, insecticides, paint thinners, or solvents shall not be permitted in any rural or residential zoning district.
- (3) Permitted Commercial Accessory Buildings and Uses:
- (A) Fences or free-standing walls subject to the fences and walls Article IX.



- (B) A maximum of one (1) antenna attached to the roof, up to a maximum of four (4') feet above the highest roof line, unless a taller antenna is approved by the Development Review Board.
- (C) A satellite or communications dish having:
  - 1) A non-reflective finish.
  - 2) Maximum diameter of one (1) meter, unless a larger diameter is approved by the Development Review Board.
  - 3) Must be attached to the principal structure.
- (4) A Special Use Permit for an Assisted Care Facility/Nursing Home (also includes independent living and continuing care retirement community; see Article II. for definitions of each use) shall meet the following minimum criteria:
  - (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The use shall be located adjacent to an arterial roadway as identified in the Circulation Element of the Town's General Plan.
  - (C) A minimum building setback of sixty (60) feet shall be maintained along any abutting residential property.
  - (D) The density of the development may not exceed one unit for 3,250 square feet of net lot area (excluding any right-of-way). A unit for an Assisted Care Facility/Nursing Home shall be defined as being one bedroom. In the case where independent living is integrated into an Assisted Care Facility/Nursing Home and two bedrooms are provided for one patient and a spouse, such unit shall be considered as only one unit. If such two bedroom unit is shared by two unrelated individuals such unit will be counted as two separate units. In the case of communal bedrooms such as a sleeping porch, every two (2) beds will be counted as one unit. If the number of beds are not an even count, the number of units will be rounded up (example: 5 beds = 3 units).
  - (E) The building height may not exceed eighteen (18) feet from natural and finished grade and twenty-five (25) feet from the highest point of the roof to lowest elevation where the building meets natural grade.
  - (F) Minimum lot size for an Assisted Care Facility/Nursing Home is three (3) net acres.

- (G) Any parking lot shall be screened from the street or adjacent residential property by a three (3) foot high, horizontally undulating masonry wall and native desert landscaping. The number of parking spaces shall meet the minimum requirements of Article VII., Section 7.01, Table 7.1 (including one space per each unit and one space per each employee or contracted employee). A minimum of thirty-five (35) percent of the parking area shall be treated with pavers or exposed aggregate.
  - (H) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors. Furthermore, the applicant must ensure the land use is consistent with the Land Use Map of the Town's General Plan. The analogous Land Use categories are Moderate Density Residential, Resort/Hotel or Garden Office designations.
  - (I) Any amendments to the approved Special Use Permit after it is granted by the Town Council including but not limited to the addition of units, parking spaces and/or supporting facilities/amenities must satisfy the requirements of the Zoning Ordinance and any applicable State or Federal law.
- (5) The product produced on site shall be limited to the product that will be offered for sale on site; no wholesale or off-site retail of the product is allowed unless approved by the Zoning Administrator.
- (6) A Special Use Permit for a Bank/Savings and Loan shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The use shall be located adjacent to an arterial roadway as identified in the Circulation Element of the Town's General Plan.
  - (C) A drive-through shall not be permitted in the Garden-Office zoning district.
  - (D) A minimum of thirty-five (35) percent of the parking area shall be treated with pavers or exposed aggregate.
  - (E) A master signage plan illustrating all signage for the proposed use shall be reviewed and approved by the Planning and Zoning Commission and the Town Council. Such signage shall meet the minimum requirements of Article VIII.
  - (F) The building setback shall be a minimum of sixty (60) feet from any residential property line.

- (G) The applicant must ensure the land use is consistent with the Land Use Map of the Town's General Plan. The analogous Land Use categories are Town Center, Commercial or Garden Office designations.
  - (H) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.
- (7) A Special Use Permit for a Church (Place of Worship) shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The use shall be located adjacent to an arterial roadway as identified in the Circulation Element of the Town's General Plan.
  - (C) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.
  - (D) The Place of Worship, accessory structure(s) and parking area shall be set back a minimum of 100 feet from any residential property line.
  - (E) The parking area(s) shall be screened from any public street by a three (3) foot high, horizontally undulating, solid masonry block wall and native desert landscaping. A minimum of thirty-five (35) percent of the parking area shall be treated with pavers or exposed aggregate.
  - (F) The building height may not exceed (unless otherwise approved by Town Council) twenty-four (24) feet from natural and finished grade and thirty (30) feet from the highest point of the roof to the lowest elevation of where the building meets natural grade.
  - (G) All exterior lights shall be within pedestrian and parking areas and shall consist of fully shielded bollard lights no more than three (3) feet in height.
  - (H) A columbarium may be included within a Place of Worship. The columbarium shall be placed within an interior courtyard and shielded from view from the exterior of the site.
  - (I) A nursery school, preschool and/or ancillary religious school may be conducted at the Place of Worship. The maximum enrollment shall be related to the capacity of the class rooms, be proportional to the size of the congregation and amount of parking dedicated to the school's use (minimum 1 parking space per 2 students). All

outdoor space (i.e. playgrounds) associated with the school shall be placed in interior courtyards for safety, security and mitigation of impacts on neighboring residential properties.

- (J) One monument sign may be placed at the primary entrance at the arterial street. Such sign may not exceed four (4) feet in height and six (6) feet in width. The sign may contain the address and name of the Place of Worship but no other text. The text may be halo lighted. No banner signs advertising special events (i.e. fundraisers) or the school (i.e. enrollment periods) will be permitted.
  - (K) The land use shall be consistent with the Town's General Plan Land Use map.
- (8) Mixed use residential and non-residential uses are permitted, pursuant to the following regulations (**Ord. #2013-03; Ord. #2016-6**):
- (A) In existing buildings, one (1) or more residential dwelling unit(s) are allowed, subject to approval by the Zoning Administrator and the following criteria:
    - 1) Such residential units are not allowed on the first floor and/or street level of the subject building.
    - 2) Prior to residential occupancy, approval is required by the Carefree Building Department for any change in the building occupancy use classification, pursuant to the Town's building code regulations.
    - 3) Each unit shall be used exclusively for residential occupancy and shall be occupied by no more than one (1) housekeeping unit.
    - 4) Accessory uses are allowed subject to Section 5.02(2).
    - 5) Shared housekeeping facilities for multiple housekeeping units are prohibited.
    - 6) A minimum of two (2) onsite parking spaces per residential unit are required. Such spaces shall be specifically reserved for the associated residential units.
    - 7) Any improvements related to the residential units shall be designed such that the exterior of the building blends in with the architectural treatment, forms and style of the overall building. The intent is to establish the different uses within the subject building in a manner that ties them together in a whole, consistent appearance.

- (B) A Conditional Use Permit is required to allow new mixed use commercial and residential condominiums within a Commercial zoning district, and shall meet the following minimum criteria:
- 1) The application for the Conditional Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.08.
  - 2) The minimum property size (net lot area) to permit residential condominiums within the commercial zoning district is 43,560 square feet (1 acre). All properties shall be internal to the Town Center and shall contain frontage on Easy Street. Any property within the Town Center containing frontage on Tom Darlington Drive, Cave Creek Road or Bloody Basin Road shall not be considered under this Conditional Use Permit for a mixed use development (residential and commercial uses). Additionally, any property outside of the Town Center as defined by the General Plan Land Use Map shall not be considered for this Conditional Use Permit for a mixed use development (residential and commercial uses).
  - 3) The minimum size of each residential condominium shall be 1,200 square feet of livable area. A residential condominium plat shall be approved by the Planning and Zoning Commission. All units shall be used solely for residential occupancy.
  - 4) All properties containing residential condominiums shall have commercial space maintained at street level unless otherwise approved by Town Council. If offices are proposed, the gross square footage of the commercial use at street level may not contain more than 25% offices unless otherwise approved by Town Council. An office associated with retail space is exempt from this requirement.
  - 5) All required parking for the residential and commercial uses shall meet the minimum requirements set forth in this Ordinance unless otherwise approved by the Town Council through a development agreement.
  - 6) A minimum of one half (1/2) of the required parking for the development, unless otherwise approved by Town Council, shall be placed below the adjacent street curb. All other required parking shall be placed at street level adjacent to or behind store fronts or as approved by Town Council. Parking placed behind store fronts shall be screened from pedestrian traffic along Easy Street.

- 7) The building's maximum height above finished grade (measured from finished floor elevation to ridge of roof or top of parapet) shall not exceed thirty-seven (37) feet. Parking which is fully recessed below finished grade (no day lighting) shall be exempt from maximum building height. In order to adequately screen roof top mechanical equipment, an additional six (6) feet may be permitted. Such screening shall be integrated into the architecture of the building through complementing mansard roof forms with varying slopes and vertical parapets. Elevator shafts and stair wells which are placed near the center of the mechanical equipment enclosure and/or roof deck may extend a maximum of nine (9) feet above the roof deck.
  - 8) Along any public street, above eighteen (18) feet in height from finished floor elevation and up to the maximum building height of thirty-seven (37) feet from finished floor elevation, the building facade shall step back  $\frac{1}{2}$  foot (6 inches) for every foot in height. To permit horizontal undulation of the building façade to highlight building masses and to allow for separation between condominium balconies, a maximum of forty-five (45) percent of any elevation (façade) along any public street will be exempt from this step back requirement unless otherwise approved by the Town Council. Canopies or other shade structures may encroach within the building step back envelope.
  - 9) Arcades shall extend a minimum of ten (10) feet from the building façade towards the property line and shall not exceed a height of eighteen (18) feet from finished floor elevation unless otherwise approved by Town Council. Shade trellises or awnings shall extend a minimum of six (6) feet from the building façade towards the property line. Where arcades, trellises or awnings are not used along the Easy Street retail frontage, native trees shall be used.
  - 10) Lot coverage shall not exceed seventy percent (70%) of the net lot area. Arcades, shade structures and parking structures (covered parking decks) are excluded from lot coverage.
- (9) The existing Desert Forest Golf Course is an allowed use in the R1-35 zoning district. The existing Boulders Golf Course is an allowed use in the R1-18 zoning district. Any new expansion (i.e. additional of golf holes, enlargement of a maintenance building), shall be subject to the approval of a Special Use Permit. No other golf courses are allowed in the Town of Carefree. The application for the Special Use Permit shall comply with the process prescribed in Article III., Section 3.07.

- (10) Group home, providing that:
- (A) No group home shall be located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of another group home.
  - (B) When required by state or federal regulation, the home is licensed by, certified by, approved by, registered with, or under contract with a federal, state, or local government and evidence of such is provided to the Zoning Administrator.
  - (C) No exterior change altering the residential character shall be made to the exterior of the building(s) and/or the grounds.
  - (D) A zoning clearance for the group home must be granted by the Zoning Administrator.
  - (E) An administrative record of each group home is maintained by the Zoning Administrator.
- (11) The keeping of horses or other equines providing that:
- (A) The primary residence first exists on the property.
  - (B) The horses are for the use of the family residing on the premises and guests only.
  - (C) The number of horses or other equines shall be limited to one (1) horse for each contiguous gross acre under single ownership and shall not exceed six (6) horses.
  - (D) A stable shall not exceed six hundred (600) square feet (area under roof) per horse with a maximum size of 3,600 square feet (area under roof) .
  - (E) Stables shall be located in other than a required yard (building setback) and shall maintain a setback of at least one-hundred (100) feet from any lot line.
  - (F) A shade structure shall be limited to 300 square feet (area under roof) per horse with a maximum size of 1,800 square feet (area under roof).
  - (G) No stable or shade structure shall exceed fifteen (15) feet in height from the finished grade.
  - (H) The provisions of the Maricopa County Health Code and all amendments thereto shall apply to the keeping of horses within the

Town, even when those provisions are more restrictive than other parts of this subsection.

- (I) Fences or walls establishing the perimeter of a corral used in the keeping of horses or other equines shall be located in other than a required yard (building setback) and shall maintain a setback of at least one-hundred (100) feet from any lot line.
  - (J) There shall be no more than one stable or shade structure per lot.
- (12) No retail sales are allowed.
- (13) Medical Marijuana Cultivation, Infusion or Manufacturing facilities are prohibited. The Conditional Use Permit for a Medical Marijuana Dispensary shall meet the following minimum criteria (*Ord. #2011-02*):
- (A) The applicant shall submit a copy of the operating procedures for the medical marijuana dispensary facility adopted in compliance with Arizona Revises Statute §36-2804(B)(1)(c).
  - (B) The dispensary facility shall be located in a permanent building and shall not be located in a trailer, cargo container, motor vehicle, recreation vehicle or any temporary structure.
  - (C) The area of the dispensary facility shall not exceed 1,500 gross square feet.
  - (D) The dispensary facility shall have operating hours not earlier than 9 a.m. and not later than 6 p.m. Monday through Friday, and not earlier than 10 a.m. and not later than 6 p.m. Saturday and Sunday.
  - (E) Drive-through services are prohibited.
  - (F) Cultivation and infusion (manufacturing) of medical marijuana are prohibited.
  - (G) Marijuana remnants and/or byproducts shall not be placed within exterior refuse container(s) or disposed of onsite by any other means and shall be disposed of by a certified offsite waste disposal service in conformance with state and federal requirements.
  - (H) Off-site delivery and on-site consumption of medical marijuana are prohibited.
  - (I) The dispensary facility shall not be located within 1,320 linear feet (¼ mile) of any other medical marijuana cultivation, infusion or manufacturing facility or another medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the dispensary facility is located



to the closest point of the property boundary line of the other facility.

- (J) The dispensary facility shall not be located within five hundred (500) linear feet of any residential property located in the Rural-190, Rural-70, Rural-43, R1-35, R1-18, R1-10, and/or R-3 zoning districts. This distance shall be measured from the exterior walls or portion thereof in which the dispensary facility is located or proposed to be located to the closest point of the property boundary line of the residential property.
  - (K) The dispensary facility shall not be located within five hundred (500) linear feet of any preschool, kindergarten, elementary, secondary and/or high school. This distance shall be measured from the exterior walls or portion thereof in which the dispensary facility is located or proposed to be located to the closest point of the property boundary line of the school.
  - (L) The applicant shall submit a survey sealed by a registered land surveyor of the State of Arizona showing that the location of the nearest medical marijuana dispensary, cultivation, infusion or manufacturing facility is not located within 1,320 linear feet (¼ mile) of the proposed dispensary facility and within five hundred (500) linear feet of any preschool, kindergarten, elementary, secondary and/or high school and/or any residential property located in the Rural-190, Rural-70, Rural-43, R1-35, R1-18, R1-10, and/or R-3 zoning districts.
- (14) A Special Use Permit for a Nursery School shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The building and accessory uses shall be set back a minimum of one hundred (100) feet from any abutting residential property.
  - (C) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.
  - (D) The parking area(s) shall be screened from adjacent properties by a horizontally undulating three (3) foot solid masonry block wall and desert landscaping.
  - (E) Enrollment of the school shall be limited to the number set by the Town Council. Such cap shall establish the maximum enrollment for each academic year. The cap shall be based upon building code occupancy requirements, satisfaction of required parking and

adequate landscape buffer to mitigate increased lights and noise levels impacting adjacent properties. If, in the future, the applicant wishes to increase the enrollment levels originally permitted, the Planning and Zoning Commission and Town Council shall review such request based upon satisfaction of the criteria specified in this paragraph. Enrollment numbers shall be provided by the school administration to the Zoning Administrator prior to the first day of the academic year and during the mid-point of the academic year.

- (15) A Conditional Use Permit for a Public Park shall meet the following minimum criteria:
  - (A) The application for the Conditional Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.08.
  - (B) Turf shall be minimized to play fields or informal play areas.
  - (C) Parking area(s) shall be screened from public view by a combination of horizontally undulating solid masonry walls (no higher than three feet from finished grade) and desert landscaping.
  - (D) A minimum of thirty-five (35) percent of the parking lot shall be paved in pavers or exposed aggregate.
  - (E) Any lighting shall be fully shielded and directed towards play surfaces. A photometric plan is required to ensure that no light spillage onto adjacent properties.
  
- (16) Subject to allowed uses:
  - (A) Offices for accountant, architect, podiatrist, chiropractor, dentist, surgeon, surveyor, optometrist, geologist, insurance broker, public stenographer, real estate broker, stock broker, advertising agency, investment company, title company, marriage counselor, private detective, telephone message service, collection agency, and other similar professional and semi-professional work.
  - (B) Studios for photography, fine or commercial arts, or other professional work.

- (C) Pharmacy and the sale or dispensing of optical goods, but only as an appurtenant use of an office building which is used primarily as a medical or optometrist's office. The entrance to such pharmacy or dispensary shall be from within the office building. No sign or display advertising or identifying the pharmacy or dispensary shall be located such that it is visible from a public thoroughfare or adjacent property.
  - (D) Snack bar or cafeteria, but only as an appurtenant use of an office building or buildings containing offices occupied by thirty (30) or more employees. Such snack bar or cafeteria shall accommodate no more than twenty (20) patrons at one time. No sign or display advertising or identifying the snack bar or cafeteria shall be located such that it is visible from a public thoroughfare or adjacent property.
- (17) Subject to:
- (A) All plants shall be kept inside a completely enclosed wall.
  - (B) All non-plant material shall be kept inside a completely enclosed building.
- (18) A Special Use Permit for public facilities/utilities such as water, gas, electricity, telephone, telegraph, steam, hot or cold air (including but not limited to attendant facilities and appurtenances to the above uses, distribution, collector, and feeder lines; pumping or booster stations along pipelines; and substations along electric transmission lines, but not including public utility treatment and generating plants or offices) shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The sewer treatment facility located within the Boulders community shall not be allowed to increase its capacity nor be allowed to expand.
  - (C) It is the intent of the Town of Carefree that any of the above facilities shall be underground or shall maximize the use of stealth technology to mitigate the visual effects on the surrounding community.
  - (D) The existing Black Mountain Sewer Company, Carefree Water Company, and Cave Creek Water Company are allowed uses.
- (19) Provided no adult oriented facilities are allowed.

- (20) All items to be rented or sold shall be placed inside a completely enclosed building or under a covered arcade. Displays of materials or goods located outside the building shall not impede pedestrian circulation.
- (21) All items to be repaired shall be kept inside a completely enclosed building. Repair shop does not include servicing or repair of motor vehicles.
- (22) Including outdoor dining if a site plan showing the outdoor dining is approved by the Development Review Board.
- (23) A Special Use Permit for a School shall meet the following minimum criteria:
  - (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The School shall be limited to a place of general education, including colleges.
  - (C) The building and accessory uses shall be set back a minimum of one hundred (100) feet from any abutting residential property.
  - (D) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.
  - (E) The parking lot shall be screened from adjacent properties by a horizontally undulating three (3) foot high solid masonry block wall and desert landscaping.
  - (F) Enrollment of the School shall be set by the Town Council. Such cap shall establish the maximum enrollment for each academic year. The cap shall be based upon building code occupancy requirements, satisfaction of required parking and adequate landscape buffer to mitigate increased lights and noise levels impacting adjacent properties. If, in the future, the applicant wishes to increase the enrollment levels originally permitted, the Planning and Zoning Commission and Town Council shall review such request based upon satisfaction of the criteria specified in this paragraph. Enrollment numbers shall be provided by the school administration to the Zoning Administrator prior to the first day of the academic year and during the mid-point of the academic year.
- (24) A Special Use Permit for a Service Station shall meet the following minimum criteria:
  - (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.

- (B) A Service Station may include vehicle repair, tire shops, windshield replacement/repair, body shop, and other similar uses.
  - (C) The service station shall not provide food, liquor, prepared foods or other goods typical of a convenience store/market unless otherwise approved by Town Council
  - (D) All vehicles being serviced must be placed within the garage or designated parking areas that are screened from public view by walls and landscaping.
  - (E) Exterior display(s) are not permitted. No advertisements or promotional goods and/or services shall be displayed outside of the station nor anywhere near or on the service pumps.
  - (F) The Service Station shall not include self service or full service car washes.
  - (G) A Service Station shall be located along an arterial street as defined by the Town's Circulation Element of the General Plan.
  - (H) The canopy over the service pumps shall not exceed a height of fourteen (14) feet above finished grade. The exterior light lenses shall be mounted flush with the canopy. No commercial colors or logos shall be placed anywhere on the canopy. Stone veneer shall be used on the columns supporting the canopy and muted desert tones on all other surfaces.
  - (I) The existing Service Station at the southeast corner of Tom Darlington Drive and Cave Creek Road is an allowed use. Any major modification (as determined by the Zoning Administrator) to this service station will require site plan approval by the Development Review Board.
  - (J) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.
- (25) A Special Use Permit for a Supervisory Care Facility shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) The use shall be located adjacent to an arterial roadway as identified in the Circulation Element of the Town's General Plan.
  - (C) A minimum building setback of sixty (60) feet shall be maintained along any abutting residential property.

