

ORDINANCE NO. 2013-02

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 AND ARTICLE X. MOUNTAINSIDE DEVELOPMENT REGULATIONS; 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 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 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 and Article X. Mountainside Development Regulations 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 3.02 Planning and Zoning Commission

(4) DUTIES AND RESPONSIBILITIES

- (D) Reviewing, conducting public hearings, and making recommendations to the Town Council, the Board of Adjustment, or the Zoning Administrator, whichever is applicable, for action on all requests for ~~variances~~, plans of development, subdivisions, and/OR zoning clearances referred by the Zoning Administrator. (ORD. #2013-02)

Section 3.04 Board of Adjustment (ORD. #2013-02)

(1) PURPOSE

- (A) The Board of Adjustment is a quasi-judicial body created to hear and decide requests for relief from the terms of this Ordinance (variance) and to hear and decide appeals from interpretations of this Ordinance made by the Zoning Administrator.

(2) ORGANIZATION

- (A) The Board of Adjustment shall be composed of the seven (7) members of the ~~Town Council of the Town of Carefree which includes the Mayor and the Vice Mayor of the Town of Carefree.~~ **PLANNING AND ZONING COMMISSION, WHICH INCLUDES THE CHAIRMAN AND THE VICE-CHAIRMAN.**
- (B) **THE PLANNING AND ZONING COMMISSION'S CHAIRMAN AND VICE-CHAIRMAN SHALL BE THE CHAIRMAN AND VICE-CHAIRMAN OF THE BOARD OF ADJUSTMENT.**

(3) RULES

- (A) ~~The Mayor, or in his absence the Vice Mayor, shall be the Chairman.~~ **IN THE ABSENCE OF THE CHAIRMAN, THE VICE-CHAIRMAN SHALL BE THE CHAIRMAN.**
- (B) ~~The Mayor~~ Chairman, or in his absence the ~~Vice Mayor~~ Vice-Chairman, may administer oaths and take evidence.
- (C) Meetings of the Board of Adjustment shall be held at the call of the Chairman or Vice Chairman, and at such other times as the Board shall determine, at times deemed necessary for the transaction of business.
- (D) A quorum consisting of four (4) members shall be present in order to conduct business.

- (E) A majority of members present shall be required to approve or deny a motion on any item.
- (F) All meetings shall be open to the public.
- (G) The Board of Adjustment shall keep minutes of its proceedings, of its hearings, and of other official actions showing the vote or failure to vote of each member upon each question and indicating the absence of any member of the Board.
- (H) A copy of every rule or regulation, variance or order, requirement, decision, or determination of the Board of Adjustment shall be filed with the Zoning Administrator and shall be a public record.
- (I) The Board of Adjustment shall adopt all rules and procedures necessary or convenient for the conduct of its business.

Article X. MOUNTAINSIDE DEVELOPMENT REGULATIONS

Section 10.05 Appeals

- (1) The approval, with or without conditions, or denial by the Development Review Board shall be final, unless within twenty-one (21) calendar days from the date of the Board's decision the applicant appeals the decision in writing to the ~~TOWN COUNCIL Board of Adjustment~~. Such appeal shall be submitted to the Town Clerk and shall include a brief statement of the grounds of the appeal and the relief requested. The ~~TOWN COUNCIL Board of Adjustment~~ shall hear such appeal at the next regularly scheduled ~~COUNCIL Board~~ meeting if there is a minimum of fourteen (14) calendar days before the next regularly scheduled ~~COUNCIL Board~~ meeting. If there is not a minimum of fourteen (14) calendar days, such appeal shall be heard at the second regularly scheduled Council meeting following the official filing of the appeal with the Town Clerk. (ORD. #2013-02)

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
David Schwan, Mayor

Attest:

Elizabeth L. Wise
Elizabeth L. Wise, Town Clerk

Approved as to Form:

Mike Wright
Mike Wright, Town Attorney