

TOWN OF CAREFREE, ARIZONA
ORDINANCE NO. 2006-05

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING ORDINANCE AMENDED THROUGH JULY 5, 2005, ARTICLE II. RULES AND DEFINITIONS; ARTICLE III. ADMINISTRATION; ARTICLE V. USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT; ARTICLE VI. INTENSITY SCHEDULE AND DEVELOPMENT STANDARDS; ARTICLE VII. PARKING REQUIREMENTS; ARTICLE VIII. SIGNS PERMITTED; AND ARTICLE X, MOUNTAINSIDE DEVELOPMENT REGULATIONS; AND FIXING THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

- Section 1: That certain document known as "The Town of Carefree Zoning Ordinance, amended July 5, 2005" is hereby amended as stated below in Section 4 (the "Amendments"), in order to conserve and promote the public health, safety and general welfare.
- Section 2: The amended copy shall be known as, "The Town of Carefree Zoning Ordinance, amended June 6, 2006 and is hereby declared to be a public record. Three copies of said amendment are hereby placed and ordered to remain on file in the Office of the Town Clerk.
- Section 3: All ordinances or portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 4: The Amendments are made to Article II. Rules and Definitions; Article III. Administration; Article V. Uses Permitted in Each Zoning District and Additional Requirements and Clarifications for Uses Permitted in Each Zoning District; Article VI. Intensity Schedule and Development Standards; Article VII. Parking Requirements; Article VIII. Signs Permitted; and Article X, Mountainside Development Regulations of the Town of Carefree Zoning Ordinance, adopted March 2, 2004 and amended through July 5, 2005 as follows (added language is shown in **Bold**, deleted language is shown ~~crossed out~~).

Article II. Rules and Definitions
Section 2.02 Definitions:

ASSISTED CARE FACILITY: A residential care institution (facility) subject to licensing by the State of Arizona that provides choices and varying level of personal and health related services including, supervisory care, personal care, or custodial care services.

CONTINUING CARE RETIREMENT COMMUNITY: A community subject to licensing by the State of Arizona which offers several levels of assistance, including independent, assisted living and nursing home care.

CONVALESCENT HOME OR NURSING HOME: Any place or institution, as 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.**

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.

Article III. Administration

Section 3.02 Planning and Zoning Commission:

(4) Duties and Responsibilities

- C. The holding of public meetings and 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 **Conditional and Special Use Permits**, and any other matter within the scope of zoning powers.

Section 3.07 Special Use Permit

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 by first class mail a minimum of fifteen (15) days before the Planning and Zoning Commission hearing of both the Commission and Town Council hearing dates.**
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 completed 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. ~~The granting of a Special Use Permit is a matter of grace, resting in the discretion of the Town Council.~~ 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 ample off-street parking facilities will be provided,~~ and that necessary safeguards will be provided for the protection of adjacent property shall rest with the applicant.
8. ~~The procedure for applying for and the review of Special Use Permit requests is contained in the Town of Carolee Development Review Manual titled "Zoning".~~

Section 3.08 Conditional Use Permit

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 completed 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 Temporary Use~~ Permit

1. The Zoning Administrator shall consider applications for and may grant a **Special Event ~~Temporary Use~~ Permit** for a period of time not to exceed sixty (60) days for a **special event ~~temporary uses~~**, such as circuses, Christmas tree lots, revivals, horse shows, rodeos, charity events, and other short term special events **and for a length of time specified by the Zoning Administrator** for temporary construction offices/trailers and sales offices with new subdivisions.
2. The **Special Event ~~Temporary Use~~ 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 ~~Temporary Use~~ 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 to 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 ~~Temporary Use~~ Permit** shall become final immediately.

Article V. Uses Permitted in Each Zoning District and Additional Requirements and Clarifications

Section 5.01 Uses Permitted In Each Zoning District

~~The uses allowed in each Zoning District are indicated in the following table (Table 1). An 'X' in a column implies the use is allowed; an 'S' in a column means the use may be allowed if a Special Use Permit is granted. A blank means that the use is not permitted. Subscripted numbers in a column indicate that additional conditions, provisions, and/or clarifications are described in Section 5.02 of this Article.~~

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)

ZONING DISTRICT										
LAND USE	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
Airport, Existing			S₁							
Accessory Uses	X ₂	X ₂	X ₂	X ₂	X ₂	X ₂	X ₂	X ₃	X ₃	X ₃
Assisted Care Facility/Nursing Home							S₄	S₄	S₄	
Bakery										X ₅
Bank/Savings and Loans									S₆	X
Financial Institution										X
Barber and Beauty Shop										X
Boarding House					X₇	X₇	X₇			
Bowling Alley										X
Candy Shop										X ₅
Catering										X
Church (Places of Worship)	S₇	S₇	S₇	S₇	S₇	S₇	S₇	S₇	S₇	S₇
Clinic, Health									X	X
College, Business										X
Dry Cleaning										X
Dwelling, One-Family	X ₂	X ₂	X ₂	X ₂	X ₂	X ₂	X ₂			
Dwelling, Multiple-Family							X ₂			C₈
Fire Station					S	S	S	S	S	X
Gallery										X
Golf Courses, Existing				X ₉	X ₉					
Group Home	X ₁₀	X ₁₀	X ₁₀	X ₁₀	X ₁₀	X ₁₀	S₄₀	S₄₀	S₄₀	S₄₀
Guest House	X	X	X	X	X	X				
Gyms										X
Hobby Shop										X
Home Occupation	X ₂	X ₂	X ₂	X ₂	X ₂	X ₂	X ₂			
Horses	X ₁₁	S₄₄								
Hospital										X
Hotel, Motel								X		X
Interior Decorator									X ₁₂	X
Kennel										X
Locksmith										X
Medical Laboratory										X