- (D) The density of the development may not exceed one unit for each 3,250 square feet of net lot area (excluding the right-of-way). A unit for a Supervisory Care Facility shall be defined as being one bedroom. In the case of communal bedrooms such as a sleeping porch, every two beds will be counted as one unit. If the number of beds are not an even count, the number of units will be rounded up (example: 5 beds = 3 units).
  - (E) The building height may not exceed eighteen (18) feet from natural and finished grade and twenty-five (25) feet from the highest point of the sloped roof or parapet to lowest elevation where the building pad meets natural grade.
  - (F) Minimum lot size for Supervisory Care Facility shall be three (3) acres.
  - (G) Any parking lot shall be screened from the street or adjacent residential property by a horizontally undulating solid masonry wall and native desert landscaping. The parking shall meet the minimum requirements of Article VII. Section 7.01, Table 7.1 (including one space per each unit and one space per each employee or contracted employee). A minimum of thirty-five (35) percent of the parking area shall be treated with pavers or exposed aggregate.
  - (H) The applicant must establish that the application mitigates impacts on adjacent properties such as lights, noise and odors. Furthermore, the applicant must ensure the land use is consistent with the Land Use Map of the Town's General Plan. The analogous Land Use categories are Moderate Density Residential, Town Center, Commercial or Garden Office designations.
  - (I) Any amendment to the approved Special Use Permit after it is granted by the Town Council including but not limited to the addition of units, parking spaces or supporting facilities/amenities shall comply with the provisions prescribed in Article III., Section 3.07. Any amendment must satisfy the requirements of the Zoning Ordinance and any applicable State or Federal law.
- (26) A Special Use Permit for a Veterinary Clinic shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) Provided no overnight boarding is allowed except for medical observation or surgical follow up. The outdoor kenneling of pets is prohibited.

- (27) A Special Use Permit for a Warehouse shall meet the following minimum criteria:
- (A) The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07.
  - (B) A use shall be determined to be a Warehouse if more than sixty-five (65) percent of the gross floor area is dedicated for storage purposes.
  - (C) To ensure compatibility to surrounding commercial uses, all doors to the Warehouse shall consist of a solid wood material or similar treatment. In addition, a minimum of fifty (50) percent of all building elevations shall be treated with material other than stucco. Natural stone, stone veneer, slate, rammed earth or similar materials are viable alternatives to stucco.
  - (D) Building setbacks shall be a minimum of thirty (30) feet from any abutting commercial property and sixty (60) feet from any abutting residential property (excluding right-of-way).
  - (E) All loading and unloading areas shall be screened from view from public streets and adjacent properties by a combination of desert landscaping and horizontally undulating masonry walls.
  - (F) A minimum of fifty (50) percent of the parking lot and loading areas shall be treated with pavers or exposed aggregate.
  - (G) The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.
- (28) The Conditional Use Permit for a Wireless Communication Facility shall meet the following minimum criteria.
- (A) The application for the Conditional Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.08.
  - (B) All Wireless Communication Facilities shall consist of stealth applications to ensure antennas, conduit/cabling, and associated equipment are not visible to the public.
  - (C) No Wireless Communication Facility shall be permitted on developed or undeveloped lots where the primary use is or is platted for a single-family dwelling.
  - (D) No monopoles or towers are permitted in any zoning district.

- (E) Rooftop mounted equipment shall be screened from off-site views by solid screen walls or building parapets. Rooftop antennas shall be placed behind a RF friendly fiberglass material which emulates the texture, form, and color of surrounding architectural features or elements.
- (F) Antennas mounted to a building façade shall be a minimum of one foot below the top of the respective façade, and shall be painted the color of the respective façade. No cable or conduit shall be visible and antennas shall be a maximum of twelve (12) inches from the surface of the façade.
- (G) All ground mounted equipment shall be screened by walls using building materials or colors that blend into the surrounding natural and/or physical environment.
- (H) Any Wireless Communication Facility not in use for six (6) or more months shall be removed by the service provider or property owner. This removal shall occur within ninety (90) days of the end of such six-month period.
- (I) A Conditional Use Permit for an amateur radio transmission tower shall comply with the process prescribed in Article III., Section 3.08 and applicable FCC regulations.



(29) Small Wireless Service Facilities in the ROW (Ord. #2018-03)

(A) Purpose.

To establish appropriate locations, site development standards, and permit requirements to allow for Small Wireless Facilities to be located in the rights-of-way as required by A.R.S. § 9-591 et. seq., subject to such small wireless facilities meeting the objective design standards and stealth and concealment requirements provided in this section.

(B) Applicability.

The requirements of this ordinance apply to all new SWFs in the rights-of-way and modification of any existing SWFs.

(C) Definitions.

For the purpose of this Section, the following terms shall have the meanings prescribed herein unless the context clearly requires otherwise:

- 1) "Antenna" means communication equipment that transmits or receives electromagnetic radio frequency signals and that is used as part of a Small Wireless Facility;
- 2) "Collocation" means the use of a single mount and/or site by more than one small wireless service provider;
- 3) "Design" means the appearance of a Small Wireless Facility, including but not limited to its material, color or shape;
- 4) "Equipment cabinet" means an enclosed box that is either located in a vault at or near the base of the SWF which contains, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by underground cables.
- 5) "Modification" means any physical or operational change, alteration, or other modification of any of the following as they relate to a Small Wireless Facility or the subject property upon which it is located, including but not limited to:
  - a) The site plan;
  - b) The sight line representation;
  - c) The design submittal as required in this Section;
  - d) The conversion of a single-use Small Wireless Facility to a collocation is also considered a modification;
- 6) "Monopole" means a type of mount that is self-supporting with a single shaft of steel or concrete or other acceptable material that is not more than forty inches in diameter at

ground level and that has all of the small wireless facilities mounted on the pole or contained inside the pole;

- 7) "Permittee" means a Small Wireless Facility permit applicant who has an approved permit;
- 8) "Small Wireless Facility" or "SWF" means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers; which are composed of two (2) or more of the following components:
  - a) Antennas that are no more than six cubic feet in volume;
  - b) Faux Cactus or replacement Utility Pole;
  - c) Equipment cabinet less than twenty-eight cubic feet in volume;
  - d) Underground vault for equipment;
  - e) Electric meter (where required by law);
  - f) Grounding Equipment and a power transfer switch
- 9) "Small Wireless Services" means commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and any amendments thereto, and any services that are provided to the public and that use licensed or unlicensed spectrum, whether at a fixed location or mobile and that use small wireless facilities;
- 10) "Siting" means the method and form of placement of a small wireless facility on a specific area of a subject property pursuant to the provisions of this Section;
- 11) "Subject Property" means all the specific rights-of-way upon which a small wireless facility is either proposed to be, or already is, developed, located, constructed or operated; and
- 12) "Utility Pole" means a pole or similar structure that is used in whole or in part for communications services, electric distribution, lighting or traffic signals, but excludes a monopole and/or decorative light fixtures located in Carefree Town Center.

(D) General Requirements.

- 1) In order to locate a SWF in the Town's rights-of-way, a Permittee must obtain or hold a Master License Agreement with the Town of Carefree.

- 2) No SWF may be developed, located, constructed or operated without an Administrative Small Wireless Facility Permit. An Administrative Small Wireless Facility Permit is also required for any modification to a SWF.
- 3) Once an Administrative Small Wireless Facility Permit is approved, the Permittee may submit for a building permit.
- 4) The process for an Administrative Small Wireless Facility Permit shall be:
  - a) Determination of a complete application by the Zoning Administrator or designee. An application on a form prescribed by the Town shall be submitted and fees paid by the applicant at the time of submission of the application. The Town shall have twenty (20) days to deem the application complete as well as determine if the applicant is applying for compliance with the objective design standard, the alternate objective design standard or neither according to submittal requirements found on the application form.
  - b) Review by the staff of the proposed site or an alternate site within one hundred (100) feet that maintains the technical needs of the Applicant and blends with the existing built and natural environment.
  - c) An Applicant who chooses not to comply with the objective design and concealment standards or the alternative provided for herein shall follow the requirements for a special use permit for a new utility pole under the provisions of Article III, Administration, Section 3.07 Special Use Permit. All applications for monopoles within the Town rights-of-way shall be excluded from the Application process for SWFs and shall instead be subject to Article III herein.
- 5) The objective design standards for the Town that achieve reasonable stealth and concealment are:
  - a) Generally described as a twenty-four foot faux cactus.
  - b) If an Applicant can demonstrate a technical reason why the specified faux cactus SWF will not provide coverage/capacity consistent with small wireless facility industry standards, an Applicant may request to locate on an alternate site of an existing or replaced traffic signal pole or street light pole consistent with the specification noted below;

- c) If no existing or replacement utility pole exists, the Applicant may request a new SWF through the Town's Special Use Permit process outlined in Article III herein.

(E) Siting Standards.

The following siting criteria apply to consideration of an Administrative Small Wireless Facility Permit for a SWF:

- (1) After an Applicant identifies an area to site a Small Wireless Facility, Town staff shall evaluate the area near the site with the Applicant to find the optimal location for the small wireless facility (said area to include the total area within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

- a) Safety.

- i. Sites should not be located within the Town's corner vision view triangle near street or driveway intersections so as to not be in areas where car accidents are more frequent, that is, near the intersection of streets;
- ii. Sites should be spaced as far back from the sidewalk or street curb so as to not pose a hazard to bicyclists, pedestrians or vehicular traffic; and
- iii. In order to maintain a safe "fall zone" a SWF shall be set back from existing habitable structures on private property by a distance equal to the height of the top of the antenna structure, plus an additional ten feet.

- b) Appearance.

- i. New SWFs shall be located in areas where they can blend into the existing built and natural environment, that is, in areas where existing trees and shrubs of size similar to the antenna height already exist and where the addition of the antenna to the built environment will least affect the view sheds from neighboring properties.
- ii. Depending upon the degree to which the SWF "blends with" or "disturbs" the setting, the subject property and its character and use, or

- neighboring properties and their character and use, staff may request that additional landscaping be installed as part of the approval. The SWF landscaping may include trees, mature vegetation, natural features or hardscaping within the rights-of-way area surrounding the SWF.
- iii. All equipment shall be located within the faux cactus structure to the greatest extent possible, and all other equipment shall be located underground or within a faux rock to the greatest extent possible. At no time is the "other equipment" to extend beyond the rights-of-way area.
  - iv. No signage shall be placed on a faux cactus.
  - v. If equipment cabinets are deemed necessary by the Town, they shall be completely screened from view by a compatible wall, fence or landscaping consistent with the Town landscaping guidelines and consistent with this ordinance. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.
- c) Form. The degree to which the shape of the SWF and any equipment shall relate to its surroundings.
  - d) Color. A SWF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the SWF would be viewed from a majority of points within its viewshed. "Natural" tones are those reflected in the natural features and structural background against which the SWF is viewed from a majority of points within its viewshed. Final colors and color scheme must be approved by staff.
  - e) Strength. Any SWF shall be designed to withstand the requirements related to wind loads in the most current building code adopted by the Town.
  - f) Cumulative Visual Effect. To the extent allowed by law, staff shall consider the cumulative visual effects of SWFs and any mount, specifically their appearance or domination of the skyline, natural and structural

features or terrain, in determining whether to approve an Administrative Small Wireless Facility Permit.

(F) Design Standards and Aesthetics Mandate the Use of “Faux Cactus” SWFs.

To maximize the concealment of SWFs, the first type of antenna and support structure to be considered shall be a faux cactus installation designed as follows:

- (1) Shall utilize the Larson Camouflage model LCA-0-24-24 fiberglass antenna structure or equivalent, maximum twenty four foot tall from the ground or base;
- (2) Shall contain standard details, such as dimensions, colors and materials, the same as those used for the existing faux cactus installation throughout the Town (please refer to standard details provided in the application);
- (3) Shall be designed to the greatest extent possible to look like part of the natural environment, thus they shall not be placed in existing concrete such as a sidewalk nor shall concrete be placed around the base of the facility except as needed to anchor and support the structural elements of the SWF, with such concrete anchor to be hidden by earth, rocks, decomposed granite and the planting of two (2) trees and three (3) shrubs near the base or alternate landscape as approved by the Town.
- (4) All ground mounted equipment and connections shall be buried with the exception of the utility meter which shall face away from the street and the disconnect switch;

(G) Alternative Design Standards Utilizing an Existing Utility Pole.

If an Applicant can demonstrate a technical reason why the specified faux cactus SWF will not provide coverage/capacity consistent with Small Wireless Facility industry standards, an Applicant may propose the use of a Utility Pole SWF installation, for which the following design and concealment criteria shall be used:

- (1) If the selected Utility Pole is a traffic signal or street light, the existing traffic signal or street light shall be replaced with a new engineered street light or traffic signal pole design that has the appropriate structural support strength including any footing modifications to accommodate the height and weight of the antenna and equipment located within the replacement pole;
- (2) The maximum height of the replacement pole shall not be more than six feet above the pre-existing height of the street

- light vertical pole or traffic signal vertical pole that it replaced (not including the mast arm);
- (3) All antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the adjoining utility pole, with said container width or diameter not to exceed twenty inches. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights and traffic signals the mast arms or other supports for street lights, street name signs, and traffic signals;
  - (4) All wiring associated with the SWF shall be contained within the replacement pole or underground;
  - (5) All ground mounted equipment and connections shall be buried with the exception of the utility meter and the disconnect switch;
  - (6) Shall contain standard details, such as dimensions, colors and materials, the same as those used for the existing 56th Street and Lincoln traffic signal installation that is consistent with the standard details in the application.
- (H) Radiofrequency (RF) Performance and Interference Standards and Monitoring.
- (1) To the extent allowed by law, the following radiofrequency (RF) maximum permissible exposure standards apply to consideration of an Administrative Small Wireless Facility Permit for a SWF, in addition to monitoring requirements as required in this Article:
    - a) All equipment proposed for a SWF shall meet the current FCC RF Guidelines and any amendments thereto (hereafter "FCC Guidelines");
    - b) Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.
      - i. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.
      - ii. For SWFs attached to utility poles or any other structures not owned by the Applicant, graphically shall illustrate in three dimensions the worst case exposure levels that exceed

FCC limits for service personnel accessing the area near the SWF exposure zones. If the graphic illustration exceeds the FCC exposure limit in any area accessible to workers who would work on maintenance or repair to the traffic signals, lights, or utility wiring on the utility pole, a narrative must be supplied containing all the information required to provide an RF Safety plan to protect workers from RF exposure above the FCC limits.

- (2) Within ninety (90) days after FCC issuance of an operational permit for the SWF the Permittee shall submit a written report providing existing measurements and worst case predictions of RF power density levels from the SWF for:
  - a) Existing SWF: Report the maximum RF power density levels (spatially averaged per FCC Guidelines) measured in the areas identified as readily accessible to the public or workers;
  - b) Existing SWF plus cumulative: Maximum estimate of RF power density levels (spatially averaged per FCC Guidelines) measured in the SWF RF environment to be inclusive of any other significant contributors to the RF environment (i.e. co-located SWF). Definition of "Significant Contributors" to be any contributor >5% of the FCC Public limit at any measurement location;
  - c) Certification signed by a competent person stating that RF radiation measurements are performed with properly calibrated test equipment and meet FCC Guidelines.
- (3) If FCC Guidelines are changed during the period of any Administrative Small Wireless Facility Permit for a SWF use, then the SWF shall be brought into compliance with such revised guidelines within the time period provided by the FCC; or if no time period is stated, then within sixty (60) days of the effective date of such guidelines.
- (4) If at any time during the term of the permit the Town has reasonable evidence that the Permittee is not in compliance with FCC Guidelines, and the Town provides notice of such, the Permittee so notified shall provide to the Town, within thirty (30) days after such notice, an analysis and determination of its compliance with FCC guidelines showing



the data collected and status not meet FCC Guidelines, the Permittee shall immediately turn off the SWF and shall have sixty (60) days from the date of the Town's finding of noncompliance to bring the SWF into compliance. If compliance is not achieved in the sixty-day period, the Administrative Small Wireless Facility Permit may be revoked or modified by the Town.

(5) The Permittee shall ensure that the SWF does not cause localized interference with the reception of other FCC licensed services. If on review the Town finds that the SWF interferes with such reception, and if such interference is not cured by the Permittee within sixty (60) days after notice from the Town, the Town may revoke or modify the Administrative Small Wireless Facility Permit.

(I) Noise and Environmental Standards.

(1) To the extent allowed by law, the following noise and environmental standards apply to consideration of an Administrative Small Wireless Facility Permit for a SWF in addition to the monitoring requirements of this Article:

a) A SWF shall not generate noise in excess of fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;

b) An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any of the following exist:

- i. Wilderness area;
- ii. Wildlife preserve;
- iii. Endangered species;
- iv. Historical site;
- v. Indian religious site;
- vi. FEMA designated flood plain;

(2) An environmental assessment which, at a minimum, conforms to FCC requirements shall be submitted to the Town for each SWF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC. If the Applicant has determined that an environmental assessment is not required pursuant to FCC rules, this Article and applicable state law and Town Code, a written certification to that effect must be submitted to the Town. If an Applicant has not included an

environmental assessment that the Zoning Administrator finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.

- (3) Within ninety (90) days from the date of approval of the permit, the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:
  - a) Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;
  - b) Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;
  - c) Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (3) of this section.

(J) Collocation and Limitations.

Collocation of antennas and equipment is permitted and encouraged on approved SWFs. All proposed co-locators must also receive an Administrative Small Wireless Facility Permit for the use at such site from the Town.

**Section 5.03 Uses Permitted and Additional Requirements for the Open Space-Recreation (OS-R) Zoning District. (Ord. #2013-01)**

- (1) The purposes of the Open Space-Recreation (OS-R) Zoning District are as follows:
  - (A) Preserve natural open space, archaeological sites, natural drainageways, wildlife habitat and movement, and other sensitive environmental features.
  - (B) Sensitive environmental features include, but are not limited to significant ridgelines rock outcroppings, view corridors, significant

stands of native vegetation, floodplains, steep slopes, and archaeological or historic sites.

- (C) Preserve scenic and environmental qualities, views, and economic value.
  - (D) Provide for passive public recreation via multipurpose pedestrian paths, hiking trails, and horseback trails.
  - (E) Provide recreational facilities related to open space preservation, open space recreation, hiking, horseback riding, educational and historical information, picnic areas, ramadas, parking, signage and restrooms.
- (2) Permitted Uses:
- (A) The permitted uses are opens space and recreation facilities that implement the above provisions in Section 5.03(1).
  - (B) Wireless Communications facilities shall require a Conditional Use Permit in conformance with Section 5.02 (30).
- (3) Prior to development on any property zoned Open Space-Recreation, a master open space development plan, which is in conformance with the provisions set forth in section 5.03(1), shall be approved by the Town Council in a public meeting. Prior to consideration by the Town Council, the Planning and Zoning Commission shall review the master open space development plan in a public meeting and make a recommendation to the Town Council.

# Article VI. INTENSITY SCHEDULE AND DEVELOPMENT STANDARDS

## Section 6.01 Intensity Schedule and Development Standards

The table below shows the density schedule and development standards (listed in the left hand column) required in each zoning district (columns labeled Rural-190 through C). The number shown in the column is the required minimum or maximum standard as applicable. If there is a number in parenthesis ( ) in the column, there are additional conditions, provisions, and/or clarifications that apply to that development standard in that zoning district. These conditions, provisions, and/or clarifications will be found in the corresponding numbered paragraphs listed in Section 6.02 of this Article.

**Table 6.1: Intensity Schedule per Zoning District.**

<b>DEVELOPMENT STANDARDS</b>										
	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
Maximum Height - Feet	24 (1)	24 (1)	24 (1)	24 (1)	24 (1)	24 (1)	24 (1)	30 (2)	30 (2)	30 (2)
Minimum Front Yard - Feet	60 (3)(6)	60 (3)(6)	40 (3)(6)	40 (3)(6)	30 (3)(6)	20 (3)(6)	25 (3)(6)	25 (3)(6)	40 (6)	10 (3)(6)
Minimum Side Yard - Feet	30 (6)	30 (6)	30 (6)	20 (6)	10 (6)	7 (6)	10 (6)	10 (6)	20 (6)	0 (4)(6)
Minimum Rear Yard - Feet	60 (6)	60 (6)	40 (6)	40 (6)	30 (6)	25 (6)	25 (6)	25 (6)	40 (6)	0 (5)(6)
Minimum Lot Area - Square Feet	190,000	70,000	43,560	35,000	18,000	10,000	43,560	43,560	35,000	6,000
Minimum Lot Width - Feet	300	230	145	145	120	80	145	145	145	60
Minimum Lot Area Per Dwelling Unit - Square Feet	190,000	70,000	43,560	35,000	18,000	10,000	6,000	N/A	N/A	N/A
Maximum Lot Coverage - % (area under roof)	6%(8)	13%(8)	17%(8)	20%(8)	25%(8)	30%(8)	50%(8)	60%(8)	25%(8)	60%(8)
Maximum Disturbed Lot Area - %	18%(7)	39%(7)	51%(7)	60%(7)	75%	100%	100%	100%	75%	100%

## Section 6.02 Additional Requirements and Clarifications

- (1) Building Height and Massing, Residential Zoning District or Use: (Ord. #2016-04)
  - (A) No part of any principal structure may rise more than twenty-four (24) feet above its design grade.
  - (B) No wall of any principal structure shall exceed a height of more than twenty (20) feet without a significant physical, architectural, or

visual break. Such physical break shall be a minimum of four (4) feet in width.

i. Massing: All residential buildings or structures greater than two thousand (2,000) gross square feet shall be composed of at least three (3) visual building masses of differing heights or planes.

