

**TOWN OF CAREFREE, ARIZONA  
ORDINANCE NO. 2005-03**

**AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY  
ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING  
ORDINANCE ADOPTED MARCH 2, 2004, ARTICLE II., SECTION 2.02; 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, adopted March 2, 2004, 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 document shall be known as the Town of Carefree Zoning Ordinance, amended June 7, 2005, and is hereby declared to be a public record. Three copies of said amended document 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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, Section 2.02 of the Town of Carefree Zoning Ordinance, adopted March 2, 2004, as follows. Added language is shown in **BOLD CAPITALS**. Deleted language is shown ~~crossed out~~.

AMEND THE FOLLOWING DEFINITIONS FROM ARTICLE II. §2.02:

(28) DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more housekeeping units **AND USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY**.

(29) DWELLING, SINGLE-FAMILY: A building designed for occupancy by one (1) housekeeping unit **AND USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY**.

(30) DWELLING, TWO-FAMILY: A building designed for occupancy by two (2) housekeeping units in separate and distinct quarters **AND USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY.**

(49) 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. **HOME OCCUPATION EXCLUDES TRANSIENT USE OF THE DWELLING.**

(103) TIME-SHARE: ~~A residential multi-family development in which multiple interval owners receive the right either in perpetuity, for life, or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property either annually or on some other periodic basis for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided. A unit that has been divided into fewer than twelve use or occupancy periods is not a time-share~~ **A USE OF ANY PROPERTY ARISING FROM ANY ARRANGEMENT, PLAN, OR SIMILAR DEVICE, WHETHER BY MEMBERSHIP AGREEMENT, SALE, LEASE, DEED, LICENSE OR RIGHT-TO-USE AGREEMENT OR BY ANY OTHER MEANS, IN WHICH A PURCHASER, MEMBER, OR GUEST OR INVITEE THEREOF, IN EXCHANGE FOR CONSIDERATION, RECEIVES OWNERSHIP RIGHTS IN OR THE RIGHT TO USE PROPERTY FOR ANY PERIOD OF TIME ANNUALLY OR ON SOME OTHER PERIODIC BASIS FOR A PERIOD OF TIME LESS THAN A FULL YEAR DURING ANY GIVEN YEAR, BUT NOT NECESSARILY FOR CONSECUTIVE YEARS (INCLUDING, WITHOUT LIMITATION, A VACATION LICENSE, CLUB MEMBERSHIP, GENERAL PARTNERSHIP INTEREST, LIMITED PARTNERSHIP INTEREST, VACATION BOND OR BENEFICIAL INTEREST IN A TRUST). A UNIT THAT HAS BEEN DIVIDED INTO FEWER THAN TWELVE USE OR OCCUPANCY PERIODS AND USED OR OCCUPIED BY OWNERS OR THEIR GUESTS FOR PERIODS OF NOT LESS THAN 30 CONSECUTIVE DAYS BY THE SAME OCCUPANT(S) IS NOT A TIME SHARE.**

ADD THE FOLLOWING DEFINITIONS TO ARTICLE II. §2.02:

**RESIDENTIAL OCCUPANCY: A NON-TRANSIENT USE BY ONE (1) HOUSEKEEPING UNIT OF A SINGLE-FAMILY DWELLING, TWO (2) HOUSEKEEPING UNITS OF A TWO-FAMILY**

DWELLING, OR THREE (3) OR MORE HOUSEKEEPING UNITS OF A MULTIPLE-FAMILY DWELLING FOR A PERIOD OF TIME GREATER THAN THIRTY (30) CONSECUTIVE DAYS. EXCEPT AS OTHERWISE REQUIRED BY STATE AND FEDERAL FAIR HOUSING LAWS, RESIDENTIAL OCCUPANCY USE IS RESTRICTED TO THE OCCUPANTS OF A LOT OR BUILDING AND THEIR GUESTS, WHERE COMPENSATION IS NOT RECEIVED AND WHERE NO COMMERCIAL ACTIVITY (EXCLUDING HOME OCCUPATIONS) IS ASSOCIATED WITH THE USE INCLUDING PROVIDING SERVICES CUSTOMARILY FURNISHED BY A RESORT HOTEL. TRANSIENT USE, INCLUDING RENTALS OF SINGLE-FAMILY, TWO-FAMILY, OR MULTI-FAMILY DWELLINGS FOR PERIODS OF LESS THAN THIRTY (30) CONSECUTIVE DAYS, IS NOT RESIDENTIAL OCCUPANCY.

**TRANSIENT USE:** ANY USE, FOR OCCUPANCY BY TRANSIENTS, INCLUDING BUT NOT LIMITED TO, AS A HOTEL/MOTEL, INN, TOURIST HOME OR HOUSE, BED AND BREAKFAST, GUEST RANCH, RESORT HOTEL, BOARDING HOUSE, ROOMING HOUSE, APARTMENT HOUSE, DORMITORY, PUBLIC OR PRIVATE CLUB, OR TIME-SHARE UNDER A LEASE, LICENSE, RIGHT TO USE AGREEMENT, OR BY ANY OTHER MEANS. FOR PURPOSES OF THIS DEFINITION, 'TRANSIENT' MEANS ANY PERSON WHO EITHER AT THE PERSON'S OWN EXPENSE OR AT THE EXPENSE OF ANOTHER OBTAINS LODGING SPACE OR THE USE OF LODGING SPACE ON A DAILY OR WEEKLY BASIS, OR ON ANY OTHER BASIS FOR LESS THAN THIRTY (30) CONSECUTIVE DAYS.

Section 5: This Ordinance and the 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 June 2005.**

**Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Abstentions \_\_\_\_\_ Absent \_\_\_\_\_**

**TOWN OF CAREFREE**

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**Edward C. Morgan, Mayor**

**Attest:**

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Elizabeth L. Wise, Town Clerk**

**Approved as to form:**

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Thomas K. Chenal, Town Attorney**