

ORDINANCE NO. 2013-06

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING ORDINANCE AMENDED THROUGH JULY 2, 2013, ARTICLE VIII. SIGNS PERMITTED, CONCERNING REGULATIONS FOR REAL ESTATE SIGNS LOCATED IN THE TOWN OF CAREFREE; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN OF CAREFREE ZONING ORDINANCE; PROVIDING FOR SEPARABILITY; PROVIDING FOR AN EFFECTIVE DATE; ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE TOWN OF CAREFREE ZONING ORDINANCE.

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 10th Publication, Adopted March 2, 2004 and amended through July 2, 2013," 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 10th Publication, Adopted March 2, 2004 and amended through November 5, 2013" 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 and 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 VIII. Signs Permitted of the Zoning Ordinance 10th Publication, Adopted March 2, 2004 and amended through July 2, 2013 as follows (additions are shown in **BOLD** and **CAPITALIZED**, deleted language is shown ~~crossed-out~~):

ARTICLE VIII. SIGNS PERMITTED

Section 8.01 Definitions (no change)

- (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.

Section 8.03 Additional Requirements and Clarifications

- (12) REAL ESTATE SIGNS shall be exempt from a 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) ~~(H)2~~ A real estate sign ~~may~~ **SHALL** be freestanding or, for a condominium, ~~or~~ townhouse, **OR COMMERCIAL** unit, the sign may be placed in a window.
 - (C) ~~Except for "open house" signs,~~ **ANY FREESTANDING** real estate signs 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 AN "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) ~~(B)~~ Real estate signs shall have no riders or attachments, except ~~that only "for sale" or "for lease" signs shall be allowed~~ **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.**

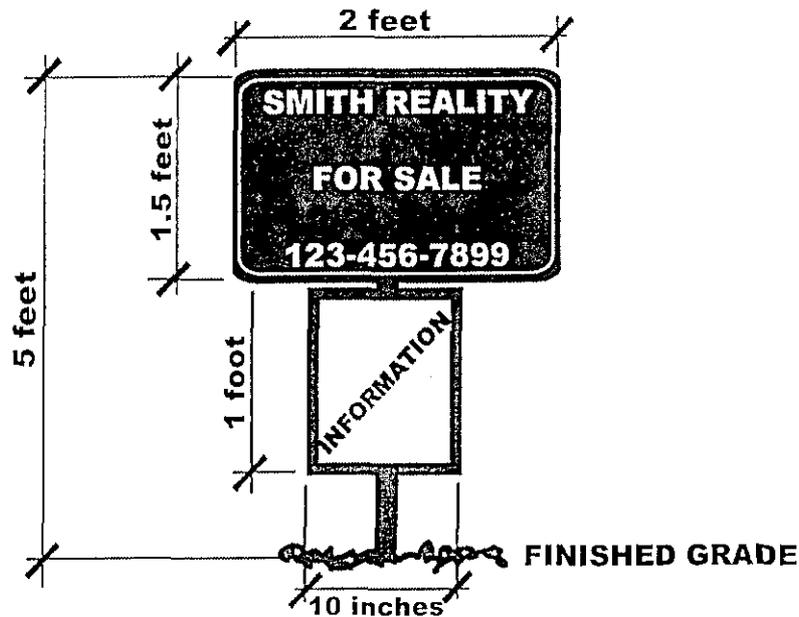


Figure 8.8: Example of single-family residential real estate sign.

- (F) ~~(D)~~ Real estate signs shall not be illuminated.
- (G) ~~(F)~~ "For sale" or "for lease" signs shall be removed within five (5) days after the sale or lease of the property or building.
- (H) ~~(E)~~ 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) ~~(H)~~ 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) ~~(4)~~ 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) ~~(3)~~ For a property in a NEW single-family subdivision or for a unit in a 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" 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. ~~and the maximum height shall not exceed five (5) feet above finished grade directly below the sign.~~
 - 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) ~~(I)~~ 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 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) ~~(G)~~ "Open house" signs are further regulated as follows:
- 1) An "open house" sign is only allowed for **ANY** residential uses **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) ~~(3)~~ The address of the property, and/or
 - b) ~~(3)~~ 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 onsite "open house" sign may **ONLY** be displayed ~~only~~ during **THE ACTUAL HOURS OF THE OPEN HOUSE AND daylight hours** 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) ~~(5)~~ In addition to ~~THE one (1)~~ 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** ~~as follows:~~
- 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) Based on the location of the property, a maximum of five (5) offsite "open house" signs may be allowed. Starting from the associated arterial street, one (1) sign is allowed for each change of direction along the route. "Change of direction" shall mean a change in street name.~~
 - ~~d) Regardless of the location of the property, up to two (2) offsite "open house" signs are allowed for any property in the Town of Carefree.~~
 - c) ONE (1) "OPEN HOUSE" SIGN IS ALLOWED AT THE INTERSECTION OF TWO 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 "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.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

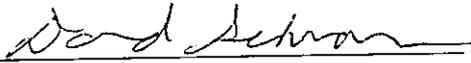
Section 6: This Ordinance and stated amendments shall become effective and in full force and effect thirty (30) days from and after the date of its adoption.

Section 7: The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein in to the Town Code of the Town of Carefree, Arizona.

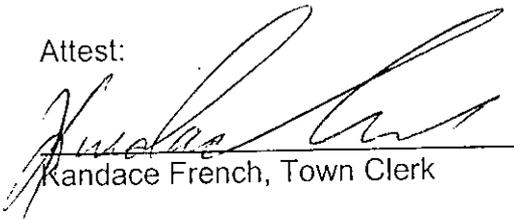
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 5th day of November, 2013.

Ayes 7 Noes 0 Abstentions 0 Absent 0

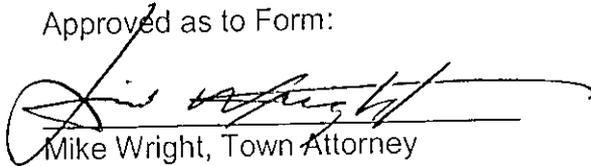
TOWN OF CAREFREE


David Schwan, Mayor

Attest:


Kandace French, Town Clerk

Approved as to Form:


Mike Wright, Town Attorney