- (C) No part of any accessory structure shall rise more than sixteen (16) feet above its design grade.
- (D) No part of any accessory airplane hangar structure shall rise more than twenty (20) feet above its design grade.
- (E) This section shall not apply to amateur radio transmission towers in excess of twenty-five (25) feet for which Conditional Use Permits have been issued.
- (F) A chimney shall rise no more than three (3) feet above the highest parapet or roof ridge.
- (G) In the R-3 zoning district, roof screen-walls up to four (4) feet in height will not be included in the height calculations only if they are located a minimum of fifteen (15) feet away from the edge of the roof or building parapet.
- (H) Buildings, structures, or any portion thereof, exceeding a height of twenty (20) feet above design grade shall not be erected or structurally altered within five hundred (500) feet of the projected center line of an airport runway or landing strip for a distance of one thousand (1,000) feet from the end of the runway. Beyond a distance of one thousand (1,000) feet from the end of the runway or landing strip, buildings, structures, or any portion thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal. Such glide angle is computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement.
- (I) Barriers to clear unobstructed vision at corners of intersections shall be limited to a maximum height of two (2) feet above the established elevation of the nearest street line. This limitation shall extend for a distance of thirty (30) feet along both the front and side lot lines, measured from the point of intersection of the said intersecting lot lines. This limitation shall apply to the height of fences, walls, gateways, ornamental structures, hedges, shrubbery, and other fixtures.

- (2) Building Height and Massing; Nonresidential Zoning District or Use:  
(Ord. #2016-04)
  - (A) The height of any office or commercial building or structure shall be no more than thirty (30) feet measured from design grade.
  - (B) Massing: All office or commercial buildings or structures two thousand five hundred (2,500) gross square feet or greater shall be composed of at least three (3) building masses of differing heights or planes. Such building masses shall vary in height vertically by a minimum of three (3) feet from any adjacent mass or masses and façade offsets a minimum of three (3) feet from any adjacent mass or masses.
  - (C) Mechanical equipment screen walls up to four (4) feet in height will not be included in the height calculations only if they are located a minimum of fifteen (15) feet away from the edge of the roof or building parapet.
  - (D) This section shall not apply to amateur radio transmission towers in excess of twenty-five (25) feet for which Conditional Use Permits have been issued.
- (3) Front Yard:
  - (A) For through lots, a front yard setbacks shall be provided along both front lot lines.
  - (B) For corner lots, a front yard setback shall be provided along the shortest street frontage in single-family residential zoning districts. Front yard setbacks shall be provided along each street frontage in the multiple-family and non-residential zoning districts.
- (4) Side Yard: Where a commercial lot is abuts a rural or residential zoning district, there shall be a side yard setback on the side of the lot adjacent to such rural or residential zoning district having a width of not less than ten (10) feet.
- (5) Rear Yard: Where a commercial lot abuts a rural or residential zoning district, whether or not separated by an alley, there shall be a rear yard having a width of not less than twenty-five (25) feet.
- (6) Buildings or structures may project into a required yard (building setback) as follows:
  - (A) Bay windows and balconies may project a maximum distance of three (3) feet into the required front or rear yard, provided they do

not occupy more than one-third (1/3) of the total length of the wall of the building on which they are located.

- (B) Terraces, uncovered patios, uncovered stairs, uncovered platforms, and ornamental features which do not extend more than three (3) feet above finished grade may project into any required yard (building setback), provided such features shall be set back a minimum of three (3) feet from any lot line.
  - (C) Ordinary projections of window sills, cornices, eaves, and other ornamental features may project a maximum distance of three (3) feet into any required yard (building setback).
- (7) The maximum disturbed area is subject to the following:
- (A) All areas between the principal dwelling and/or guest house and any fence or wall on the property shall be included in the disturbed area calculation except that an allowed retaining wall for an approved driveway shall not apply to this provision.
  - (B) When a driveway longer than 150 feet is required to respond to natural constraints or lot configuration, the Development Review Board may allow a greater disturbed area as it deems appropriate.
- (8) The maximum lot coverage is subject to the following:
- (A) Lot coverage does not include the first four (4') feet of any roof overhang.
  - (B) Additional lot coverage, only in the Rural-190 zoning district, of up to 3,600 square feet is allowed for an approved horse stable, and additional lot coverage of up to 1,800 square feet is allowed for approved horse shade structures.

## Article VII. PARKING REQUIREMENTS

### Section 7.01 Parking Requirement Table

The table below shows the parking requirements (columns labeled Minimum Number of Parking Spaces) for the various land uses listed in the left hand column. If there is a number in parentheses ( ) in the Minimum Number of Parking Spaces column, there are additional conditions, provisions, and/or clarifications that apply to that parking requirement. These conditions, provisions, and/or clarifications will be found in the corresponding numbered paragraphs listed in Section 7.02 of this Article. A definitions legend is located immediately below the Table.

**Table 7.1: Parking Standards.**

USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Single Family Home	2 PS/DU <sup>(1)</sup>
Multiple-Family Dwelling	2 PS/DU <sup>(2) (4)</sup>
Church (Places of Worship)	1 PS/3 Seats <sup>(3) (4)</sup>
School and Educational Institutions	1 PS/3 Employees + 1 PS/5 Students <sup>(4)</sup>
Theater and Auditorium	1 PS/3 Seats <sup>(4)</sup>
Funeral Home, Community Building, Other public assembly	1 PS/300 GROSS SQ. FT. <sup>(4)</sup>
Hotel, Motel, Guest Ranch, Resort Hotel (see parking requirement for restaurants & offices)	1 PS/Guest Room <sup>(4)</sup>
Boarding House, Group Home	1 PS/1 bed <b>AND</b> 1 PS/Employee (including contract Employee)
Assisted Care Facility, Supervisory Care Facility	.5 PS/1 bed
Office Building	1 PS/250 GROSS SQ. FT. <sup>(4)</sup>
Restaurant, Night Club, and Bar	1 PS/100 GROSS SQ. FT. <sup>(4) (5)</sup>
Retail and other Commercial Buildings	1 PS/250 GROSS SQ. FT. <sup>(4)</sup>
Bowling Alley and similar recreational uses	1 PS/300 GROSS SQ. FT. <sup>(4)</sup>
Private Club, Organization, Library and Museum	1 PS/500 GROSS SQ. FT. <sup>(4)</sup>

**LEGEND:** PS = Parking Space  
DU = Dwelling Unit  
GP = Guest Parking  
SQ.FT. = Square feet of gross floor area  
STUDENT = Students predicted upon the design capacity of the physical plant



## **Section 7.02 Additional Requirements and Clarifications**

- (1) Single Family Home
  - (A) A minimum of two covered and enclosed parking spaces in a private garage (with doors) shall be provided for each principal building.
  - (B) No open carports will be allowed in single family rural or residential zoning districts.
- (2) One of the required parking spaces must be covered. In addition, one (1) additional parking space designated "Guest Parking" shall be provided for every four (4) units or fraction thereof located in the same project.
- (3) Parking spaces are calculated based on the seating in the main auditorium exclusive of the seating capacity of Sunday School and other special rooms.
- (4) All covered or partially covered parking spaces must be approved by the Development Review Board.
- (5) Square footage shall include gross square footage of the building including any area designated for outdoor dining that has been approved by the Development Review Board, except the gross square footage of public restrooms and kitchens may be subtracted from parking calculations.

## **Section 7.03 General Requirements**

- (1) No addition or enlargement of an existing building or use shall be permitted unless the parking requirements of this Ordinance are met for the entire building or use.

## **Section 7.04 Location of Required Parking Spaces**

- (1) The required parking spaces shall be located as follows:
  - (A) On the same lot as the use they are intended to serve, or
  - (B) Within four hundred (400) feet of the use they are intended to serve, if legally located on property under permanent ownership, easement, or lease by the owner or tenant.

## **Section 7.05 Joint Use Parking**

- (1) Joint use of parking spaces for two (2) or more buildings or uses is allowed if the total is not less than the spaces required for all of the individual buildings or uses.

## **Section 7.06 Design Standards for Required Parking**

- (1) For perpendicular parking, each space shall be at least nine (9) feet wide and twenty (20) feet deep with a minimum aisle width of twenty-two (22) feet.
- (2) For other than perpendicular parking, the design shall be approved by the Zoning Administrator.
- (3) Parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods: *(Ord. #2015-02)*
  - (A) Asphaltic concrete.
  - (B) Cement concrete.
  - (C) Stabilized decomposed granite.
  - (D) Paving blocks.
  - (E) Other paved surface as approved by the Development Review Board.
- (4) Parking, maneuvering, ingress and egress areas 3,000 square feet or more in size at residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods: *(Ord. #2015-02)*
  - (A) Asphaltic concrete.
  - (B) Cement concrete.
  - (C) Stabilized decomposed granite.
  - (D) Paving blocks.
  - (E) Other paved surface as approved by the Development Review Board.
- (5) Driveways shall be designed so that access to a street is by forward motion.

- (6) For Commercial, Garden Office, and Multi-Family uses, except when a wall is required, a minimum six (6) inch high curb or bumper guard shall be utilized or employed so that no part of the vehicle shall extend over or beyond any property line.
- (7) For Commercial, Garden Office, and Multi-Family uses, required parking spaces shall be striped and the striping shall be maintained in good condition.
- (8) All Commercial, Garden Office, or Multi-Family uses shall screen off-street parking from view of any adjacent single family residential use by using landscaping and three (3) foot high earth berming and/or a three (3) foot high screen wall that blends into the building architecture as approved by the Development Review Board
- (9) All Commercial, Garden Office, or Multi-Family uses shall contain a minimum eight (8) foot wide landscape area between off-street parking areas and abutting rights-of-ways. A minimum fifteen (15) foot wide landscape area shall be provided between off-street parking and abutting residential uses.

### **Section 7.07 Mixed Uses**

- (1) The required parking spaces for mixed uses shall be the sum of the required parking spaces for the various uses computed separately. Spaces for one (1) use shall not be considered as providing required parking for any other use.

### **Section 7.08 Loading and Unloading Regulations**

- (1) For all commercial buildings there shall be one (1) loading and unloading space of not less than fifteen (15) feet in width, thirty (30) feet in length, and fourteen (14) feet in height for each fifteen thousand (15,000) square feet of floor area, or fraction thereof, which is devoted to the building, or as otherwise approved by the Development Review Board.
- (2) The required loading and unloading spaces shall be on the same lot as the use they are intended to serve.
- (3) In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement.

### **Section 7.09 Joint Use**

- (1) Joint use of loading spaces for two (2) or more buildings or uses is allowed if the total is not less than the spaces required for all of the individual buildings or uses.

## Article VIII. SIGNS PERMITTED

### Section 8.01 Definitions

- (1) BANNER, HORIZONTAL: A temporary horizontal sign composed of flexible material.
- (2) BANNER, PROJECTING VERTICAL: A temporary vertical sign composed of flexible material, attached to two brackets that are affixed perpendicular to an exterior wall or column of a building.
- (3) BLADE SIGN: A permanent sign composed of rigid material that hangs from a bracket or arcade. **ATTACHED** blade signs hang from a bracket permanently affixed to an exterior wall or column of a building. **FREESTANDING** blade signs hang from a bracket permanently affixed to a post that is separate from a building. **ARCADE** blade signs hang from an awning truss that is part of and/or attached to a building.
- (4) DIRECTIONAL SIGN: A permanent sign that designates a functional aspect of a site such as the entrance or exit from a parking area, a loading area, a fire lane, or any similar feature approved by the Zoning Administrator.
- (5) GROUND SIGN: A permanent sign displaying on the name of a multi-tenant complex, residential subdivision, or multi-family complex, and/or the respective address and that is placed along a street frontage as regulated in Article VIII. A ground sign is attached to one or two sides of a freestanding wall or other structure separate from a building.
- (6) IDENTIFICATION SIGN: A permanent sign that displays the physical address of a building. The sign may also identify the occupant of a residence or the name of a building.
- (7) MENU BOARD SIGN: A permanent sign displaying the menu of a restaurant.
- (8) MONUMENT SIGN: A permanent sign that displays the name of a multi-tenant complex, no more than five (5) tenants within the subject complex, and the physical address of the complex. A monument sign is placed along a street frontage as regulated in Article VIII and is attached to one or two sides of a freestanding wall or other structure separate from a building.
- (9) OUTDOOR MERCHANDISE: Items associated with a business use that are temporarily displayed outside the subject tenant space.

- (10) PERMANENT SIGN: A sign displayed for an unrestricted period of time.
- (11) POLITICAL SIGN: A temporary sign that supports or opposes a candidate for public office or supports or opposes a ballot measure.
- (12) REAL ESTATE SIGN: A temporary sign pertaining to the sale, lease, or rental of property or a real estate "Open House" event or displaying information pertaining to the general contractor or architect of a permitted construction project.
- (13) SIDEWALK SIGN: A temporary sign, placed on the property of a business to which it is associated, including but not limited to an A-frame or sandwich board sign.
- (14) SIGN AREA: Unless otherwise specified in Article VIII, the area contained within the outer limits of the text, emblem, logo, or other display together with the material or color forming the background for the text, emblem, logo, or other display but not including the supporting structure or wall to which it is attached.
- (15) TEMPORARY SIGN: Any sign displayed for a restricted period of time.
- (16) TENANT DIRECTORY SIGN: A permanent sign listing various tenants in a multi-tenant complex that is located internal to the associated property.
- (17) WALL SIGN: A permanent sign with only one sign surface that is attached parallel to an outside wall of a building. A wall sign may be painted on the wall surface or be of separate construction extending no more than ten (10) inches from the wall surface.

## Section 8.02 Signs Permitted in each Zoning District

The following table (*Table 8.1*) shows which types of signs are allowed in each zoning district. An “X” means that type of sign is allowed. A blank means that type of sign is not allowed. A number in parentheses ( ) indicates additional conditions, provisions, and/or clarifications that will be found in the correspondingly numbered paragraphs in Section 8.03 of this Article.

**Table 8.1: Permitted signs per Zoning District.**

SIGNS	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
<b>PERMANENT SIGNS</b>										
BLADE								X <sub>(1)</sub>	X <sub>(1)</sub>	X <sub>(1)</sub>
DIRECTIONAL							X <sub>(2)</sub>	X <sub>(2)</sub>	X <sub>(2)</sub>	(2)
GROUND	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>	X <sub>(3)</sub>
IDENTIFICATION	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>	X <sub>(4)</sub>
MENU BOARD								X <sub>(5)</sub>	X <sub>(5)</sub>	X <sub>(5)</sub>
MONUMENT									X <sub>(6)</sub>	X <sub>(6)</sub>
TENANT DIRECTORY									X <sub>(7)</sub>	X <sub>(7)</sub>
WALL								X <sub>(8)</sub>	X <sub>(8)</sub>	X <sub>(8)</sub>
<b>TEMPORARY SIGNS</b>										
BANNER, HORIZONTAL									X <sub>(9)</sub>	X <sub>(9)</sub>
BANNER, PROJECTING VERTICAL								X <sub>(10)</sub>	X <sub>(10)</sub>	X <sub>(10)</sub>
OUTDOOR MERCHANDISE								X <sub>(11)</sub>	X <sub>(11)</sub>	X <sub>(11)</sub>
REAL ESTATE	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>	X <sub>(12)</sub>
SIDEWALK									X <sub>(13)</sub>	X <sub>(13)</sub>
<b>NOTE: POLITICAL SIGNS – see Section 8.06 Signs Exempt from Regulation</b>										

## Section 8.03 Additional Requirements and Clarifications

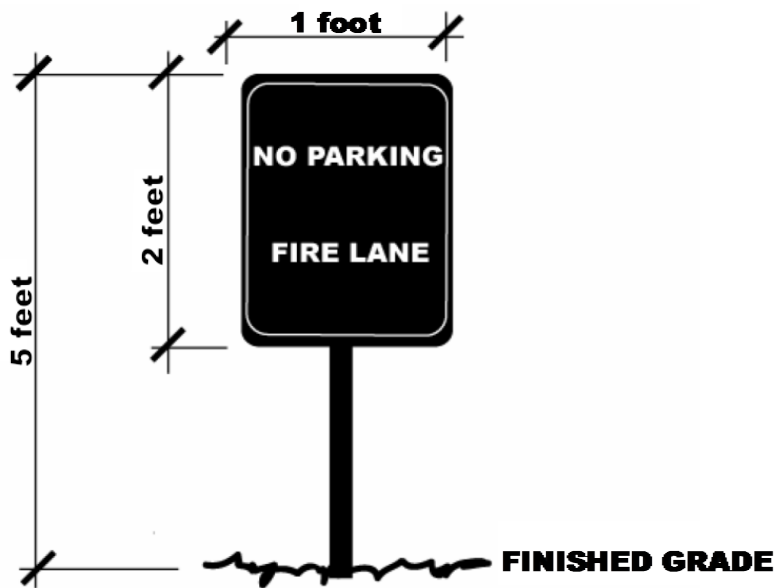
- (1) **BLADE SIGNS** shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:
  - (A) One (1) blade sign, whether attached or freestanding, shall be allowed per tenant space.

- (B) Blade signs shall not be placed so as to obstruct any windows or doorways.
- (C) Blade signs shall be constructed of a rigid material, including but not limited to high-density urethane, and of sufficient density to resist gusts of wind.
- (D) Blade signs shall be located no closer than five (5) feet from any other temporary or permanent sign.
- (E) Blade signs may be illuminated by external light directed onto the sign, provided the light source is shielded and does not shine beyond the limits of the sign area it is intended to illuminate.
- (F) The following requirements apply to **ATTACHED** blade signs:
  - 1) Attached blade signs shall be fastened to a permanent bracket affixed perpendicular to a building support column or an exterior wall of the building.
  - 2) For any building, the top of the attached blade sign shall be no higher than one (1) foot below the top of the building façade to which it is affixed.
  - 3) For buildings of more than one story, the top of each attached blade sign shall be located no higher than the floor plate of the story directly above the associated tenant space.
  - 4) The maximum allowed size shall be an area of twelve (12) square feet, no more than four (4) feet high, measured from the bottom to the top of the sign and/or bracket, and three (3) feet wide, measured from the wall surface to the outermost edge of the sign and/or bracket.
  - 5) So as not to obstruct pedestrian or vehicular circulation, attached blade signs shall have a minimum clearance of eight (8) feet from the bottom of the sign or bracket to finished grade directly below.
  - 6) Attached blade signs shall be located only on the exterior wall of the associated business, unless otherwise approved by the Zoning Administrator.
- (G) The following requirements apply to **FREESTANDING** blade signs:
  - 1) Freestanding blade signs shall be attached to a permanent bracket affixed to a post that is located:

- a) On the subject property,
  - b) No further than fifteen (15) from the subject building entrance,
  - c) Within an established landscaped area, and
  - d) So as not to obstruct any sidewalk or vehicular passageway.
- 2) The maximum height from finished grade directly below the sign to the top of the sign and/or the post supporting the sign shall not exceed a height of five (5) feet.
  - 3) The maximum allowed size of the sign shall be an area of twelve (12) square feet, no more than four (4) feet high, measured from the bottom to the top of the sign and/or bracket and three (3) feet wide, measured from the wall surface to the outermost edge of the sign and/or bracket.
- (H) The following requirements apply to **ARCADE** blade signs:
- 1) Arcade blade signs shall be hung either parallel or perpendicular to the building from an awning truss that is part of and/or attached to a building.
  - 2) So as not to obstruct pedestrian or vehicular circulation under, around or through the arcade, arcade blade signs shall have a minimum clearance of eight (8) feet from the bottom of the sign to finished grade directly below.
  - 3) The sign shall not be illuminated.
  - 4) The maximum allowed size shall be an area of twelve (12) square feet, no more than three (3) feet high and four (4) feet wide, measured from the outermost edge of the sign and/or bracket.
- (2) **DIRECTIONAL SIGNS** shall be exempt from building permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) The maximum number of directional signs allowed shall be limited to the number required to safely inform the public as approved by the Zoning Administrator.
  - (B) The maximum allowed size of a directional sign shall be two (2) square feet in sign area.



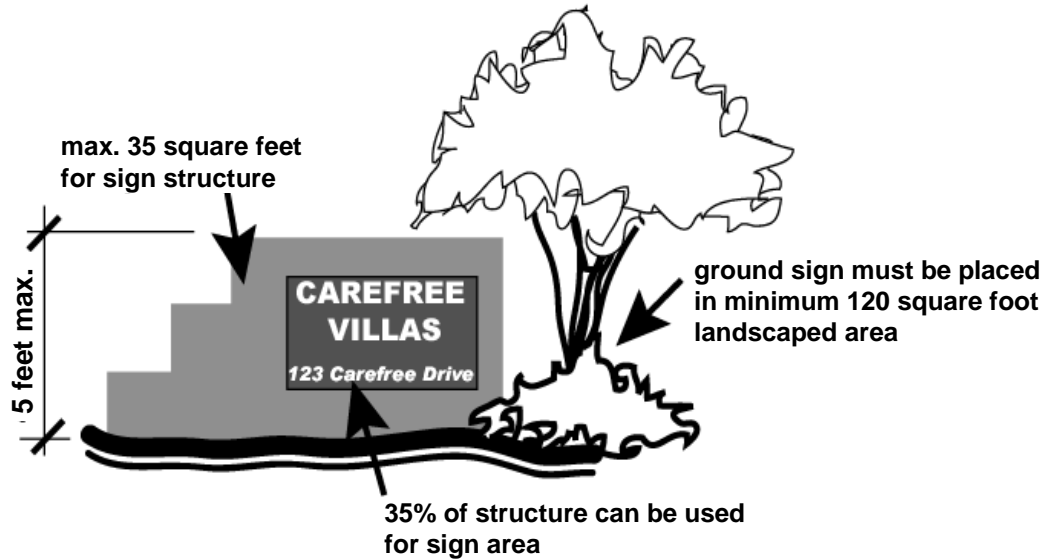
- (C) The directional sign may be either:
  - 1) Freestanding, in which case the top of the sign shall not be more than five (5) feet above finished grade.
  - 2) Placed flat against the façade of a building, in which case the top of the sign shall not be more than six (6) feet above adjacent finished grade directly below the sign.
- (D) The directional sign may be illuminated by external light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate.
- (E) If freestanding, the directional sign shall be set back a minimum of one (1) foot from any property line.