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

ZONING DISTRICT										
USES ALLOWED	Rural -190	Rural -70	Rural -43	R1- 35	R1- 18	R1- 10	R-3	L	GO	C
Nursery School							S ₁₄	S ₁₄	S ₁₄	X
Office									X ₁₃	X
Public Park	C ₁₅	C ₁₅	C ₁₅	C ₁₅	C ₁₅	C ₁₅	C ₁₅	C ₁₅	C ₁₅	C ₁₅
Pharmacy										X
Plant Nursery										X ₁₆
Printing/Copying										X
Public Building								X	X	X
Public Facilities/ Utilities	S ₁₇	S ₁₇	S ₁₇	S ₁₇	S ₁₇	S ₁₇	S ₁₇	S ₁₇	S ₁₇	S ₁₇
Public Utility	S ₄₇	S ₄₇	S ₄₇	S ₄₇	S ₄₇	S ₄₇	S ₄₇	S ₄₇	S ₄₇	S ₄₇
Private Club										X ₁₈
Rental Store										X ₁₉
Repair Shop										X ₂₀
Resort Hotel		S ₂₁						X		X
Restaurant										X
Restaurant, Drive- through										S ₂₂
Retail Sale										X ₁₈
School					S ₂₃	S ₂₃	S ₂₃	S ₂₃	S ₂₃	X ₂₃
School, Trade										X
Service Station										S ₂₄
Studios									X ₁₅	X ₁₅
Supervisory Care Facility							S ₂₅	S ₂₅	S ₂₅	S ₂₅
Spa										X ₁₇
Taxidermist										X
Theater										X ₁₇
Timeshare								S ₂₆		
Veterinary Clinic									S ₂₇	X
Warehouse										S ₂₈
Wireless Communication Facility (commercial)			C ₂₉	C ₂₉	C ₂₉	C ₂₉	C ₂₉	C ₂₉	C ₂₉	C ₂₉

Section 5.02 Additional Requirements and Clarifications:

(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 an amendment to the 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.**

(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: ~~Assisted Care Facility and or Nursing Home shall meet the following standards:~~

- A. The application for the Special Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.07. ~~The underlying residential zoning district shall determine the permissible maximum residential density of the facility if the facility is proposed in a residential district.~~**
- B. The use shall be located adjacent to an arterial roadway as identified in the Circulation Element of the Town's General Plan. ~~When a skilled care facility has a common kitchen (cooking facilities) serving occupants rather than individual kitchens (cooking facilities) in each unit, a dwelling unit shall be defined by the number of bathrooms or two beds per unit whichever is greater.~~**
- 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) 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 the impact on adjacent properties such as from 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 ~~Planning and Zoning Commission~~ **Zoning Administrator**.

(6) A Special Use Permit for a Bank/Savings and Loan shall meet the following minimum criteria: ~~Branch offices for banks, savings and loan institutions, and other similar financial institutions, provided there are no drive-in facilities.~~

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 prove how the application mitigates the impact on adjacent properties such as lighting, noise and odors.

~~Boarding homes are permitted provided that:~~

- ~~A. Boarding home projects shall be separated from another boarding home project by a minimum of one thousand three hundred twenty (1,320) feet as measured in a straight line between lot lines.~~
- ~~B. No exterior change altering the residential character shall be made to the exterior of the building(s) and the grounds.~~

(7) A Special Use Permit for a Church (Place of Worship) shall meet the following minimum criteria: ~~Provided the use shall be located adjacent to an arterial roadway and all access roads and driveways shall be paved.~~

- 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 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) A Conditional Use Permit for residential condominiums within a Commercial zoning district 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. 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, 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).

C. The minimum size of each residential condominium shall be 1,500 square feet of livable area. A residential condominium plat shall be approved by the Subdivision Committee. All units shall be used solely for residential occupancy. Timeshare and transient use is prohibited.

D. 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.

E. 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.

F. 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.

G. 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.

- H. 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 .5 feet 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.
- I. 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.
- J. 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 ~~construction, expansion~~, expansion (i.e. **additional of golf holes, enlargement of a maintenance building**), ~~remodeling, upgrading, and other changes (but not including normal maintenance)~~ 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.**

(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 and desert landscape.
- 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 pointed only towards play surfaces. A photometric plan is required to ensure that no light spillage on adjacent properties.

