

TOWN OF CAREFREE, ARIZONA  
ORDINANCE NO. 2007-05

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING ORDINANCE AMENDED THROUGH JUNE 6, 2006, ARTICLE II. RULES AND DEFINITIONS; ARTICLE VIII. SIGNS PERMITTED; AND ARTICLE IX, GENERAL PROVISIONS; 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 June 6, 2006" 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 August 7, 2007 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 VIII. Signs Permitted; and Article IX. General Provisions of the Town of Carefree Zoning Ordinance, adopted March 2, 2004 and amended through June 6, 2006 as follows (added language is shown in **Bold**, deleted language is shown ~~crossed-out~~).

ARTICLE II. RULES AND DEFINITIONS

Section 2.02 Definitions

- (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.**

- (83) **REQUIRED YARD** (building setback): 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.**
- (84) **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 non residential 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.**
- (102) **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.**

#### ARTICLE VIII. SIGNS PERMITTED

##### Section 8.03 Additional Requirements and Clarifications

- (1) Identification Signs shall be exempt from building permit provided the sign complies with all provisions of Article VIII and meets the following provisions:
- (A) For single-family residential uses:
1. One (1) identification sign is allowed for each lot.
  2. The maximum size of the structure composing the identification sign shall not exceed ~~two (2)~~ **four (4)** square feet in sign area.

3. The identification sign may be free-standing but the height shall not exceed three (3) feet above finished grade.

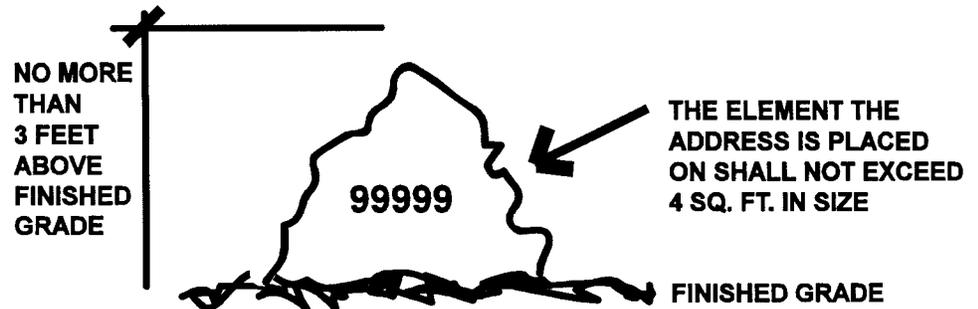


FIGURE 8.1: Example of single-family residential identification sign.

4. The identification sign shall be located at the driveway access and shall be visible from the street serving the property.
5. The identification sign may be located in or project into the required **front** yard (building setback) but shall not be located in, or project into, any street or alley.
6. The identification sign shall be set back a minimum of one (1) foot from any property line.
7. The identification sign may be illuminated provided the bulb does not exceed 25 watts, and the light source is shielded from view.
8. The identification sign may also be placed on a retaining wall in association with a driveway entrance.

## ARTICLE IX. GENERAL PROVISIONS

### Section 9.08 Retaining Walls

- (1) The height of a retaining wall shall be measured from the outside (**facing the property line**) finished grade 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 any 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 rail.