*Figure 8.1: Example of directional sign.*

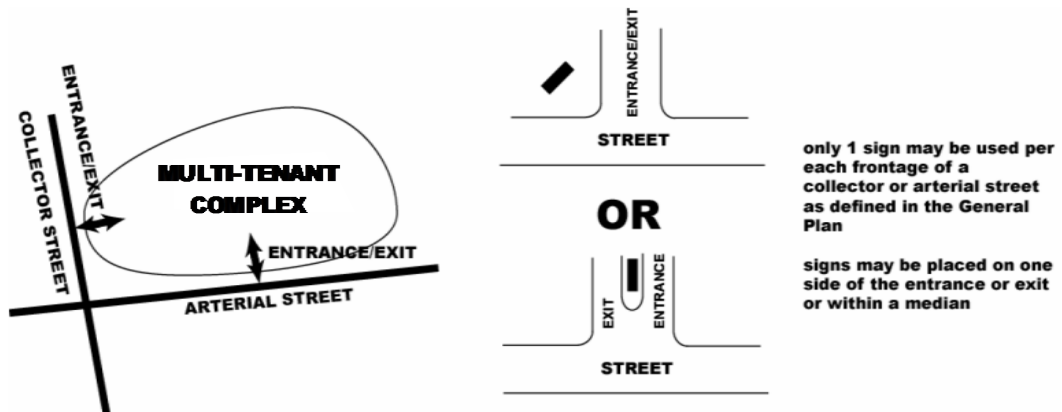
- (3) **GROUND SIGNS**, whether new or modified, shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:
  - (A) A ground sign is only permitted on the property of the associated multi-tenant complex, residential subdivision, or multi-family complex.
  - (B) A ground sign may include the name of a multi-tenant complex, residential subdivision or multi-family complex but shall not display the name and/or address of individuals within the respective uses. The physical address of a multi-tenant complex or multi-family complex may be placed on the sign. (See Figure 8.2, below.)

- (C) All ground signs shall be located within a landscaped area no smaller than 120 square feet.
- (D) No ground sign shall be allowed on the property of a multi-tenant complex that is displaying a monument sign. Before any building permit is issued for a ground sign, any existing monument sign shall be removed.



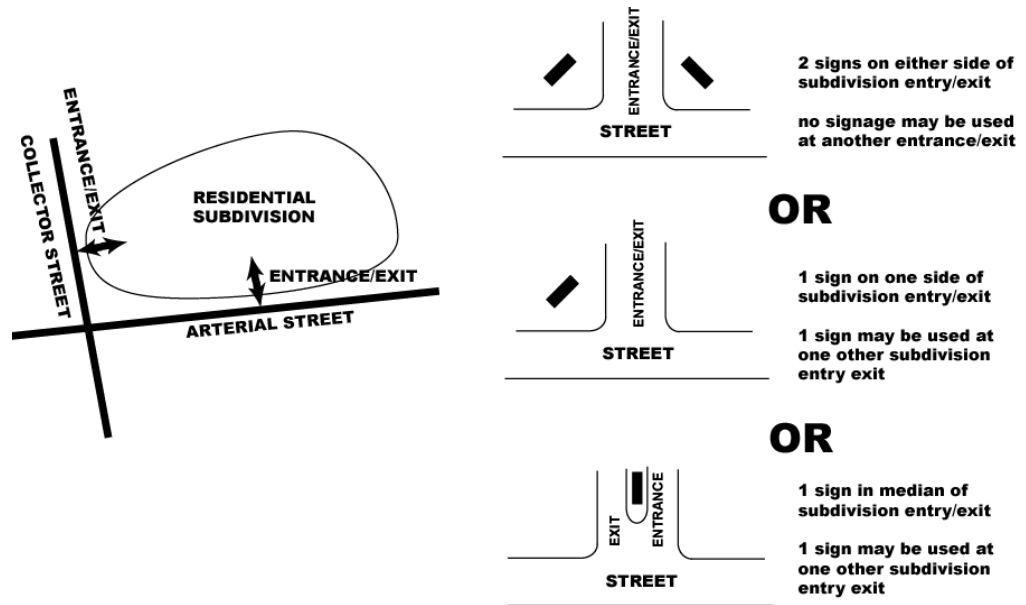
**Figure 8.2:** Example of ground sign.

- (E) The maximum allowed number of ground signs shall be:
  - 1) For a multi-tenant complex, one (1) ground sign for each abutting arterial or collector street. (See Figure 8.3 for examples.)



**Figure 8.3:** Location of ground signs for a multi-tenant complex.

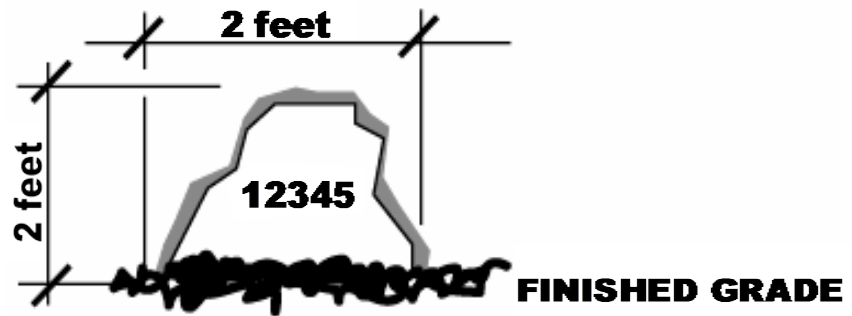
- 2) No ground sign shall be allowed for a multi-tenant complex that has a wall sign for the overall complex.
- 3) For a residential subdivision where entrances are located on an arterial or collector roadway as defined in the General Plan, two (2) ground signs shall be allowed. If two signs are placed at one entrance, no ground sign shall be allowed at another entrance. (See Figure 8.4 for examples.)



**Figure 8.4:** Location of ground signs for residential subdivisions.

- (F) All ground signs shall be located:
- 1) Within fifty (50) feet of the driveway accessing the use or complex it serves.
  - 2) Within ten (10) feet of the right-of-way line of the arterial or collector roadway on which it is located.
  - 3) No closer than thirty (30) feet from any onsite ground sign and/or tenant directory sign and fifteen (15) feet from any offsite ground sign and/or tenant directory sign.
  - 4) So as not to obstruct vehicular circulation, vehicular sight lines, and/or pedestrian circulation.
  - 5) The ground sign must conform to all other standards for ground signs as stated in Article VIII.

- (G) The maximum allowed area for a ground sign structure shall not exceed thirty-five (35) square feet, with a maximum height of five (5) feet from finished grade directly below the sign.
  - (H) The sign area (text, logo, and symbols) for a ground sign shall not exceed thirty-five (35) percent of the overall dimensions of the sign structure.
  - (I) A ground sign may be illuminated by one of the following methods:
    - 1) External light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate.
    - 2) Reverse pan channel text with halo lighting consisting of concealed lighting elements.
- (4) **IDENTIFICATION SIGNS** shall be exempt from building permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) For all residential uses:
    - 1) A maximum of two (2) identification signs are allowed for each lot, subject to the following:
      - a) One (1) identification sign displaying the address of the property shall be located at the driveway access, which may be within the required yard (setback) area.
      - b) An identification sign displaying the name of the residence shall not be located in the required yard (setback).
      - c) Properties fronting more than one (1) street or having two (2) or more driveways may display up to two (2) identification signs within the setback if the content is limited to the address.
    - 2) The maximum allowed size of the identification sign structure shall be four (4) square feet. (*Ord. #2007-05*)
    - 3) The identification sign may be freestanding but the height shall not exceed three (3) feet above finished grade directly below the sign.



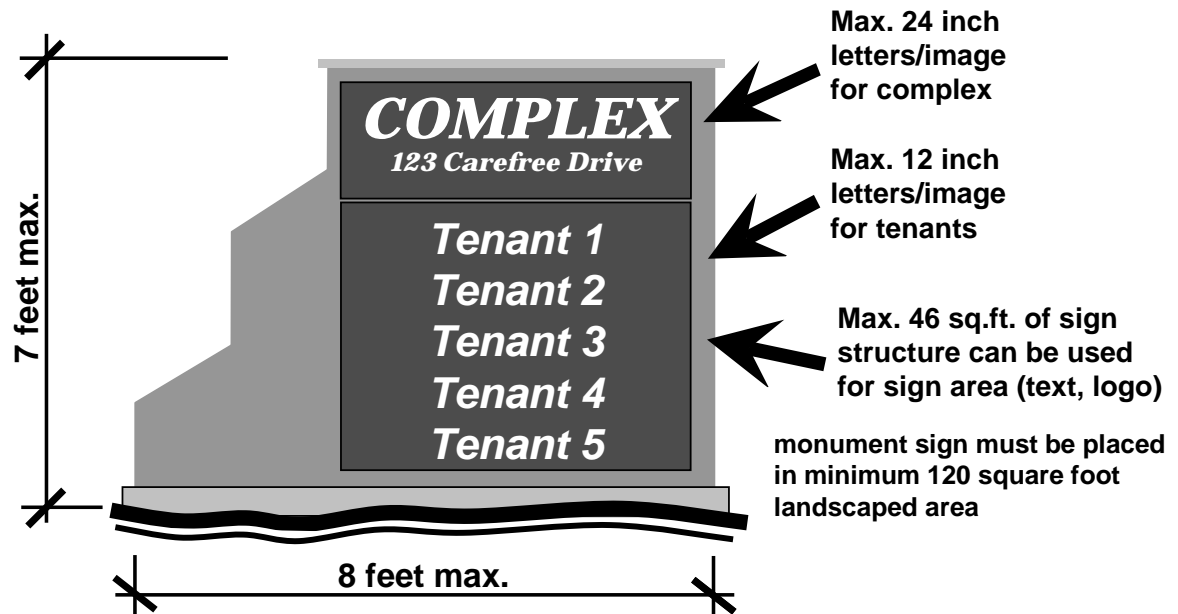
**Figure 8.5:** Example of single-family residential identification sign.

- 4) The identification sign shall not be located in, or project into, any street or alley.
  - 5) The identification sign may be illuminated by external lighting provided the light source is shielded and does not shine beyond the sign it is intended to illuminate.
- (B) For non-residential uses only:
- 1) One (1) identification sign is allowed for each building.
  - 2) Two (2) identification signs are allowed for a building that fronts on more than one street.
  - 3) The maximum allowed size of the letters and/or numbers shall be twelve (12) inch font.
  - 4) An identification sign for a multi-tenant complex shall be subject to the following:
    - a) For the building, the maximum allowed size of the letters and/or numbers shall be twelve (12) inch font.
    - b) For each tenant, the maximum allowed size of the letters and/or numbers shall be six (6) inch font.
  - 5) An identification sign shall be placed on the exterior wall of the building. It shall not project more than three (3) inches from the wall and/or above the building façade.
  - 6) An identification sign may be illuminated by one of the following methods:
    - a) External light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate.
    - b) Reverse pan channel text with halo lighting consisting of concealed lighting elements.

- (5) **MENU BOARD SIGNS** shall be exempt from building permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) One (1) menu board shall be allowed per restaurant, whether it is an attached menu board or a sidewalk menu board.
  - (B) Menu board signs shall not be placed so as to obstruct any windows, doorways or other permanent signs.
  - (C) Menu board signs shall be made of rigid material of sufficient density so as to resist gusts of wind, including but not limited to high density urethane.
  - (D) The following requirements apply to **ATTACHED** menu boards.
    - 1) A building mounted menu board sign shall be permanently affixed to the exterior wall or arcade column of a restaurant.
    - 2) The maximum allowed size of the attached menu board sign shall be an area of ten (10) square feet, no more than four (4) feet high, and two and a half (2.5) feet wide.
    - 3) The attached menu board sign shall not project more than three (3) inches from the exterior wall.
    - 4) Attached menu boards shall be located a minimum of five (5) feet from any other permanent sign.
    - 5) Attached menu board signs may be illuminated by external light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate.
  - (E) The following requirements apply to a freestanding **SIDEWALK** menu board.
    - 1) Sidewalk menu board signs may be an A-frame type sign and shall be placed on the property of the business/complex where the restaurant is located.
    - 2) Sidewalk menu board signs shall not obstruct pedestrian or vehicular passages.
    - 3) The maximum allowed size of the sidewalk menu board sign shall be an area of ten (10) square feet, no more than four (4) feet high and two and one-half (2.5) feet wide.

(6) **MONUMENT SIGNS**, whether new or modified, shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:

(A) A monument sign is only permitted on the property of a multi-tenant complex. It shall display the name of the multi-tenant complex and no more than five (5) of tenants within the subject complex. The physical address of the complex may also be displayed. (See Figure 8.5, below.)



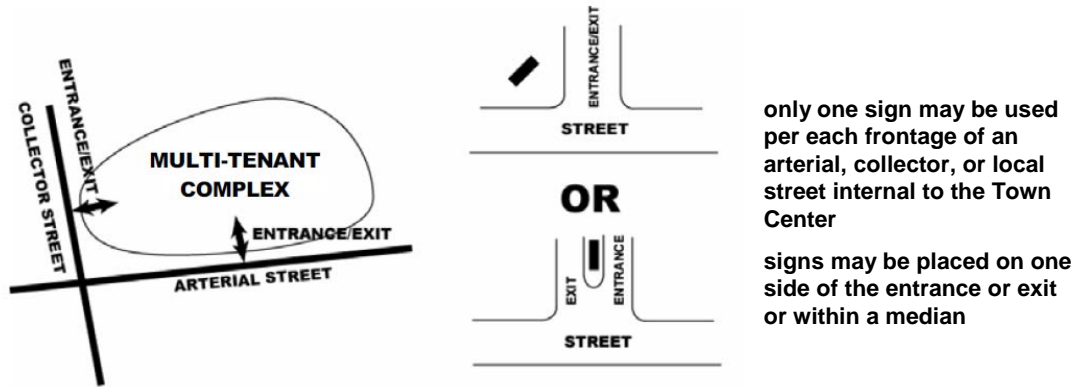
**Figure 8.6:** Example of a monument sign.

(B) All monument signs shall be located within a landscaped area no smaller than 120 square feet.

(C) No monument sign is allowed on the property of a multi-tenant complex displaying a ground sign and/or existing monument sign. Prior to a building permit being issued for a monument sign, any existing ground sign and/or monument sign shall be permanently removed.

(D) The maximum allowed number of monument signs shall be:

- 1) One (1) monument sign for each abutting arterial, collector, or local street that is internal to the Town Center.
- 2) No monument sign is allowed on a minor collector street. (See Figure 8.6 for examples.)



**Figure 8.7:** Location of monument signs for a multi-tenant complex.

- (E) Unless otherwise approved by the Zoning Administrator, all monument signs shall be located:
- 1) Within fifty (50) feet of the driveway accessing the complex it serves.
  - 2) Within twenty (20) feet of the right-of-way boundary line of the arterial or collector roadway on which it is located.
  - 3) No closer than seventy-five (75) feet from any other onsite monument sign and/or thirty (30) feet from any other offsite monument sign.
  - 4) So as not to obstruct vehicular circulation, vehicular sight lines, and/or pedestrian circulation.
  - 5) In conformance with all other standards for monument signs as stated in Article VIII.
- (F) The size of a monument sign structure shall be a maximum area of fifty-six (56) square feet, a maximum height of seven (7) feet from finished grade directly below the sign, and a maximum width of eight (8) feet.
- (G) The total sign area (text, logo, and symbols) shall be a maximum of forty-six (46) square feet.
- (H) To encourage artistic design that contributes to the unique quality and characteristics of Carefree, the Zoning Administrator may approve a maximum three- (3) foot projection along the top and/or two (2) sides of the monument sign structure that does not exceed 25% of the respective length of the top or sides of the monument sign.



- (I) The maximum height of the letters or images on a monument sign shall be limited to the following:
  - 1) Those identifying the name and/or logo of a multi-tenant complex shall be no more than twenty-four (24) inches in height.
  - 2) Those identifying the name and/or logo for each tenant and/or the physical address of the complex shall be no more than twelve (12) inches in height.
- (J) Two-sided monument signs shall display identical signage on both sides of the sign structure.
- (K) A monument sign may be illuminated by one of the following methods:
  - 1) Routed opaque sign panel with pushed through text and/or symbols, all consisting of completely opaque faces and transparent sides with halo lighting and concealed lighting elements.
  - 2) Reverse pan channel text with halo lighting consisting of concealed lighting elements.
- (7) **TENANT DIRECTORY SIGNS** shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:
  - (A) Tenant directory signs are only allowed on the subject property of a multi-tenant complex, oriented toward internal traffic within the property/development, and are subject to the following:
    - 1) If the subject property is less than two (2) acres in size:
      - a) Only one (1) tenant directory sign is allowed.
      - b) It shall be located no further than fifteen (15) feet from the building and adjacent to an established pedestrian walkway.
    - 2) If the subject property is greater than or equal to two (2) acres in size:
      - a) A maximum of two (2) tenant directory signs are allowed, one (1) for each vehicular entry from a public street.
      - b) Each sign shall be located a minimum of thirty (30) feet from the public right-of-way.

- (B) Tenant directory signs shall be located:
  - 1) No closer than thirty (30) feet from any onsite ground sign, monument sign, or any other tenant directory sign,
  - 2) No closer than fifteen (15) feet from any offsite ground sign, monument sign, or any other tenant directory sign, and
  - 3) No closer than five (5) feet from any other temporary or permanent sign.
- (C) The maximum allowed dimensions of a tenant directory sign shall be an area of twelve (12) square feet, no more than four (4) feet high and three (3) feet wide.
- (D) The tenant directory sign shall be constructed of a rigid material, including but not limited to high-density urethane. Other similar materials may be approved by the Zoning Administrator.
- (E) The maximum height of the letters or images on a tenant directory sign shall be limited to the following:
  - 1) Those identifying the name, logo and/or physical address for a multi-tenant complex shall be no more than twelve (12) inches in height.
  - 2) Those identifying the name and/or logo for each tenant shall be no more than eight (8) inches in height.
- (F) Tenant directory signs may be illuminated by external light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate.
- (G) An **ATTACHED** tenant directory sign shall be placed on the exterior wall of the building. It shall not project more than three (3) inches from the wall and shall be located no higher than two (2) feet below the top of the building façade.
- (H) A **FREESTANDING** tenant directory sign shall meet the following requirements:
  - 1) Shall be permanently affixed to a post constructed of Cor-ten steel. Other similar materials may be approved by the Zoning Administrator.
  - 2) Shall not obstruct any sidewalk or vehicular passage.

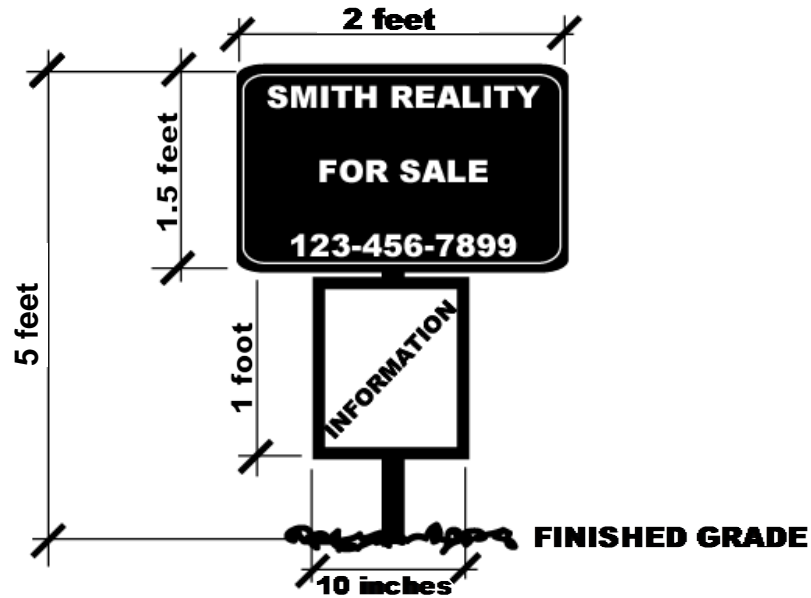
- 3) The maximum height shall be seven (7) feet measured from the top of the freestanding tenant directory sign and post supporting it to finished grade directly below.
- (8) **WALL SIGNS**, whether new or modified, shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) Are limited to the name, logo, and address of an office, commercial, hotel, or resort use.
  - (B) Each tenant within a building is allowed one (1) wall sign.
  - (C) If the building fronts on two (2) streets or can be viewed from an arterial street, one (1) additional wall sign is allowed on a different façade.
  - (D) The maximum allowed size for a wall sign shall be as follows:
    - 1) For buildings less than 5,000 gross square feet in area, the sign area shall not exceed one (1) square foot for every three (3) linear feet of frontage associated with the subject tenant.
    - 2) For buildings 5,000 gross square feet or greater in area, the sign area shall not exceed one (1) square foot for every one (1) linear foot of frontage associated with the subject tenant.
  - (E) Multi-tenant complexes that do not have a ground sign or a monument sign are allowed one (1) wall sign subject to the following:
    - 1) The wall sign shall only identify the multi-tenant complex. It may include the name or address, but shall not display the name and/or address of individual tenants.
    - 2) The maximum allowed size of the wall sign shall be an area of twenty-four (24) square feet, no more than four (4) feet high and six (6) feet wide.
    - 3) The maximum allowed height of the individual letters or symbols on the wall sign shall be twenty-four (24) inches.
  - (F) The top of the wall sign shall be no higher than two (2) feet below the top of the building façade to which it is affixed.
  - (G) For buildings of more than one story, the top of each wall sign shall not be located higher than the floor plate of the story directly above the associated tenant space.