(17) 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 minimize 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.

(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 painted 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. ~~When a skilled care facility has a common kitchen (cooking facilities) serving occupants rather than individual kitchens (cooking facilities) in each unit, a dwelling unit shall be defined by the number of bathrooms or two beds per unit whichever is greater.~~
- 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 roof 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 Timeshare shall meet the following minimum criteria:
~~Time Share provided that:~~

- 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 underlying residential zoning district shall determine the permissible maximum density of the Timeshare if such Timeshare is located in a residential zoning district.~~
- C. The minimum lot size for a Timeshare development is three (3) acres (net).
- D. The density of a Timeshare shall not exceed one unit per 3,630 square feet of net lot area (12 units per acre).
- E. The minimum building setback for a Timeshare shall be sixty (60) feet from any property line.
- F. The building height shall not exceed twenty-four (24) feet above natural and finished grade and a cumulative height of thirty (30) feet from the highest point of the building's roof to the lowest elevation where the building meets natural grade.
- G. Timeshare projects shall be separated from other Timeshare projects by a minimum of 1,320 feet as measured in a straight line between lot lines.
- H. Timeshare projects may include accessory recreation uses such as swimming pool, recreation center, tennis court, etc., but shall not include other accessory uses normally

included with motels and hotels such as a gift shop, incidental retail sales of personal items, restaurants, etc.

- I. At no time shall a recreational vehicle be occupied or used for sleeping, living, or housekeeping purposes.
- J. **The applicant must establish that the application mitigates impacts on adjacent properties such as lighting, noise and odors.**

(27) 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.**

(28) 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. **The building height may be built to a height of sixteen (16) feet above natural and finished grade. Beyond sixteen (16) feet from natural and finished grade and up to a maximum height of twenty-four (24) feet from natural and finished grade the building shall be stepped back a minimum of two (2) feet for every foot above sixteen (16) feet.**
- E. **Building setbacks shall be a minimum of thirty (30) feet from any adjacent commercial property and sixty (60) feet from any adjacent residential property (excluding right-of-way).**
- F. **All loading and unloading areas shall be screened from public streets and adjacent properties by a combination of desert landscaping and horizontally undulating masonry wall.**
- G. **A minimum of fifty (50) percent of the parking lot and loading 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.**

(29) 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 from 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

Article VI Intensity Schedule/Development Regulations

Section 6.02 Additional Requirements and Clarifications

2. Building Height:

- A. No part of any principal structure may rise more than twenty-four (24) feet above natural grade **and finished grade** directly below.

(D) No part of any accessory structure may rise more than sixteen (16) feet above natural grade and **finished grade** directly below.

(G) This section shall not apply to amateur radio transmission towers in excess of twenty-five (25) feet for which a **Conditional Special** Use Permit has been issued.

Article VII. Parking Requirements

Table 7.1 Parking Requirement Table

Assisted Care Facilities, Nursing Home, Supervisory Care Facility	1 PS / 1 bed and 1 PS/employee (including contract employee) 5 PS/bed
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Article VIII. Signs

Section 8.03 Additional Requirements and Clarifications

(4) GROUND SIGNS whether new or modified shall require a building permit, comply with all provisions of Article VIII and meets the following standards:

(B) The ground signs must be located:

3) If the complex or use fronts on a minor collector roadway as defined in the Carefree General Plan, a **Conditional Special** Use Permit shall be required to allow a ground sign.

(5) WALL SIGNS whether new or modified, shall require a building permit, comply with all provisions of Article VIII, and meets the following standards:

B. The maximum number of wall signs shall not exceed one (1) for each use within the building except if the building fronts onto a parking lot with a public entrance and backs onto an arterial street as defined in the Carefree General Plan or vice versa, then one (1) additional wall sign may be allowed subject to the following:

(2) If the building has frontage on a collector street or within 400 feet of an arterial street as defined in the Carefree General Plan, a ~~Special Use Permit shall be required~~ **approved by the Zoning Administrator** for additional wall signs.

Article X. Mountainside Development Regulations

Section 10.06 Development Standards

(7) Building Height:

(A) No part of any structure may rise more than twenty-four (24) feet above natural grade **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.

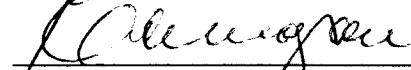
(F) No part of any accessory structure may rise more than sixteen (16) feet above natural grade **and finished grade** directly below.

Section 5: This Ordinance and stated amendments shall become effective and in force thirty days from and after the date of its adoption.

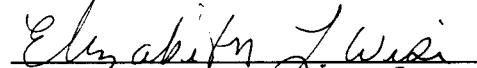
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 6th day of June, 2006.

Ayes 7 Noes 0 Abstentions 0 Absent 0

TOWN OF CAREFREE


Edward C. Morgan, Mayor

Attest:


Elizabeth L. Wise, Town Clerk

Approved as to Form:


Thomas K. Chenal, Town Attorney