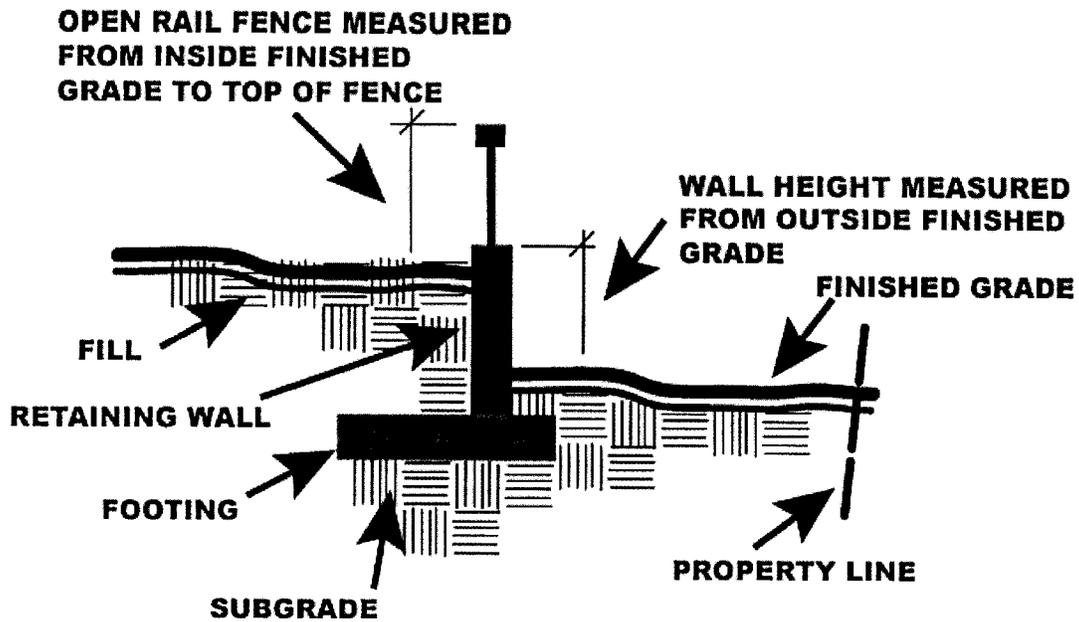


Figure 9.1: Measuring height of retaining walls

- (2) Retaining walls within any required yard (building setback) shall not exceed four and one half (4.5) 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.**
- (3) In the buildable area the maximum height of a retaining wall or 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.**
- (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.**

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

- (1) The height of all fences and free-standing walls shall be measured from the outside (facing property line) 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 a free-standing wall shall be included in the maximum height measurement of all free-standing 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 ~~two (2) required yards (building setbacks)~~ **provided that: 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.

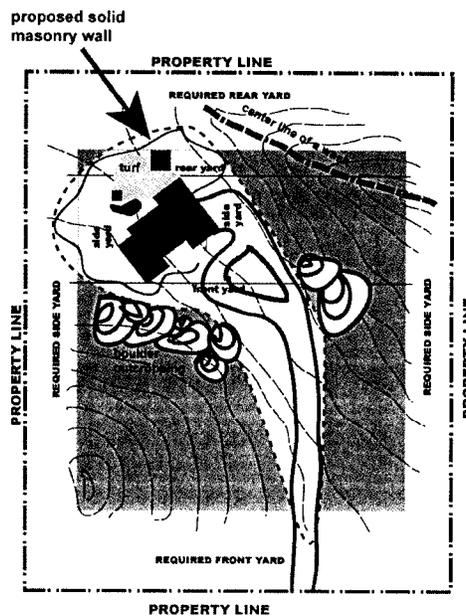


Figure 9.2: Example of a masonry wall or solid wall encroachment into a required yard (building setback).

- (A) ~~The wall shall not be placed within the required front yard (building setback).~~
- (B) Natural features such as steep terrain, boulder outcroppings, or washes shall be preserved in their natural condition.
- (C) All areas enclosed by a solid wall **or other structures in the nature of a wall**, shall be included when calculating the disturbed area.
- (D) Walls or 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.

(E) ~~Such encroachment in a required yard is approved by the Zoning Administrator using the following criteria:~~ **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).**

~~1) A masonry or solid wall shall undulate horizontally by a minimum of two and one-half (2.5) feet on either side of the center line of the wall.~~

~~2) The top of a masonry wall or solid wall shall undulate vertically a minimum of one (1) foot.~~

~~3) Both vertical and horizontal undulation shall occur at minimum twenty (20) foot intervals.~~

~~4) Breaks shall be provided for washes and significant wildlife corridors.~~

(F) **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.**

(3) A maximum four and one-half (4.5) foot high open fence may extend no more than halfway into any ~~required yard (building setback)~~ **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.**

(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.

## 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.

~~(C) If it is determined an issue related to public health, safety or welfare exists, a portion of the area outside of the building envelope may be disturbed to the extent approved by the Zoning Administrator.~~ **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.

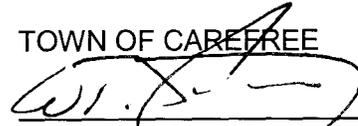
(D) Protected plants shall not be damaged, destroyed, or removed from any portion of a lot or parcel unless deemed not salvageable on an approved landscape plan in association with a building permit. During the site development phase, salvaged protected plants shall be placed in a designated irrigated 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.

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

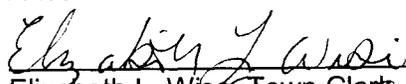
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 7<sup>th</sup> day of August, 2007.

Ayes 5 Noes 1 Abstentions 0 Absent 1

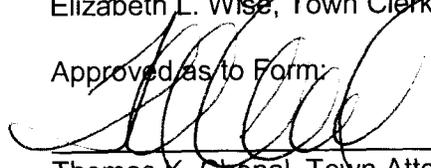
TOWN OF CAREFREE

  
Wayne Fulcher, Mayor

Attest:

  
Elizabeth L. Wise, Town Clerk

Approved as to Form:

  
Thomas K. Chenal, Town Attorney