- (H) The wall sign shall not project more than ten (10) inches from the wall.
- (I) The wall sign shall be located no closer than five (5) feet from any other temporary or permanent sign unless otherwise approved by the Zoning Administrator.
- (J) A wall sign may be illuminated by one of the following methods:
  - 1) External light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate
  - 2) Reverse pan channel text with halo lighting consisting of concealed lighting elements.
- (9) **BANNER SIGNS, HORIZONTAL** shall require a temporary sign permit, comply with all provisions of Article VIII, and meet the following standards:
  - (A) No more than one (1) horizontal banner sign is allowed for each tenant occupying a minimum leasable area of five thousand (5,000) square feet.
  - (B) Businesses displaying a horizontal banner shall not also display a projecting vertical banner or sidewalk sign.
  - (C) The horizontal banner sign shall be subject to the following standards:
    - 1) Shall be constructed of vinyl, cloth or similar material with folded and sewn edges.
    - 2) The maximum size of the horizontal banner shall be an area of thirty-six (36) square feet, no more than three (3) feet high, and twelve (12) feet wide.
    - 3) If attached to a wall, shall be parallel with the wall to which it is affixed.
    - 4) Shall not be located on the rooftop.
    - 5) Shall not be located higher than four (4) feet below the top of the building façade.
    - 6) If hanging from an arcade, shall have a minimum clearance of eight (8) feet and shall not obstruct pedestrian circulation.
    - 7) Banners shall not be illuminated.

- 8) A maximum of four (4) temporary sign permits may be issued per calendar year for horizontal banners.
- (D) A non-profit 501(c)3 organization hosting a special event held on **PRIVATE** property shall be subject to the following standards for horizontal banners:
- 1) Horizontal banners related to a special event do not require a temporary sign permit but are regulated in association with the Special Event Permit.
  - 2) Horizontal banners related to a special event may be displayed on either private property or public right-of-ways as approved by the Zoning Administrator in association with the Special Event Permit.
  - 3) The maximum allowed size of a horizontal banner shall be an area of twelve (12) square feet, no more than three (3) feet high and four (4) feet wide.
  - 4) The top of a horizontal banner sign staked to the ground shall not exceed a height of five (5) feet above the finished grade directly below the sign and shall not obstruct vehicular sight lines if placed near or adjacent to street right-of-ways.
- (10) **BANNER SIGNS, PROJECTING VERTICAL** shall require a temporary sign permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) One (1) projecting vertical banner sign shall be allowed for each tenant space.
  - (B) A maximum of two (2) projecting vertical banners shall be allowed for each tenant space with more than thirty-five (35) continuous feet of building exterior.
  - (C) Businesses displaying a projecting vertical banner shall not also display a horizontal banner or sidewalk sign.
  - (D) Projecting vertical banners shall be constructed of vinyl, cloth, or similar material with folded and sewn edges.
  - (E) Projecting vertical banners shall be:
    - 1) Located only on the exterior wall of the associated business, unless otherwise approved by the Zoning Administrator.

- 2) Fastened to two (2) permanent brackets affixed perpendicular to a building support column or an exterior wall of the building.
  - 3) For all buildings, the top of the projecting vertical banner shall be no higher than one (1) foot below the top of the building façade to which it is affixed.
  - 4) For buildings of more than one story, the top of each projecting vertical banner shall not be located higher than the floor plate of the story directly above the associated tenant space.
  - 5) So as not to obstruct pedestrian or vehicular circulation, projecting vertical banners shall have a minimum clearance of seven (7) feet from the bottom of the sign or brackets to finished grade directly below.
- (F) Projecting vertical banners and/or brackets shall be removed when not permitted and/or not in use. The maximum projection of any remaining fixture shall not exceed three (3) inches.
- (G) Projecting vertical banners shall be located no closer than eight (8) feet from other projecting vertical banners and five (5) feet from any other temporary or permanent sign.
- (H) No projecting vertical banner shall be illuminated.
- (I) The maximum allowed size of the projecting vertical banner shall be an area of twelve (12) square feet, four (4) feet high, measured from the bottom to the top of the sign and/or bracket, and three (3) feet wide, measured from the wall surface to the outermost edge of the sign and/or bracket.
- (J) A maximum of four (4) temporary sign permits may be issued per calendar year for projecting vertical banners.
- (11) **OUTDOOR MERCHANDISE** shall be exempt from building permit, comply with all provisions of the Zoning Ordinance, and meet the following standards:
- (A) Outdoor merchandise shall relate to the primary use of the business and shall not be considered signage as otherwise allowed in Article VIII.
  - (B) Outdoor merchandise shall be located:
    - 1) No further than fifteen (15) feet from the building and adjacent to an established pedestrian walkway.

- 2) Outdoor merchandise shall not extend more than fifty (50) percent along the linear length of the building façade.
  - 3) So as to not obstruct pedestrian or vehicular traffic.
- (12) **REAL ESTATE SIGNS** shall be exempt from building permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) The maximum allowed size of the real estate sign shall be three (3) square feet in area, for example, one and one half (1.5) feet by two (2) feet as measured from outside of frame to outside of frame.
  - (B) A real estate sign shall be freestanding or, for a condominium, townhouse, or commercial unit, the sign may be placed in a window.
  - (C) Any freestanding real estate sign shall be mounted on single or double stakes or posts which shall be the only method of anchoring the sign to the ground, except for "Open House" signs, which shall be a sandwich or tent style.
  - (D) The maximum height of a freestanding real estate sign shall not exceed five (5) feet above finished grade directly below the sign, except for "Open House" signs, which shall not exceed a height of three (3) feet.
  - (E) Real estate signs shall have no riders or attachments, except for the following:
    - 1) Real estate signs may have one (1) rider having maximum dimensions of 6" X 24", only displaying the name and/or contact information for the owner of the subject property, or the respective selling broker, architect, or contractor.
    - 2) "For Sale" or "For Lease" signs may also have one (1) enclosed information box having maximum dimensions of 2" X 10" X 12"; or one (1) enclosed tube having maximum dimensions of 3" in diameter by 12" in length.



**Figure 8.8:** Example of single-family residential real estate sign.

- (F) Real estate signs shall not be illuminated.
- (G) “For Sale” or “For Lease” signs shall be removed within five (5) days after the sale or lease of the property or building.
- (H) A contractor’s or architect’s sign may only be displayed after a building permit has been issued and only during construction. It may include the name and telephone number of the general contractor and/or the architect, but no other information.
- (I) For residential uses only:
  - 1) One (1) “For Sale” sign, one (1) “Open House” sign, and one (1) contractor’s and/or architect’s sign are allowed onsite for each subject lot, house, or unit.
  - 2) The maximum height of freestanding real estate signs, other than “Open House” signs, shall not exceed five (5) feet above finished grade directly below the sign.
  - 3) In gated communities or non-gated condominium or townhouse complexes, only one (1) additional “For Sale” or “For Lease” sign may be displayed on common property at the entrance to the community or complex, subject to the following:



- a) The homeowners' association shall approve the additional sign.
  - b) The additional sign shall be either generic or branded by the homeowners' association, and no real estate company name shall be shown.
  - c) When the subdivision has only one real estate company representing property within the subdivision, then, only during that time, such "For Sale" sign may contain the name of the subdivision or complex, the property address, and the name and/or logotype and phone number of the listing broker or agent.
  - d) The sign shall not exceed a height of five (5) feet.
- 4) For a property in a **NEW** single-family subdivision or for a unit in **NEW** condominium or townhouse complex:
- a) A "For Sale" sign may contain only the name of the subdivision or complex, the property address, and the name and/or logotype and phone number of the listing broker.
  - b) A "Model Home" or "Sales Office" sign is allowed, which may contain only the words "Model Home" or "Sales Office," the address of the property, and a directional arrow.
  - c) To advertise the entire subdivision or complex, one (1) "For Sale" sign, one (1) "Model Home" sign or "Sales Office" sign, and one (1) contractor's or architect's sign are allowed along each street frontage of the subdivision or complex. Each sign shall be freestanding.
  - d) New subdivisions or complexes with more than two hundred (200) feet of frontage along an arterial or collector road are allowed a maximum of two (2) onsite "For Sale" or "For Lease" signs per street frontage.

(J) For nonresidential uses only:

- 1) One (1) "For Sale" or "For Lease" sign is allowed on the exterior wall or window of each unit that is for sale or for lease.
- 2) A maximum of one (1) "For Sale" or "For Lease" sign and one (1) contractor's or architect's sign are allowed onsite for each

street frontage for nonresidential properties with more than one tenant.

- 3) Nonresidential properties with more than two hundred (200) feet of frontage along an arterial road are allowed a maximum of two (2) onsite "For Sale" or "For Lease" signs per street frontage.
- 4) The maximum height of a freestanding real estate sign shall not exceed five (5) feet above finished grade directly below the sign.
- 5) If the real estate sign is attached to a building, the top of the sign shall not project above the building façade.

(K) "Open House" signs are further regulated as follows:

- 1) An "Open House" sign is allowed only for any residential use and nonresidential condominiums.
- 2) An "Open House" sign shall be a sandwich or tent style with a maximum height of three (3) feet.
- 3) An "Open House" sign shall contain the words "Open House" and/or an arrow. It may also include:
  - a) The address of the property, and/or
  - b) The name and/or logotype of the listing broker, or agent and/or their contact information, or
  - c) If the home is "For Sale by Owner" ("FSBO"), the name and/or contact information of the property owner or their representative.
- 4) An "Open House" sign may only be displayed during the actual hours of the open house and while the property owner or selling broker/representative is present at the open house.
- 5) "Open House" signs shall have no riders or attachments, except one (1) rider having maximum dimensions of 6" X 24", only displaying the name and/or contact information for the owner of the subject property, or the respective selling broker.
- 6) One (1) onsite "Open House" sign is allowed on the subject property. No permit is required for this sign.

- 7) In addition to the onsite "Open House" sign, up to eight (8) additional offsite "Open House" signs located in the Town right-of-way may be allowed per any one (1) open house, subject to the following:
- a) Pursuant to Carefree Town Code Article 11-3, Section 11-3-3, an open house sign permit is required for offsite "Open House" signs.
  - b) An offsite "Open House" sign shall pertain only to a property located in the Town of Carefree.
  - c) One (1) "Open House" sign is allowed at the intersection of two (2) or more streets.
  - d) Two (2) signs are allowed at street intersections on Cave Creek Road or Tom Darlington Drive, one on each side of the right-of-way.
  - e) Properties which are not located at the corner of an intersection, but which have access fronting Cave Creek Road or Tom Darlington Drive, may have one (1) sign in the right-of-way on the side opposite to their property.
  - f) One (1) sign may be placed in the right-of-way where a curve in the street is sharper than a right angle, but where there is no intersecting street.
  - g) For gated communities, one (1) "Open House" sign may be placed at the entrance in the common area or the right-of-way adjacent to the gated entrance. Such sign shall be approved by the respective homeowners' association.
  - h) Signs are not allowed in any medians that divide portions of paved or unpaved roads
  - i) The "Open House" sign shall be placed a minimum of one (1) foot behind the curb. If no curb is present, signs shall be located a minimum of three (3) feet from the edge of the pavement.
  - j) No sign shall be placed so as to obstruct pedestrian, bicycle, and/or vehicular traffic and visibility.
  - k) Sign placement and/or quantity of signs, other than as described above, may be approved by the town zoning administrator.

- (13) **SIDEWALK SIGNS** shall be exempt from a permit, comply with all provisions of Article VIII, and meet the following standards (Ord. #2010-06; #2010-11; #2011-08, #2012-04):
- (A) A maximum of one (1) sidewalk sign is allowed for each business located within Commercial (C) and/or Garden Office (GO) zoning and that is licensed with the Town of Carefree.
  - (B) A business displaying a sidewalk sign shall place the business name on the associated sign in a minimum size 12 font.
  - (C) The maximum allowed size shall be three and one-half (3.5) feet high and two and one-half (2.5) feet wide.
  - (D) A sidewalk sign shall be located no further than thirty-five (35) feet from the door of the primary customer entrance into the building of the associated business.
  - (E) A sidewalk sign shall be placed on the subject property in which the business is located and not within the public right-of-way. The Zoning Administrator may approve a request to locate a sidewalk sign in a landscape island located in the right-of-way and within thirty-five (35) feet from the door of the primary customer entrance of the associated business.
  - (F) A sidewalk sign shall not obstruct any pedestrian walkway, traffic circulation, and/or traffic line-of-sight, as determined by the Zoning Administrator.
  - (G) Any sidewalk sign must be removed each day upon the close of business.
  - (H) Sidewalk signs shall be constructed as follows:
    - 1) Of a minimum one-half ( $\frac{1}{2}$ ) inch thick high density exterior grade compressed wood, including but not limited to Omega or Medium Density Overlay board.
    - 2) Of sufficient weight so as to resist wind gusts, storms, etc.
    - 3) Sidewalk signs shall not be constructed of paper, poster board, or cardboard.
  - (I) No sidewalk sign shall be illuminated.

## **Section 8.04     General Regulations**

- (1) Unless otherwise provided by this Article, all signs shall be located on the subject property.
- (2) A temporary sign permit shall be issued for one (1) calendar month. For example, a permit issued on the first of the month will expire on the last day of that month; a permit issued on the 15th of the month will also expire on the last day of that month; etc.
- (3) Signs for a private guard or security company and/or “no trespassing” signs are allowed and do not require permits provided each sign does not exceed one (1) square foot in area and two (2) feet in height from finished grade directly below the sign. No more than two (2) signs per street frontage are allowed.
- (4) All signs associated with a business that has closed shall be removed by the landlord or property owner within five (5) working days of the date of closure.
- (5) Except for wall signs, all signs may be back-to-back (double-sided). Each side may not exceed the maximum dimension stated for each respective type of sign.
- (6) Unless otherwise provided by this article, sign height shall be measured from the finished grade directly below the sign to the top of the sign. Fill shall not be added for the purpose of elevating the sign.

## **Section 8.05     Prohibited Signs**

The following signs are prohibited:

- (1) Illuminated signs, except as specifically allowed by this Ordinance.
- (2) With the exception of “open” signs placed in a commercial window, signs that use movement, lighting, or animation to give the illusion of action are prohibited. Such signs, without limitation, include the following:
  - (A) Revolving signs.
  - (B) Flashing signs with intermittent lighting and/or varying intensities of light, including a moving light or lights.
  - (C) Signs illuminated by internal lighting or by lights that are external but integral to the sign, such as bulbs or neon tubing that display a business logo or spell out the sign message.
- (3) Signs that give off any sound.

- (4) Any sign located above the eaves or parapet or attached to the roof of a building.
- (5) Window signs, including pictures, symbols, or combinations thereof designed to communicate information about an activity, business, commodity, event, sale, or service, except those that are:
  - (A) For commercial uses only:
    - 1) Placed inside a window or upon the window panes or glass and visible from the exterior of the window and
    - 2) Which, in combination, encompass no more than ten (10) square feet or twenty five percent (25%) of the subject window area, whichever is smaller.
  - (B) Otherwise provided for in Article VIII.
- (6) Search lights or beacons.
- (7) Flags, pennants, tethered balloons, or similar devices used for commercial advertisement.
- (8) Signs attached to utility poles or other structures or located on the ground within the right-of-way of public or private streets, except as specifically allowed in this Ordinance or the Carefree Town Code.
- (9) Signs not expressly allowed in this Article.

### **Section 8.06 Signs Exempt from Regulation**

The following types of signs are exempt from regulation provided they meet all other requirements of this Article:

- (1) Non-commercial flags:
  - (A) With a maximum height of twenty four (24) feet as measured from the top of the flagpole to finished grade directly below.
  - (B) That are less than an area of twenty-four (24) square feet in size and no more than four (4) feet high and six (6) feet wide.
  - (C) That are only flown between sunrise and sunset.
- (2) One temporary political sign per lot per candidate and/or issue provided the size of each sign does not exceed three (3) square feet in area, for example eighteen (18) inches by twenty-four (24) inches. The sign shall

be removed within fifteen (15) days of the results of the associated election.

- (3) Political signs located in the Town of Carefree right-of-ways pursuant to Carefree Town Code Article 11-3 and Carefree Resolution 2012-01.
- (4) A name plate of no more than one (1) square foot adjacent to an entry door.
- (5) Signs displayed by the Town of Carefree for government or other public purposes.

## **Section 8.07 Nonconforming Signs**

- (1) This section provides for the regulation of legal nonconforming signs. These regulations are designed to protect the rights of legally existing nonconforming signs but not promote expansion or enlargement of the signs.
- (2) A legal nonconforming sign under this Ordinance is any sign lawfully erected under County zoning regulations at the effective date of incorporation, annexation, or under previous zoning regulations in effect at the time of adoption of this Ordinance or any amendment thereof, unless otherwise specified in Article VIII.
- (3) No expansion or physical alteration that exceeds twenty-five (25) percent of the sign area or structure shall be made to any nonconforming sign unless such expansion conforms to the regulations specified in this Article.
- (4) Any nonconforming sign which has been damaged by fire, flood, explosion, earthquake, war, riot, or act of God may be reconstructed and used as before, if done within six (6) months of such calamity. The Town Council, after review and recommendation by the Development Review Board, may determine that further delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner and permit a reasonable extension of time for reconstruction. Any applicable regulations may be waived by the Town Council provided the restored sign is not more nonconforming than that which existed at the time of the calamity.
- (5) Any nonconforming sign which ceases to be used for a period exceeding six (6) months shall be removed or converted to a conforming sign (except as provided in the preceding paragraph). A nonconforming sign shall not be changed to a different nonconforming use. This shall not prevent a change in ownership of the subject nonconforming sign.

## **Section 8.08 Comprehensive Sign Plans** *(Ord. #2018-07)*

- (1) Purpose
  - (A) The purpose of this Section is to provide a process to respond to special signage needs of proposed or existing uses, as well as to promote superior sign design, materials, and installation methods.
  - (B) A Comprehensive Sign Program (CSP) provides for flexibility to develop innovative, creative and effective signage and to improve the aesthetics of the Town.
- (2) Applicability
  - (A) All proposed or existing nonresidential multi-tenant complexes and/or mixed use developments.
- (3) Review criteria
  - (A) Applications for a Comprehensive Sign Program shall be reviewed and approved by the Planning Director. The Director may approve a CSP containing elements which exceed the permitted height, area, and number of signs specified in this Sign Ordinance if the CSP conforms to required findings as well as incorporates special design features that encourage quality signage.
  - (B) The required findings are as follows:
    - 1) The development site contains unique or unusual physical conditions, such as topography, size, or relation to a public street that would limit or restrict normal sign visibility; or
    - 2) The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest, or other distinguishing features that represent a clear variation from conventional development.
  - (C) Special design features include, but are not limited to:
    - 1) Dimensional letters: Pan channel letters without raceways, non-illuminated reverse pan channel or flat cut out aluminum letters, or internal/indirect illuminated halo channel letters, on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.



- 2) Simplified letter and/or logo copy to encourage easily recognizable business identification while simplifying the appearance of a streetscape.
- 3) Sign structure materials that utilize native or natural materials in the construction of sign structures resulting in improved and innovative sign design and an improved image of a business or development.
- 4) Sign structure which blends with the development site that incorporates a major element of a building façade or significant landscape feature, resulting in the creation of a unique image for a development.

(4) Sign Permit Required

- (A) A sign permit is required for the construction and placement of individual signs contained in an approved Comprehensive Sign Program.
- (B) All signs located in a multi-tenant complex or mixed use development are required to comply with the CSP, if such plan has been approved by the Town.

(5) CSP Submittal Requirements shall include the following:

- (A) A CSP shall be prepared by a graphics design professional.
- (B) A site plan to scale of the overall development, including all parcels included within the multi-tenant complex;
- (C) The location(s) and sizes of existing and proposed buildings, parking lots, driveways, streets and landscaped areas of the development;
- (D) The size, location, height, color, lighting source, and orientation of all proposed signs for the development, with a computation of sign area for each sign type;
- (E) A complete set of standards, including but not limited to, letter size, style, colors, type(s), placement, number of signs and sign material(s), and illumination method (if applicable);
- (F) A narrative description of the development to demonstrate that the sign program meets the required findings and/or sign design standards;

- (G) Any other information deemed necessary to meet the findings noted above.

## **Article IX. GENERAL PROVISIONS**

### **Section 9.01 Applying General Provisions**

The regulations set forth in this Article supplement the Zoning regulations appearing elsewhere in this Ordinance.

### **Section 9.02 Accessory Buildings and Uses**

- (1) Accessory buildings shall not be constructed upon a lot until after the construction of the principal building has begun.
- (2) Accessory buildings in Single-Family Residential zoning districts shall not be rented or leased for any purpose.
- (3) The cumulative square footage of the guest house shall not exceed one-third (1/3) of the total square footage of the livable area of the principal structure.
- (4) No more than one (1) guest house is permitted per lot or parcel.
- (5) An accessory building shall not be used or occupied until the certificate of occupancy for the principal building has been issued by the Building Official.
- (6) Both the principal building and guest house shall be served by a common single electric meter and water meter (if applicable).
- (7) Principal buildings and accessory structures shall be served by a single common driveway unless approved by the Zoning Administrator.
- (8) Design of accessory buildings shall be compatible with the design of the principal dwelling in materials, colors and architectural style.

