

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING ORDINANCE AMENDED THROUGH DECEMBER 4, 2012, ARTICLE III ADMINISTRATION, ARTICLE IV ZONING DISTRICT BOUNDARIES, ARTICLE V USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT, AND THE ZONING MAP; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN OF CAREFREE ZONING ORDINANCE; PROVIDING FOR SEPARABILITY; 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, amended through December 4, 2012," is hereby amended as stated below in Section 4 (the "Amendments"), in order to (1) conserve and promote the public health, safety and general welfare; (2) provide additional tools for the Town to establish open space preserves; and (3) implement the Goals and Objectives of the Carefree General Plan 2030 regarding preservation of open space and sensitive environmental resources and providing for recreational opportunities.
- Section 2: The amended copy shall be known as "The Town of Carefree Zoning Ordinance, amended through April 2, 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 III Administration, Article IV Zoning District Boundaries, Article V Uses Permitted in Each Zoning District and Additional Requirements and Clarifications for Uses Permitted in Each Zoning District, and the Zoning Map of the Town of Carefree Zoning Ordinance, adopted March 2, 2004 and amended through December 4, 2012 as follows (added language is shown in **BOLD**, deleted language is shown ~~crossed-out~~).

Article III. ADMINISTRATION

Section 3.03 Development Review Board (*Ord. #2013-01*)

(1) - (4) No Change.

(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.

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.

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

**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 OPEN SPACE AND RECREATION FACILITIES THAT IMPLEMENT THE ABOVE PROVISIONS IN SECTION 5.03(1).
 - (B) WIRELESS COMMUNICATION FACILITIES SHALL REQUIRE A CONDITIONAL USE PERMIT IN CONFORMANCE WITH SECTION 5.02(30).

- (3) PRIORITY 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. PRIORITY 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.

ZONING MAP (revised legend: attached as EXHIBIT "A")

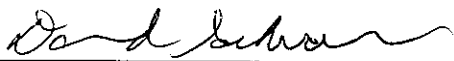
Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of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

Section 6: The immediate operation of the provision of this Ordinance is necessary for the immediate preservation of the public peace, health and safety; an emergency is hereby declared to exist; and this ordinance shall be effective immediately and in full force and effect from and after its passage, adoption and approval by the Mayor and the Common Council of the Town of Carefree as required by law.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 2nd day of April, 2013.

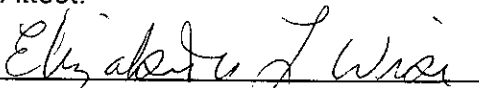
Ayes 7 Noes 0 Abstentions 0 Absent 0

TOWN OF CAREFREE



David Schwan, Mayor

Attest:



Elizabeth L. Wise, Town Clerk

Approved as to Form:



Mike Wright, Town Attorney