### **Section 9.03 Number of Principal Buildings on a Lot**

- (1) In Single-Family Residential zoning districts only one (1) principal building may be located on each parcel or lot.
- (2) In Multiple-Family Residential or Commercial zoning districts more than one (1) principal building may be located on a parcel or lot, provided a site plan showing all improvements has been approved by the Development Review Board.

## **Section 9.04 Additional Yard And Open Space**

- (1) Any required yard (building setback) around any building shall not be used as the required yard (building setback) for any other building.

(2)

### **Section 9.05 Solar Collector**

- (1) No solar collector shall be permitted on a vacant lot.
- (2) When any solar collector is located on the ground or on a ground mounted structure, the solar collector:
  - (A) Shall not exceed six (6) feet in height above natural grade at the location of the structure or solar collector,
  - (B) Shall be screened from view by walls, fences, mature landscaping, or natural terrain, and
  - (C) Shall not be located in a front yard or in any required yard (building setback).
- (3) Roof mounted solar collectors must be at the same slope or parallel to the sloped roof unless otherwise approved by the Development Review Board. Solar collectors mounted to a flat roof shall be screened behind a parapet so as not to be visible from any adjoining lot at the same or lower elevation than the lot on which the solar collector is located.

### **Section 9.06 Storage of Refuse and Refuse Containers**

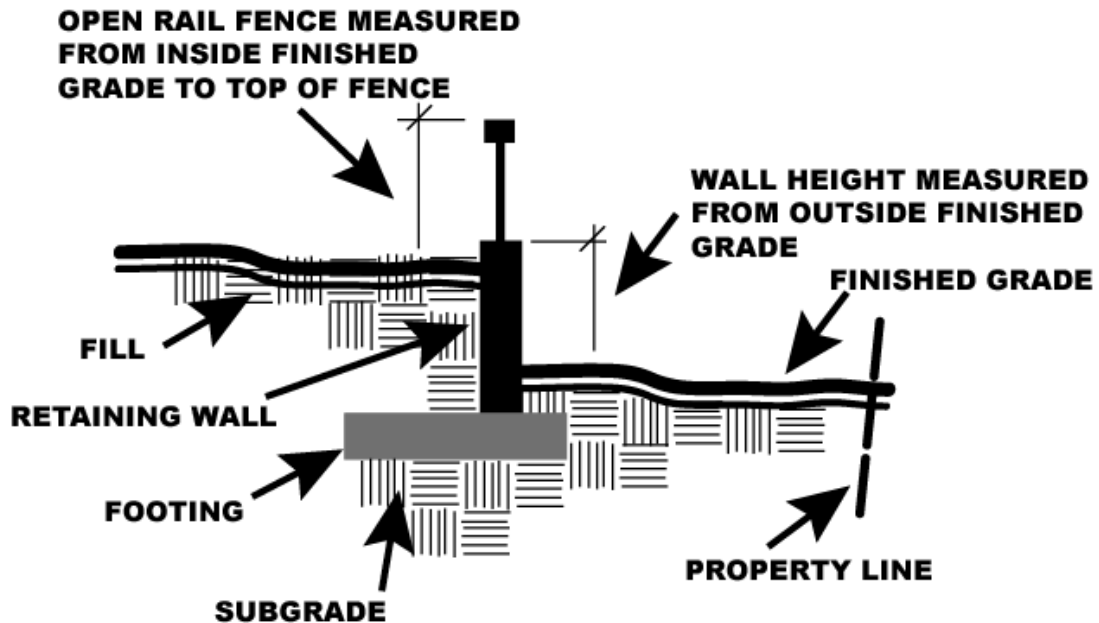
- (1) The site plan for the construction of all new principal buildings shall include the location for the storage of refuse containers.
- (2) All refuse containers shall be screened from view of all public streets and neighboring properties except on the day of garbage collection.

### **Section 9.07 Screening Mechanical Equipment**

- (1) All ground mounted mechanical equipment shall be screened by walls, mature landscaping, or natural terrain so as not to be visible from any neighboring property at the same or lower elevation.
- (2) All roof mounted mechanical equipment shall be screened so as not to be visible from any neighboring property at the same or lower elevation.
- (3) All screen walls shall be of solid and permanent construction and shall appear to be an integral part of the building to which they are attached.

## Section 9.08 Retaining Walls

- (1) The height of a retaining wall shall be measured from the outside finished grade (facing the property line) to the top of the wall. Open rail or wrought iron fencing placed on top of a retaining wall is allowed up to a height of three (3) feet in a required yard (building setback) and six (6) feet in height in the buildable area on the lot or parcel. The additional height of an open rail fence is not included in the height measurement of the retaining wall. The height of an open rail fence is measured from inside finished grade to the top of the rail. (Ord. #2007-05)



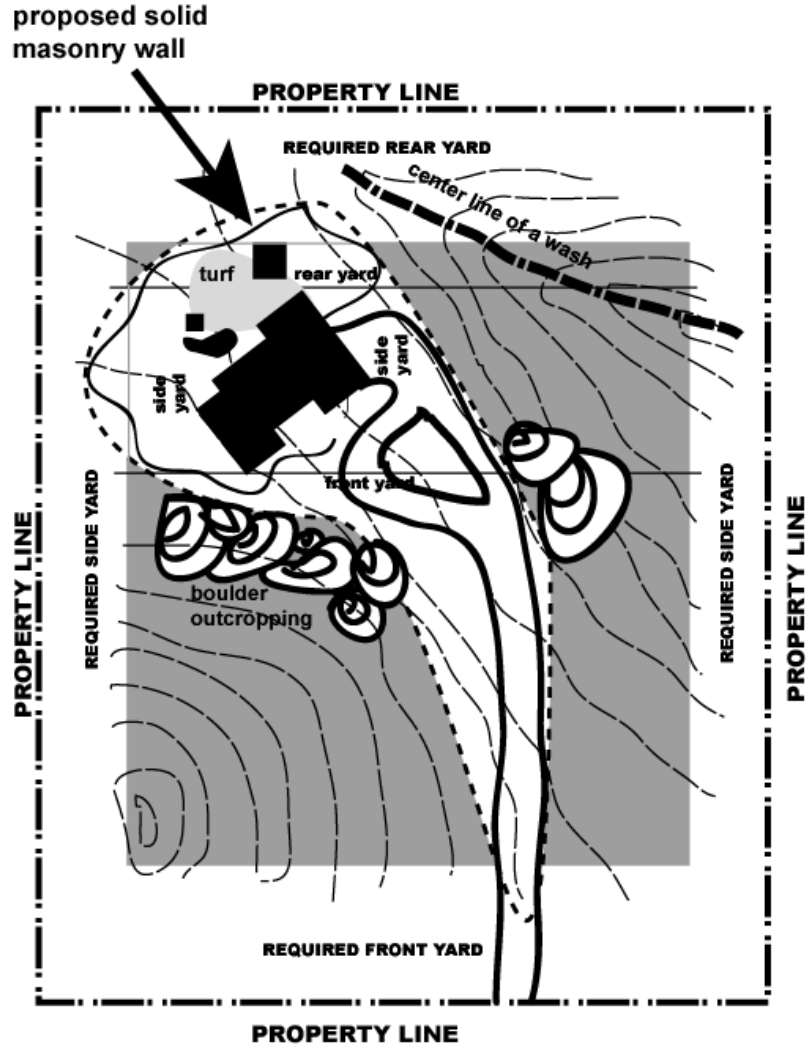
*Figure 9.1: Measuring height of retaining walls.*

- (2) Retaining walls within the required yard (building setback) shall not exceed four and one-half (4-1/2) feet in height from outside finished grade. Any retaining wall, which outside (facing the property line) finished grade is higher than the inside finished grade and is located within the required front yard setback shall have an exterior finish of either split face block, natural stone and/or stone veneer. Any exterior lights placed on the wall within the required front yard setback shall consist of down lights. Light fixtures placed on top of a retaining wall within the required front yard are prohibited. (Ord. #2007-05)

- (3) In the buildable area the maximum height of a retaining wall or a combination of retaining walls shall not exceed seven (7) feet in height from finished grade unless a greater height is approved by the Development Review Board. Any combination of retaining walls requiring Board approval shall contain split face block, natural stone and/or stone veneer applied along the entire outside (towards the property line) frontage. *(Ord. #2007-05)*
- (4) Retaining walls shall be terraced if the wall height exceeds five (5) feet from finished grade. Additionally, the upper retaining wall shall not exceed four (4) feet in height and there shall be a minimum of four (4) feet of level ground between the walls. This area between the walls shall be landscaped with drought tolerant plant materials to help mask the upper section of the wall. *(Ord. #2007-05)*

### **Section 9.09 Fences and Free-Standing Walls**

- (1) The height of all fences and free-standing walls shall be measured from outside finished grade to the top of the wall and:
  - (A) Fill shall not be added for the purpose of elevating the fence or free-standing wall.
  - (B) Open railings on top of free-standing walls are included in the height measurements of all freestanding walls.
- (2) A masonry or solid wall, living fence, hedge, column or driveway gate, or other structure with a maximum height of four and one half (4.5) feet shall not extend more than halfway into any one required side and/or required rear yard setback. If a masonry or solid wall acts as a swimming pool barrier and encroaches within a required side yard and/or required rear yard setback, such enclosure may be built up to five (5) feet in height measured from outside finished grade. Masonry or solid walls, living fences, hedges, columns or driveway gates, or other structures shall not be placed within the required front yard building setback. *(Ord. #2007-05)*



**Figure 9.2:** Example of a masonry wall or solid wall encroachment into a required yard (building setback).

- (A) Natural features such as steep terrain, boulder outcroppings, or washes shall be preserved in their natural condition. *(Ord. #2007-05)*
- (B) All areas enclosed by the subject wall or other structures in the nature of a wall shall be included within the disturbed area calculations. *(Ord. #2007-05)*
- (C) Walls establishing the perimeter of a corral used in the keeping of horses or other equines shall be placed a minimum of one hundred (100) feet from any lot line. *(Ord. #2007-05)*
- (D) Any masonry wall, solid wall, or other structure in the nature of a wall encroaching within any required side or required rear yard shall undulate on a horizontal plane (curvilinear). *(Ord. #2007-05)*



- (E) Any masonry wall, solid wall, or other structure in the nature of a wall encroaching within any required side or required rear yard shall provide breaks (openings designed for the 100-year storm event) for washes and significant wildlife corridors. *(Ord. #2007-05)*
- (3) A maximum four and one-half (4.5) foot high open fence may extend no more than halfway into any required side yard and/or required rear yard but shall not be placed within the required front yard. If the open fence acts as a swimming pool barrier and encroaches within a required side and/or required rear yard, such enclosure may be built up to five (5) feet in height measured from outside finished grade. *(Ord. #2007-05)*
- (A) Chain link, barb wire, razor wire, and wood plank fencing are prohibited.
  - (B) Breaks within the fence shall be provided for washes and significant wildlife corridors.
  - (C) Fences establishing the perimeter of a corral used in the keeping of horses or other equines shall be placed a minimum of one hundred (100) feet from any lot line.
- (4) Fences or walls located in the buildable area shall not exceed a height of six (6) feet from finished grade.
- (A) Chain link, barb wire, razor wire, and wood plank fencing are prohibited.
  - (B) Gates and entry features located in the buildable area in association with courtyards shall not exceed a height from finished grade of ten (10) feet.
  - (C) Breaks within the fence or wall shall be provided for washes and significant wildlife corridors.
- (5) Pool enclosures shall meet the following requirements:
- (A) No pool enclosure (fence or solid masonry wall) shall be located more than fifty (50) percent (halfway) into any side or rear required yard (building setback). Pool enclosures are prohibited in any required front yard (building setback).
  - (B) Pool areas shall be secured from outside access by a masonry wall, ornamental iron fence, or combination thereof not less than five (5) feet in height above finished grade measured on the side of the fence opposite the pool.

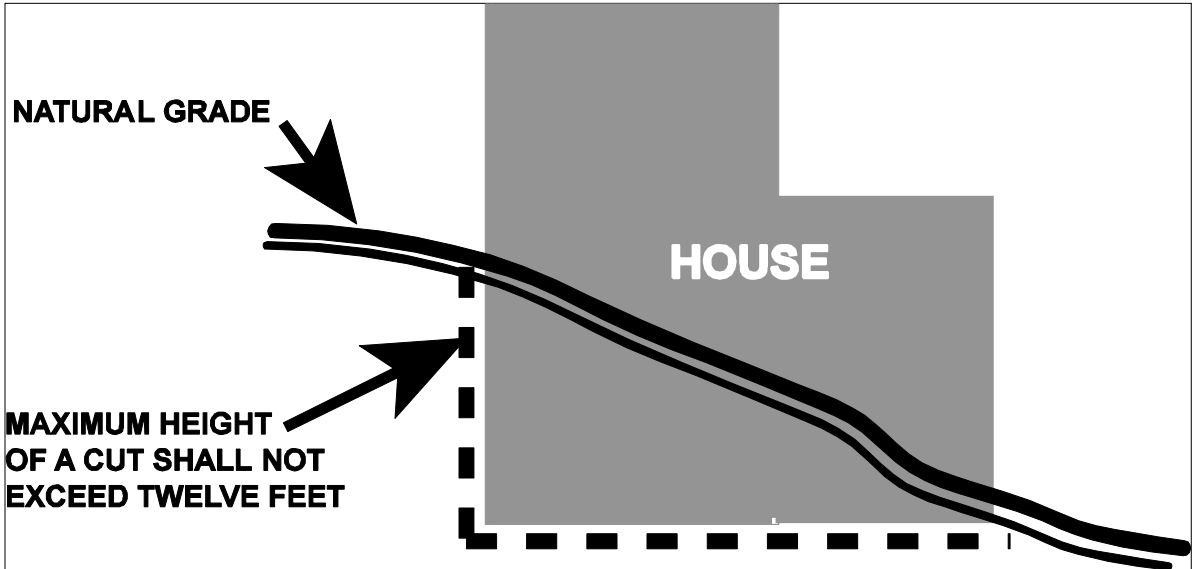
- (C) Access to the pool area, other than through the house, shall be through a self-closing, self-latching gate not less than five (5) feet in height as measured on the side of the fence opposite the pool.
  - (D) Gate mounting and latching hardware shall be positioned on the pool side of the gate.
  - (E) Accessory equipment such as pumps, heaters, and filters shall be enclosed by a solid wall at least four and one-half (4.5) feet in height to screen sound and sight from neighboring lots.
- (6) Private tennis court fences and walls are allowed only in the Rural-190, Rural-70, R-3 and Lodging zoning districts and shall meet the following requirements:
- (A) Private tennis court fences are not permitted in any required yard (building setback).
  - (B) Private tennis court fences shall not exceed ten (10) feet in height.
  - (C) Above the height of six (6) feet, the fencing shall consist of an open weave and not a complete barrier that inhibits flow of air and visibility.
  - (D) Private tennis court fences shall consist of a color which blends with the natural surrounding area.
- (7) Public utility fences or walls are exempt from the height limitations and standards of this Ordinance if necessary to comply with national, state, or local safety and security standards.

(8)

## **Section 9.10 Grading and Drainage**

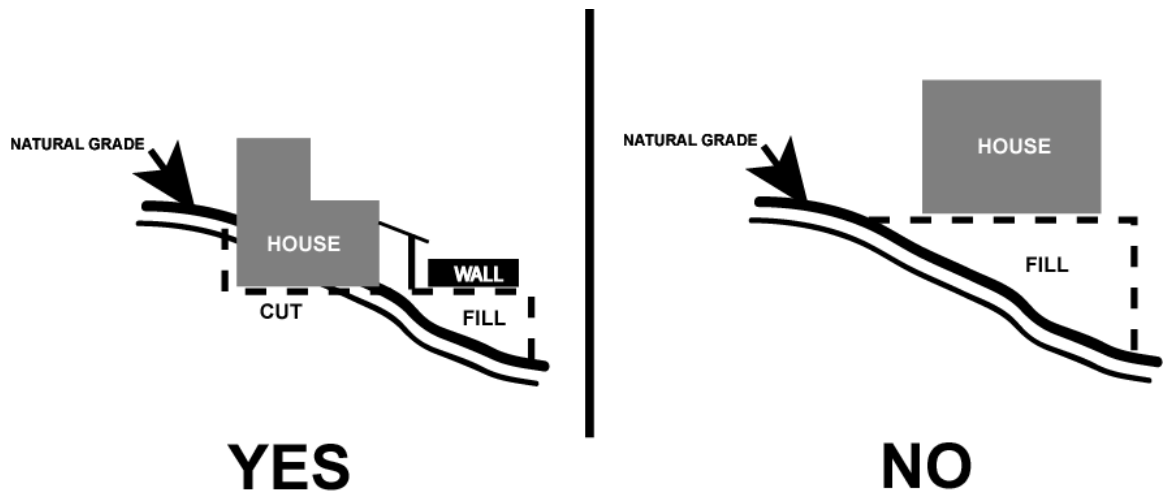
- (1) There shall be no grading on or to any site other than percolation and test borings (100 square feet maximum in size) prior to the issuance of a Zoning Clearance and a Building Permit.
- (2) During the construction period, the disturbed area shown on the approved site plan shall be cordoned off with a temporary chain link fence a minimum of six (6) feet in height.
  - (A) All construction sites must make all reasonable efforts to prevent or control blowing dust and debris. *(Ord. #2015-02)*
  - (B) In the case of site grading and other construction operations, all reasonable efforts shall be made to control blowing dust and debris onto adjacent properties. *(Ord. #2015-02)*
  - (C) When grading operations involve the hauling of dirt from one site to another, maintain public and/or private streets in a clean condition and limit any spillage which would generate dust or other blowing debris. *(Ord. #2015-02)*
  - (D) The approval of a dust prevention and control plan does not relieve the owner or contractor of the responsibility to implement whatever additional measures may be required to properly prevent and control dust. *(Ord. #2015-02)*
- (3) The total area of grading shall at no time exceed the maximum allowed disturbed area as set forth in the table of intensity schedule/development regulations in Article VI, Section 6.01 of this Ordinance. The following items shall be counted towards the disturbed area:
  - (A) Any area enclosed by a solid masonry wall.
  - (B) Any area disturbed by the development of a driveway and associated infrastructure.
  - (C) Any area disturbed by corrals, stables, the keeping of horses, tennis courts, sports courts, and other accessory structures.
- (4) Grading shall not disturb or obscure significant visual or environmental features of the site including boulders, rock outcroppings, archeological sites (as defined by either the state or a professional archeologist), and/or washes that have a 100 year flow of 50 cubic feet per second or greater.

- (A) The historical entrance and exit points and hydraulic properties of all natural drainage channels on a site shall be preserved in their natural conditions.
  - (B) Any disturbance of boulder features on slopes greater than ten (10) percent shall be supported by a geological analysis to ensure against any potential inadvertent movement of the boulders during and after construction. The Development Review Board shall approve such modifications of boulder features.
- (5) Grading or disturbance of natural terrain for the purpose of installing a sewage disposal system shall be limited to seven (7) feet outside of the edge of the sanitary infrastructure including, but not limited to, the leaching bed or pits, tank and distribution box, and connecting lines as required by the Maricopa County Health Department.
- (6) All utility lines shall be located underground and whenever possible within the driveway graded area. If this location is not feasible, then disturbance of natural terrain for these utility line trenches shall be confined to within four (4) feet of either side of the trenches. The restoration and revegetation plans for these disturbed areas shall be approved by the Development Review Board.
- (7) Cut and fill slopes shall not typically exceed a slope of 3 to 1 with a maximum vertical measurement of four (4) feet. Spill slopes are prohibited.
- (A) Where a greater height is necessary, cut and fill slopes shall be contained by retaining walls unless:
    - 1) A licensed geologist determines through an analysis that the slope is stable.
    - 2) The slope is treated with an aging agent to restore it to a natural appearance.
  - (B) The maximum height of a cut and/or retaining wall for a building pad shall not exceed twelve (12) feet from natural grade and the building shall screen the cut and/or retaining wall from view (see Figure 9.4).



*Figure 9.4: Example of maximum cut screened by home.*

- (C) The quantity of fill material shall not exceed the quantity of cut material, unless otherwise approved by the Development Review Board (see Figure 9.5). All excess cut material shall be removed from the site.



*Figure 9.5: Example of appropriate cut and fill ratio.*

- (D) All cut and fill shall be constructed in a way to ensure they are non-erosive.

- (8) All retention/detention basins shall consist of vertically and horizontally undulating banks with side slopes having less than a 4 to 1 ratio.
- (9) Floodplain(s) containing a 24 hour, 100-year storm event discharge of 50 cubic feet per second or greater shall be delineated on all development plans and shall illustrate appropriate erosion setbacks.

(10)

### **Section 9.11 Driveways**

- (1) The paved width of the driveway at the street shall be sixteen (16) feet then diminish to twelve (12) feet unless otherwise approved by the Zoning Administrator.
- (2) Driveways with a ten (10%) percent slope or greater shall have a paved width of fourteen (14) feet. Driveways with a fifteen (15) percent slope or greater shall have a minimum paved width as required by the Development Review Board and/or the Town's fire service provider. The maximum slope of any driveway shall not exceed fifteen (15) percent unless otherwise approved by the Development Review Board and the Town's fire service provider.
- (3) The width of the disturbed area for the development of a driveway shall not exceed twenty (20) feet unless otherwise approved by the Zoning Administrator.
- (4) A maximum one-third of the cross section width of a driveway at any point may be on fill material, and a minimum of two-thirds of the cross section width shall be on cut material or natural grade, unless otherwise approved by the Zoning Administrator. Spill slopes are prohibited.
- (5) Driveways over one hundred fifty (150) feet in length shall be approved in writing by the Town's fire service provider.

(6)

## **Section 9.12 Exterior Lighting**

- (1) Searchlights, exposed neon elements, mercury vapor, or high pressure sodium fixtures are prohibited.
- (2) Between the hours of 10 PM and sunrise, tennis court lighting, sport court lighting, or any temporary lighting is prohibited.
- (3) Motion-activated security lights (incandescent lamps with a maximum of 75 watts) that are shielded and automatically cycle off after five (5) minutes and fossil fuel fixtures are exempt from this Ordinance.
- (4) All free-standing light fixtures shall not exceed a height of four and one-half (4.5) feet unless otherwise approved by the Development Review Board.
  - (A) In commercial zoning districts, the maximum height of parking lot lights shall not exceed sixteen (16) feet from finished grade.
  - (B) Parking lot lights that exceed four and one-half (4.5) feet in height shall be based on a photometric plan to ensure no light spillage occurs over the property line onto adjacent properties and that the parking lot is evenly lit.
- (5) Wall mounted lighting shall not exceed a height of eight (8) feet above finished grade and shall be shielded to avoid up-lighting and concentrated hot spots (light) on the structures to which they are mounted. Security lighting may be mounted on a structure no higher than twelve (12) feet from finished grade.
- (6) All outdoor light fixtures with a light source greater than 25 watts shall be fully shielded such that the bulb is not visible from neighboring property or public right-of-way. Those light fixtures exempt from this Ordinance are not required to comply with the shielding requirements. Recessed lights in exterior soffits, eaves, or ceilings shall have the light source (bulb) recessed so that it is not visible.
- (7) Light illuminating a sign shall be shielded and shall not project above, below, or beyond the sign area.
- (8) Landscape up-lighting shall not exceed twenty-five 25 watts per fixture and shall be no closer than twenty (20) feet to another landscape fixture. Landscape lighting is intended to highlight a landscape feature and shall not illuminate beyond the subject feature it is intending to highlight.



- (9) All light fixtures lawfully erected under County zoning regulations at the effective date of incorporation, annexation, or under previous zoning regulations in effect at the time of adoption of this Ordinance, or any amendment thereof, shall be deemed legal non-conforming until such time as the light fixture is replaced.

(10)

### **Section 9.13 Landscaping**

- (1) The following provisions apply to both residential and nonresidential zoning districts.
  - (A) No zoning clearance or building permit shall be issued until a landscape plan has been approved by the Zoning Administrator. The Zoning Administrator may waive the requirement of a landscape plan if the project does not contain any site disturbance or is deemed to be a minor modification.
  - (B) With the exception of removal of packrat nests and pruning of diseased or dead tree limbs, no area on a subject lot or parcel, other than the disturbed area (development envelope) prescribed in Article VI, Section 6.01 shall be disturbed. In order to preserve the desert character and identity of the community, only native desert vegetation shall be maintained within the required yards (building setbacks). Non native plant/tree/cacti (excluding drought tolerant and/or desert hybrid) species are prohibited in the required yards. The application of pre-emergence, grubbing, thinning or trimming of vegetation shall be limited to the disturbed area. Protected plants shall not be damaged, destroyed, or removed from any portion of a lot or parcel unless deemed not salvageable on an approved landscape plan in association with a building permit. During the site development phase, salvaged protected plants shall be placed in a designated nursery and irrigated area until site work is completed. Once site work is completed and landscaping has begun, subject plants shall be transplanted within disturbed areas or alternative areas approved by the Zoning Administrator. *(Ord. #2007-05)*
  - (C) If the Zoning Administrator interprets that a portion of the required yard contains a collection of decaying plant material that is susceptible to wildfires, that portion of material which presents a detriment to public health, safety and welfare shall be removed by the property owner. Additionally, vegetation within a thirty (30) foot fire suppressant buffer consistent with the Town's fire provider requirements may be thinned and trimmed around buildings to better secure the structure from wildfires. Protected plants shall include: *(Ord. #2007-05)*
    - 1) Yucca.
    - 2) Ocotillo.

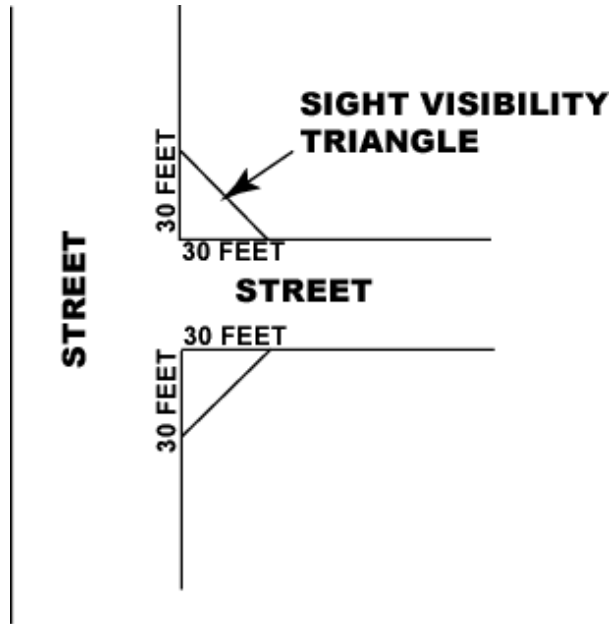
- 3) All members of the cactus family with the exception of Cholla and Prickly Pear.
- 4) Protected trees that are four (4) inches or greater in caliper measured one (1) foot above native grade.

**Table 9.1: Protected Plants (Trees and Shrubs).**

<b>Botanical Name</b>	<b>Common Name</b>
Acacia constricta	Whitethorn acacia
Acacia greggii	Catclaw acacia
Canotia holocantha	Crucifixion thorn
Celtis reticulate	Hackberry
Cercidium floridum	Blue palo verde
Cercidium microphyllum	Foothills palo verde
Chilopsis linearis	Desert willow
Olney tesota	Ironwood
Populus fremontii	Cottonwood
Prosopis species	Mesquite
Quercus species	Scrub oak
Rhus ovata	Sugar sumac
Vauquelinea californica	Arizona rosewood

- (D) Protected plants shall not be damaged, destroyed, or removed from any portion of a lot or parcel unless deemed not salvageable on an approved landscape plan in association with a building permit. During the site development phase, salvaged protected plants shall be placed in a designated irrigated nursery area until site work is completed. Once site work is completed and landscaping has begun, subject plants shall be transplanted within the disturbed area or alternate areas of the lot approved by the Zoning Administrator.
- (E) All lawns or turfed areas not associated with a public recreation amenity shall be completely enclosed by solid walls at least two (2) feet in height above finished grade.
- (F) Landscaping within all street right-of-ways shall consist of local native desert species.
- (G) All storm water retention and/or detention basins shall be landscaped with native desert and/or xeriscape plants.
- (H) Landscaping shall not exceed twenty-four (24) inches in height for a linear distance of thirty (30) feet from a street intersection. This thirty (30) foot distance defines the sight visibility triangle.

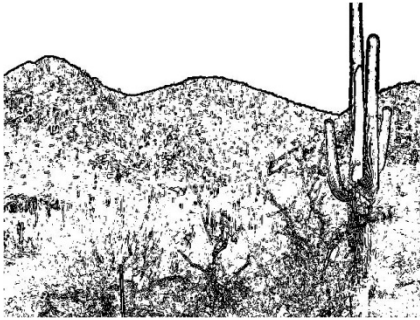
- (I) Highly discouraged plant species are listed in the Single-Family Design Guidelines and the Town's Landscape Brochure.



**Figure 9.6:** Example of a sight visibility triangle.

- (J) The property owner and/or lessee shall maintain all landscape materials and landscaped areas in accordance with an approved landscape plan. Lack of proper maintenance shall constitute a violation of this Ordinance.
- (K) Notice of maintenance violations shall be given to the property owner and/or lessee by the Town not less than sixty (60) days prior to commencement of any legal action.
- (L) Protected plants that are disturbed without an approved landscaped plan shall be replanted with similar size trees and/or shrubs at pre-existing densities.
- (M) The property owner and/or lessee shall be held jointly and severally liable for violations.

# Article X. MOUNTAINSIDE DEVELOPMENT REGULATIONS



## Section 10.01 Introduction

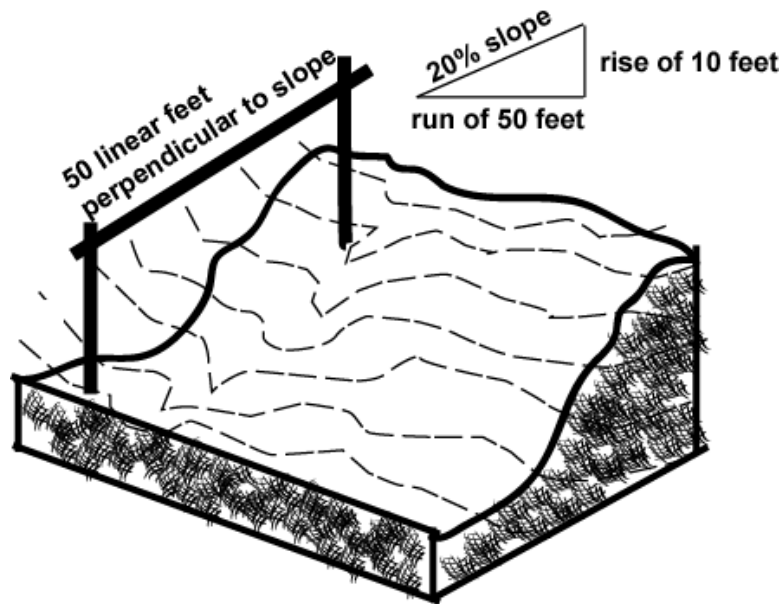
Black Mountain and prominent hillsides throughout the Town serve as a valuable intrinsic resource for community residents, businesses and visitors. For purposes of this regulation, prominent features include slopes of twenty percent (20%) and greater, ridgelines, boulder outcroppings, and significant stands of protected plants. These features contribute to the Town's identity and help define Carefree's sense of place. While these landforms offer a desirable setting to view the valley floor, they also require unique development standards due to the rigorous mountainside terrain and sensitive upper Sonoran Desert environment.

## Section 10.02 Purpose

- (1) To protect the public from the natural hazards of erosion, rock slides, and storm water runoff.
- (2) To ensure that the built form adapts to the natural mountainside topography, thereby reducing visually prominent scarring produced by streets, driveways, building pads, and associated infrastructure servicing the development.
- (3) To preserve the natural integrity of prominent mountainsides and ridgelines throughout the community.

## Section 10.03 Identification of Mountainside Slopes and Environmentally Sensitive Features

- (1) A slope and site analysis is required for a proposed development if the Zoning Administrator determines that a property contains one or more slopes with a fifty (50) foot run perpendicular to the contour lines that rise twenty percent (20%) or greater.



**Figure 10.01:** Method of determining whether a twenty percent (20%) slope exists on a given property.

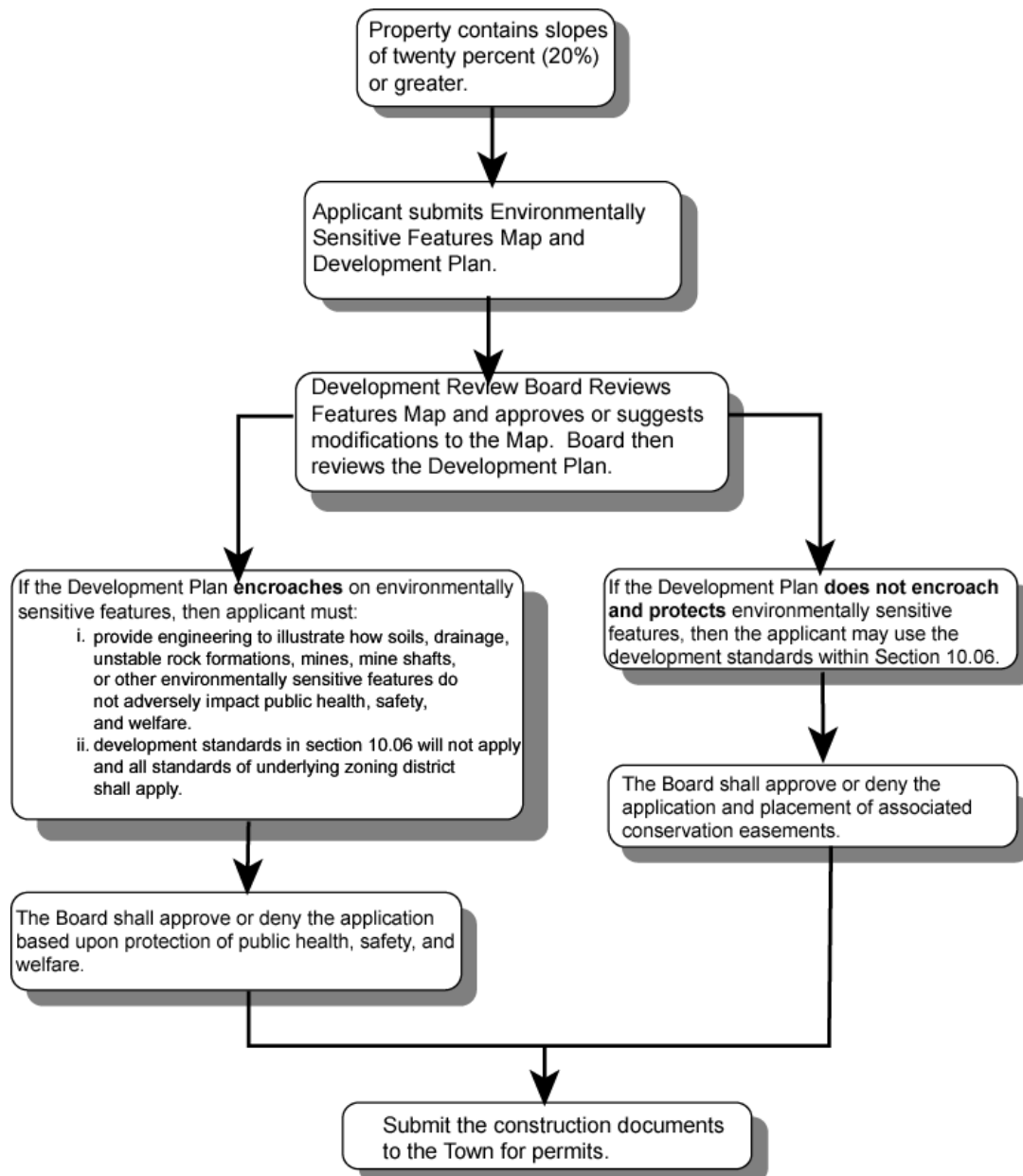
- (A) The slope analysis shall have the following information:
- 1) A topographic map illustrating contours at two (2) foot intervals at a minimum scale of one (1) inch equal to twenty (20) feet. The area for each slope shall be illustrated on the map as follows:
    - a) Slopes less than 19.99%.
    - b) Slopes between 20% and 24.99%.
    - c) Slopes between 25% and 29.99%.
    - d) Slopes 30% and greater.
  - 2) All grading plans shall include a calculation of the amount of disturbed area in each of the slope categories listed above.
- (B) The site analysis shall have the following information:
- 1) Identification of any ridgeline bisecting the site illustrated in plan view and cross section.
  - 2) Identification of any natural wash (including the respective floodway and floodplain) bisecting the site. If the wash is recognized by the Corps of Engineers as waters of the United States, it shall be identified as such.

- 3) A geotechnical analysis of rock formations and soils.
- 4) Delineation of all active and inactive mines, mine shafts, well sites, water tanks, and significant stands of vegetation.

#### **Section 10.04 Criteria for Development Review Evaluation**

- (1) The Development Review Board shall have the authority to review and approve or deny new Mountainside development as specified in this Article.
- (2) The Board's evaluation shall be based upon the following:
  - (A) Identification of environmentally sensitive features through:
    - 1) A slope analysis as identified in Section 10.03.
    - 2) A site analysis as identified in Section 10.03.
    - 3) A composite map graphically illustrating the highest environmentally sensitive and the lowest environmentally sensitive areas based upon the combination of the slope and the site analysis. This composite map shall be known as the Environmentally Sensitive Features Map.
    - 4) The Development Review Board shall have the authority to approve, deny, or require modifications of the Environmentally Sensitive Features Map to further clarify the identification of environmentally sensitive features.
  - (B) The applicant shall overlay (on a separate plan) the location of all site improvements relative to the identification of environmentally sensitivity features. This plan shall be known as the Development Plan.
    - 1) If any site improvements encroach within areas defined as the most environmentally sensitive in the approved Environmentally Sensitive Features Map, any relaxation of the underlying standards specified in Section 10.06 shall not be applicable. Such encroachment shall provide appropriate engineering to ensure that public health, safety, and welfare are not compromised. The Development Review Board shall have the authority to approve, deny, or require modifications of respective improvements to ensure public health, safety, and welfare are not compromised.
    - 2) If the site improvements are located within portions of the property that are determined by the approved Environmentally

Sensitive Features Map to be the least environmentally sensitive, the applicant may use the relaxation of the standards specified in Section 10.06. To ensure that future development does not infringe on the identified environmentally sensitive features, the Development Review Board shall approve or modify the location and the dedication of a conservation easement. Such conservation easement shall be defined on the Development Plan with a legal description and the area identified in square feet. This easement shall be recorded with a respective subdivision, lot split or tie, and/or deed to the subject parcel or lot.





*Figure 10.02: Flow chart illustrating process of Mountainside Regulations.*

## **Section 10.05 Appeals**

- (1) The approval, with or without conditions, or denial by the Development Review Board shall be final, unless within twenty-one (21) calendar days from the date of the Board's decision the applicant appeals the decision in writing to the Town Council. Such appeal shall be submitted to the Town Clerk and shall include a brief statement of the grounds of the appeal and the relief requested. The Town Council shall hear such appeal at the next regularly scheduled Council meeting if there is a minimum of fourteen (14) calendar days before the next regularly scheduled Council meeting. If there is not a minimum of fourteen (14) calendar days, such appeal shall be heard at the second regularly scheduled meeting following the official filing of the appeal with the Town Clerk. (*Ord. #2013-02*)
- (2) The Town Council shall have the right and the prerogative to initiate its own review of any decision by the Development Review Board and shall uphold, modify, or over-rule said decision. Such a Council-initiated review shall be considered at the first regularly scheduled Town Council meeting after the Development Review Board's decision or no later than the second regularly scheduled Town Council meeting. If no review is initiated by the Town Council, the Development Review Board's decision shall be deemed to be final and binding upon the Town of Carefree.

## **Section 10.06 Development Standards**

The following Development Standards are designed to allow for some flexibility to encourage unique, sensitive Mountainside development while balancing the preservation of the natural mountainside terrain or features:

- (1) The minimum lot size shall be consistent with the standards established in Article VI.
- (2) In Rural-190 and Rural-70 zoning districts only, required yard (building setback) regulations are:
  - (A) The minimum yard regulations shall be consistent with the standards established in Article VI; except, if one of the following conditions are met, the minimum width of any two (2) required yard (building setback)s may be reduced by:
    - 1) Twenty-five percent (25%) if fifteen percent (15%) or more of the lot is preserved as a conservation easement.
    - 2) Fifty percent (50%) if thirty percent (30%) or more of the lot is preserved as a conservation easement.

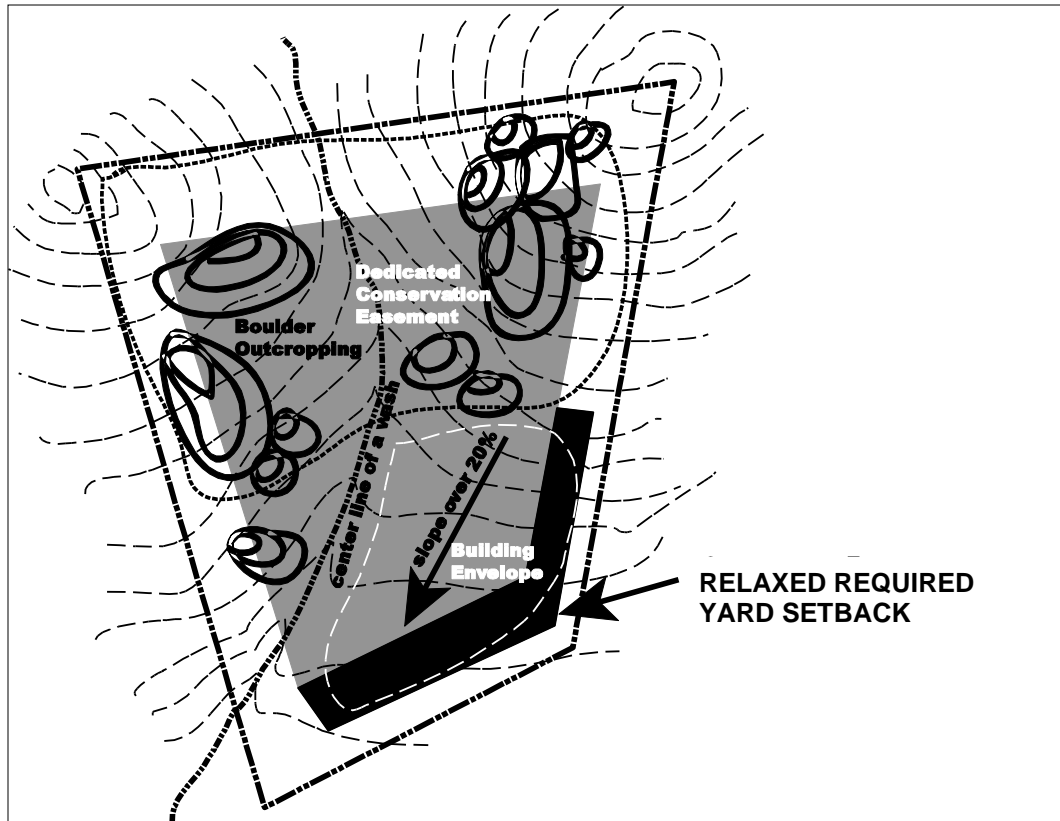
- 3) Seventy-five percent (75%) if forty-five percent (45%) or more of the lot is preserved as a conservation easement.

	FRONT/REAR SETBACK	SIDE SETBACK
CURRENT STANDARDS	60 feet	30 feet
25% RELAXATION	45 feet	22.5 feet
50% RELAXATION	30 feet	15 feet
75% RELAXATION	15 feet	7.5 feet

**Table 10.1:** Building setbacks for Rural-190 and Rural-70 based upon the above schedule in Section 10.04 (2) (A).

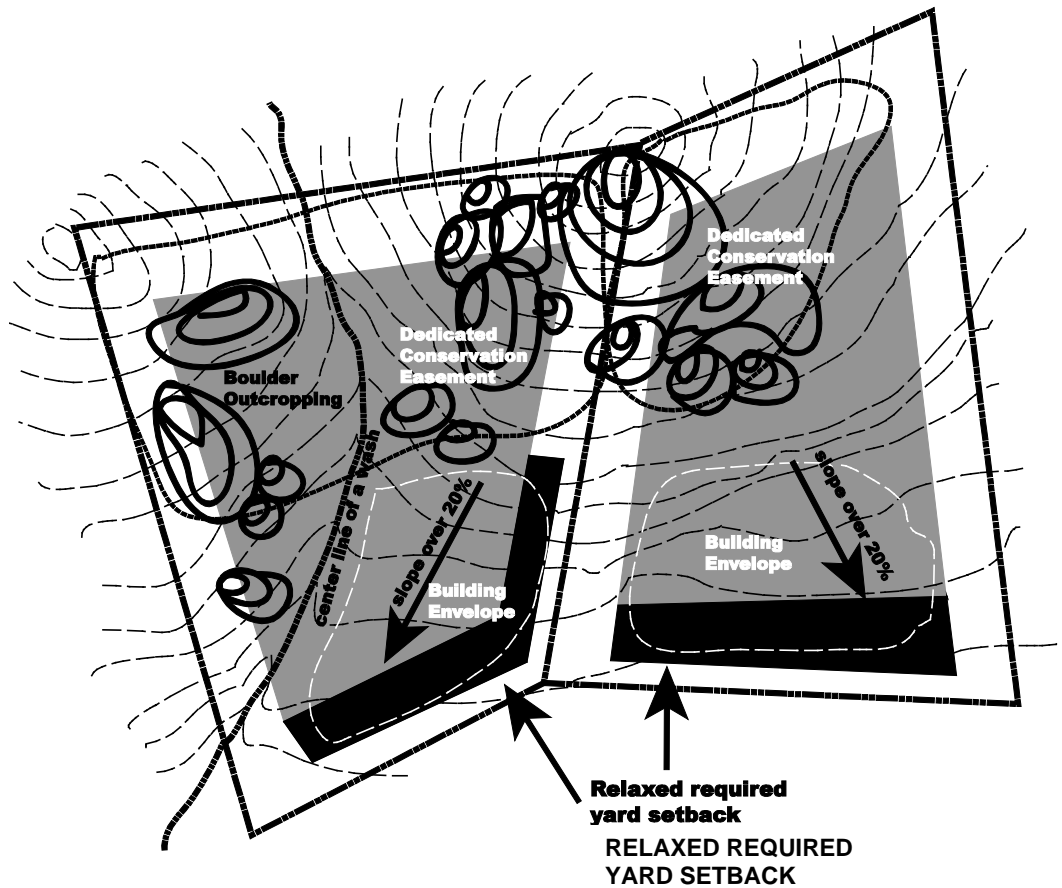
	RURAL-190 (minimum 190,000 sq. ft.)	RURAL-70 (minimum 70,000 sq. ft.)
15% DEDICATION	28,500 square feet	10,500 square feet
30% DEDICATION	57,000 square feet	21,000 square feet
45% DEDICATION	85,500 square feet	31,500 square feet

**Table 10.2:** Square footage of the Conservation Easement per Rural-190 and Rural-70 zoning districts based upon the relaxed building setbacks specified in Section 10.04 (2) (A).



**Figure 10.3:** Example of amended required yard (building setback) setback and placement of conservation easement.

- (B) The conservation easement prescribed above is in addition to any conservation easement specified in any other part of this Article.
- (C) If practical, the conservation easements shall be contiguous tracts of land and shall:
- 1) Be placed adjacent to any conservation easements on neighboring parcels or lots.
  - 2) Preserve sensitive rock outcroppings, wildlife habitat, washes, steep mountainsides, and significant desert vegetation such as saguaro, cacti and mature desert trees.
  - 3) Conservation easements are not transferable to another property; however, easement boundaries may be adjusted to ensure they align with neighboring easements and protect significant natural features. Such an adjustment may not reduce the area or amount of previously approved conservation easements. Any conservation easement adjustment must be approved by the Development Review Board.



**Figure 10.4:** Example of conservation easement placed adjacent to one another and preserving natural features on-site.

- (3) Minimum lot width to be applied for new subdivisions and lot splits in Rural-190 and Rural-70 zoning districts:
- (A) The minimum lot width shall be consistent with standards established in Article VI; except, if one of the following conditions is met, the minimum lot width may be reduced by:
- 1) Forty (40) feet if five percent (5%) or more of the lot is preserved as a conservation easement.
  - 2) Fifty (50) feet if ten percent (10%) or more of the lot is preserved as a conservation easement.
  - 3) Sixty (60) feet if fifteen percent (15%) or more of the lot is preserved as a conservation easement.

	RURAL-190 (minimum 190,000 sq. ft.)	RURAL-70 (minimum 70,000 sq. ft.)
CURRENT STANDARD	300 feet	230 feet
40 FOOT RELAXATION	260 feet	190 feet
50 FOOT RELAXATION	250 feet	180 feet
60 FOOT RELAXATION	240 feet	170 feet

**Table 10.3:** Minimum lot width for Rural-190 and Rural-70 based upon the above schedule in Section 10.04 (3) (A).

	RURAL-190 (minimum 190,000 sq. ft.)	RURAL-70 (minimum 70,000 sq. ft.)
5% DEDICATION	9,500 square feet	3,500 square feet
10% DEDICATION	19,000 square feet	7,000 square feet
15% DEDICATION	28,500 square feet	10,500 square feet

**Table 10.4:** Square footage of the Conservation Easement per Rural-190 and Rural-70 zoning districts based upon the relaxed minimum lot width specified in Section 10.04 (2)(A).

- (B) The conservation easement prescribed above is in addition to any conservation easement specified in any other part of this Article.

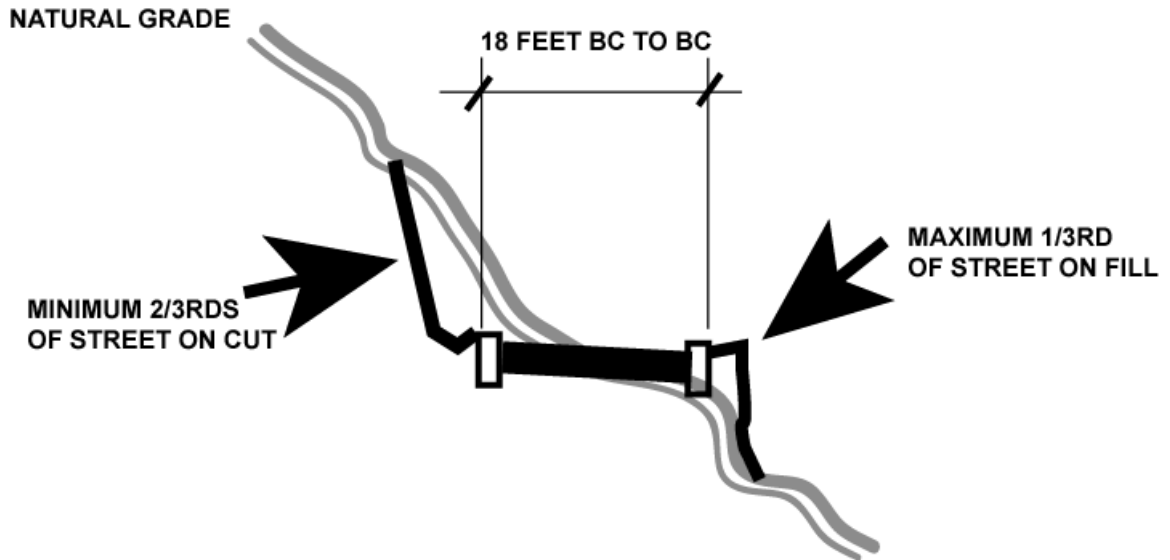
- (C) If practical, the conservation easements shall be contiguous tracts of land and shall:
  - 1) Be placed adjacent to any conservation easements on neighboring parcels or lots.
  - 2) Preserve sensitive rock outcroppings, wildlife habitat, washes, steep mountainsides, and significant desert vegetation such as saguaro cacti and mature desert trees.
  - 3) Conservation easements are not transferable to another property; however, easement boundaries may be adjusted to ensure they align with neighboring easements and protect significant natural features. Such an adjustment may not reduce the area or amount of previously approved conservation easements. Any conservation easement adjustment must be approved by the Development Review Board.

(4) Site disturbance:

- (A) All proposed cuts shall require a seismic refraction survey performed by a registered geologist. If the geological report determines that fractured or unstable rock exists, the proposed location of the building site or appurtenances shall be moved to a stable location unless conditions can be mitigated by an engineered design that creates a stable location. The geological report shall be submitted to the Town with the development application.
- (B) A building envelope shall be delineated on each lot. The building envelope may not exceed the maximum allowed disturbed area as established in Article VI. The building envelope shall include all building pads, accessory structures and buildings, areas enclosed by a solid masonry wall, sewage facilities, and driveway as prescribed in Section 10.06 (5) below.
- (C) Disturbed area in association with a sewage disposal system shall be confined within five (5) feet of the outside edge of leaching bed, pits, tanks, distribution box, and connecting lines as required by the Maricopa County Health Department. Such disturbed area shall be included within the maximum disturbed area prescribed in Article VI.
- (D) All utilities shall be located underground and within the graded areas for the driveway and streets, unless otherwise approved by the Development Review Board. Such approval shall be based on the quality of the revegetation/restoration plan of the disturbed area.

- 1) Utility trenches shall be located within the building envelope.
  - 2) Trenching for utilities shall be confined to three (3) feet on either side of the lines.
- (E) The quantity of fill material shall not exceed the quantity of cut material unless otherwise approved by the Development Review Board. All excess cut material shall be removed from the site.
- (F) Spill slopes are prohibited in the development of building envelopes, building pads, driveways, and streets.
- (G) All fill slopes shall be contained by retaining walls.
- (H) The maximum height of cuts for the building pad(s) shall not exceed twelve (12) feet above natural grade and shall be totally screened by the building.
- (5) Driveways:
- (A) Grading for driveways shall be included in the calculations for total d area prescribed in Article VI and subject to the following exceptions and conditions:
- 1) Driveways constructed at grade and surfaced with pavers or exposed aggregate specifically colored to blend with the adjacent natural desert floor shall not be included in the disturbed area calculations.
  - 2) Driveways with cut or fill in excess of eighteen (18) inches and surfaced with pavers or exposed aggregate specifically colored to blend with the adjacent natural desert floor shall be included in the disturbed area calculations at a ratio of fifty percent (50%) of the total disturbed area of the driveway.
  - 3) Driveways with cut or fill in excess of eighteen (18) inches and surfaced with asphalt or uncolored concrete shall be included in the disturbed area calculations at a ratio of one hundred percent (100%) of the total disturbed area of the driveway.
- (B) A maximum of one-third (1/3) of the driveway cross section may be on fill material. A minimum of two-thirds (2/3) of the cross section width may be on cut material or natural grade.
- (C) Driveways with a ten percent (10%) slope or greater shall have a maximum paved width of twelve (12) feet.

- (D) The maximum driveway slope shall not exceed eighteen percent (18%).
  - (E) Driveways over one hundred and fifty (150) feet in length shall receive approval in writing by the Town's fire service provider.
- (6) Streets (public and private):
- (A) A maximum of one-third (1/3) of the street cross section width may be on fill material. A minimum of two-thirds (2/3) of the cross section width may be on cut material or natural grade.
  - (B) No spill slopes are permitted. All fill slopes shall be retained by retaining walls that blend into the surrounding natural environment. If a registered geologist determines that stable rock exists to retain the slope, then no retaining wall may be needed. If rock is disturbed by cutting into the mountainside, desert varnish or similar treatment shall be used to return a natural appearance to the disturbed area(s) .
  - (C) If practical, all utilities shall be installed within the right-of-way street improvements.
  - (D) Mountainside streets shall be designed to AASHTO "Local Service Road" (design speed of fifteen miles per hour, posted maximum speed of ten miles per hour) standards using the following criteria:
    - 1) Maximum grade shall not exceed eighteen (18) percent.
    - 2) Minimum horizontal curve radius shall be thirty-five (35) feet.
    - 3) Minimum width of street shall be eighteen (18) feet back of curb to back of curb. Streets having a minimum width of eighteen (18) feet shall contain pullouts. Each ribbon curb shall be one (1) foot wide consisting of integrated concrete that blends into the surrounding natural environment. Vertical curbing shall only be used where safety and drainage issues necessitate a vertical application.
    - 4) Minimum width of each shoulder shall be one (1) foot.



**Figure 10.5:** Example of Mountainside street cross section.

(7) Building Height:

- (A) No part of any structure may rise more than twenty-four (24) feet above natural and finished grade directly below. Where a building intersects a ridgeline on a mountainside with side slopes of fifteen (15%) or greater, the height of any structure from the highest point of natural grade of the ridgeline (directly below the proposed structure) shall not exceed twelve (12) feet.
- (B) No wall of any principal structure shall exceed a height of eighteen (18) feet without a significant physical, architectural, or visual break of six (6) feet in the horizontal plane.
- (C) The cumulative height shall not exceed forty (40) feet from the lowest natural grade under the structure (except basements) to the highest parapet or roof ridge inclusive of any accessory structure within fifty (50) feet of the principal structure. Accessory structures include cantilevered swimming pools and retaining walls.
- (D) Structures employing the use of a cantilever of a balcony or patio may extend the cantilever a horizontal distance twice the height of the support. The maximum vertical height of the support shall be eight (8) feet from natural grade. If maintained in its natural condition, only fifty percent (50%) of the area beneath the cantilevered element shall be calculated as disturbed area.



- (E) Structures suspended over a wash shall have a maximum building height of twenty-four (24) feet. Height of suspended structures shall be measured from the lowest point of the structure being suspended to the highest point of the roof. Columns or other support structures that are not more than eight (8) feet in depth or width shall not be counted towards the height of the suspended structure.
  - (F) No part of any accessory structure may rise more than sixteen (16) feet above natural and finished grade directly below.
- (8) Distance between buildings:
- (A) The minimum distance between a primary building on the subject lot and a primary building or accessory building on an adjacent parcel or lot shall be fifty (50) feet. This distance may be reduced through the approval of the Development Review Board. Such a reduction may be granted based upon the natural terrain and vegetation that provide a buffer and physical separation between the respective buildings.
- (9) Buildings:
- (A) When a cut is necessary, the angle of inclination of the mountainside at the intersection with the building shall not be changed. Building walls shall be used as retaining wall(s) unless otherwise approved by the Development Review Board.
- (10) Walls and Fences:
- (A) Walls and fences that are otherwise permissible in Article IX, Section 9.09 are prohibited on mountainsides with slopes of twenty percent (20%) or greater unless otherwise specified within this section.
  - (B) Retaining walls, tennis court fences, pool barriers, courtyard enclosures, and walls used to screen mechanical equipment areas are permitted in mountainside areas provided that:
    - 1) Pool barriers shall be five (5) feet tall as measured from finished grade outside of the pool enclosure and shall use materials, colors, and/or forms that blend into the surrounding natural environment. All areas within a pool enclosure shall be included in disturbed area calculations.
    - 2) Tennis court fencing shall not exceed ten (10) feet in height as measured from the playing surface and shall use colors that blend into the surrounding natural environment. All areas

within tennis court fencing shall be included within disturbed area calculations.

- 3) Mechanical screen walls shall not exceed four and one half (4.5) feet in height and shall use materials, colors, and forms that blend into the surrounding natural environment. All areas within mechanical screen walls shall be included the disturbed area calculations.
  - 4) Retaining walls shall not exceed a maximum height of seven (7) feet. However, this height requirement may be waived by the Development Review Board if a creative treatment is considered which utilizes building materials, forms and colors which blend into the surrounding desert landforms and vegetation.
    - a) Any retaining wall of more than seven (7) feet in height (measured from outside finished grade) shall be terraced with the upper section not to exceed four (4) feet in height and a minimum of five (5) feet of level landscaped soil between the sections.
    - b) Retaining walls less than seven (7) feet in height (measured from outside finished grade) may be terraced with the upper section not to exceed three (3) feet in height and a minimum of three (3) feet of level landscaped soil between the sections.
  - 5) Retaining walls shall be used for the purpose of containing fill material or to minimize cut or fill slopes.
  - 6) Courtyard enclosures within the buildable area (outside of the required yards) shall not exceed a height of six (6) feet (measured from outside finished grade). Any associated gate shall not exceed a height of ten (10) feet. All areas within a courtyard enclosure shall be included with the disturbed area calculations.
  - 7) No solid masonry wall is permitted in a required front yard (front yard building setback).
- (11) Exterior lighting shall meet all provisions of Article IX, Section 9.12.
- (12) Landscaping shall meet all provisions of Article IX, Section 9.13.
- (13) Drainage parameters shall meet all provisions of Article IX, Section 9.10.

## **Article XI. NONCONFORMING USES**

### **Section 11.01 General**

- (1) This Article provides for the regulation of legal nonconforming buildings, structures, uses, and lots. These regulations are designed to protect the rights of legally existing nonconforming buildings, structures, uses, and lots but not promote expansion or enlargement. The buildings, structures, uses, and lots will be encouraged to convert to a conforming use in the future.
- (2) Any use or activity lawfully conducted under County zoning regulations at the effective date of incorporation, annexation, or under previous zoning regulations in effect at the adoption of this Ordinance, or any amendment, shall be considered a legal nonconforming use under this Ordinance.

### **Section 11.02 Nonconforming Buildings, Structures, and Uses**

- (1) No structural or physical alteration shall be made to any nonconforming building, structure, or lot unless otherwise allowed by these regulations. This requirement does not prohibit routine repairs or maintenance.
- (2) No expansion shall be made of any nonconforming building, structure, or use unless such expansion conforms to the regulations specified for the district in which it is located. In cases where the nonconforming use occupies a building, structure, or any portion of a site, expanding the use into an additional building or land area shall constitute an extension and shall not be allowed.
- (3) Any nonconforming building, structure, or use, or one (1) or more of a group of nonconforming buildings, structures, or uses related to one (1) industry and under one (1) ownership, which has been damaged by war, riot, fire, flood, explosion, earthquake, or other act of God may be reconstructed and used as before, if commenced within six (6) months of such calamity. The Town Council, after review and recommendation by the Planning and Zoning Commission, may determine that any delay in reconstruction beyond six (6) months was caused by unforeseen circumstances beyond the control of the owner of the premises and permit a reasonable extension of time for reconstruction. Any district requirements may be waived by the Town Council provided the area restored is not more nonconforming than existed at the time of the calamity.
- (4) Any nonconforming building, structure, or use which ceases to be used for a period exceeding six (6) months or is superseded by a conforming use shall never again be devoted to the nonconforming use except as otherwise provided in the preceding paragraph. A nonconforming use

shall not be changed to a different nonconforming use. This shall not prevent a name change or change in ownership of the same nonconforming use.

### **Section 11.03 Nonconforming Lots**

- (1) Any legal lot existing at the time of the enactment of this Ordinance or any amendment, which does not conform with lot area, lot width, or lot depth for the zoning district in which it is located, may be used for any use permitted in that zoning district provided all other applicable regulations of this Zoning Ordinance are complied with.
- (2) Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located or, if a lot is already less than the minimum so required, such lot area or dimension shall not be further reduced.
- (3) Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage, or other open spaces to be less than that required by this Ordinance. The lot area per dwelling unit shall not be decreased to less than required by this Ordinance.

### **Section 11.04 Development Standards**

Development standards relate to the size, configuration, and character of development. Development standards include but are not limited to items such as parking, landscaping, buffer areas, and setbacks. Developed property may be nonconforming because the development of the property does not meet current Zoning Ordinance requirements. Property which is legally nonconforming due to deficiencies in development standards, shall be regulated as follows:

- (1) No change of use or change to a building structure shall be permitted which creates a deficit or increases an existing deficit in off-street parking spaces, loading areas, or other development standards.
- (2) Any request for a permit or change to a nonconforming site which requires review or approval by the Planning and Zoning Commission and the Town Council shall, as a requirement of that review, be brought into compliance with the Zoning Ordinance and other applicable codes unless otherwise stipulated by the Planning and Zoning Commission and Town Council. These changes shall conform with but are not limited to the current development standards for parking, circulation, driveways, drainage, storage, screening, signs, color, and landscaping.