



**TOWN OF CAREFREE
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
MINUTES**

WHEN: MONDAY, JUNE 21, 2021

WHERE: ZOOM WEB*

TIME: 5:00 P.M.

Members of the Planning and Zoning Commission participated by technological means or methods pursuant to A.R.S. §38-431(4).

BOARD MEMBERS PRESENT VIA ZOOM:

Chairperson Tom Cross
Vice Chairperson Lyn Hitchon
Commissioner Heather Burgett
Commissioner Peter Burns
Commissioner Phil Corso
Commissioner Ralph Ferro

ABSENT:

Commissioner Dan Davee

STAFF PRESENT VIA ZOOM:

Stacey Bridge-Denzak, Planning Director
Samantha Gesell, Planning Clerk

Chairperson Tom Cross called the work session to order at 5:05 p.m.

ITEM #1 **APPROVAL** of the **PLANNING AND ZONING MEETING MINUTES** dated **MAY 10, 2021**.

Commissioner Burns **MOVED** to approve the Planning and Zoning meeting minutes dated May 10, 2021, as presented. **SECONDED** by Vice Chairperson Hitchon. **PASSED** unanimously.

ITEM #2 **PUBLIC HEARING** to consider proposed amendments to the *Town of Carefree Zoning Ordinance 10th Publication* and to receive comments from the public. The text amendment addresses the definitions for guest quarters, accessory structures, and requirements related to regulation of each.

Planning Director Stacey Bridge-Denzak commended the Commission on their input and discussion at the past work session on May 10, 2021, regarding the proposed amendments to the Town of Carefree Zoning Ordinance.

Ms. Bridge-Denzak reiterated why Staff brought forth the proposed amendments to the Commission. First and foremost is to maintain the spirit of the Town's Single Family Zoning districts. Reporting that Staff is finding a lot of the larger single-family properties with sizable homes are able to create large casitas, some having more than one-bedroom, full kitchens and RV garages. Director Bridge-Denzak explained, this potentially creates an artificial density unrelated family living in those casitas that ultimately may produce neighborhood nuisances. Additionally, the proposed amendments will assist in enforcing short- and long-term rentals in Town.

Having summarized the rationale for the amendments, Director Bridge-Denzak proceeded to outline the proposed modifications to Article II. RULES AND DEFINITIONS, Section 2.02. Explaining the objective is not to make changes, but to add clarity. Via PowerPoint, Ms. Bridge-Denzak presented an example of the proposed language:

- (14) BUILDING, ACCESSORY: A detached structure, not used as living quarters, which is subordinate to and incidental to the main use of the principal structure on a the same lot. Accessory structures must be located in the building envelope and shall comply with the applicable sections of the is Ordinance.

Director Bridge-Denzak proceeded to subsection definition (49) GUEST HOUSE. Considering how to incorporate restricted cooking facilities into the definition as well as implement more palatable verbiage in the definitions of today's world. Again, emphasizing that the second unit shall never be rented or offered for rent.

- (49) GUEST HOUSE: Living quarters in an accessory building or attached to the principal residence, which may include limited cooking facilities, used for guests or servants on the premises. used to house guests or domestic attendants of the occupants of the principal building, and which shall never be rented or offered for rent.

Ms. Bridge-Denzak continued on to Article IX. GENERAL PROVISIONS, Section 9.02, Accessory Buildings and Uses.

Beginning with subparagraph (3).

- (3) The ~~total~~ cumulative square footage of the ~~livable area in a~~ guest house shall not exceed one-third (1/3) of the total square footage of the livable area of the principal structure.

Explaining, the goal is to get a handle on the total square footage calculation. The new definition proposed is still based on livable area square footage of the primary residence but now is applied to the cumulative amount for the casita/guest house. This would include, for example, a garage under the total square foot cap.

Director Bridge-Denzak proceeded to subparagraph (6);

- (6) ~~No accessory building shall be built in any required yard (building setback).~~
Both the principal building and guest house shall be served by common single electric meter and water meter (if applicable.)

Ms. Bridge-Denzak recognized it is difficult to always enforce these rules, but the new language helps. Noting, the proposed language addressing meters may help to deter potential violations of long-term rentals.

Proposed are two new subsections:

- (7) Principal buildings and accessory structures shall be served by a single common driveway unless approved by the Zoning Administrator.
- (8) Design of accessory buildings shall be compatible with the design of the principal dwelling in materials, colors and architectural style.

Director Bridge-Denzak pointed out one common driveway serving both the primary home and casita/guest house may help deter any rentals by sharing with the main occupants of the property. Recognizing that based on topography or site features, this regulation may not be possible in all cases and therefore need to be reviewed by the Zoning Administrator.

Reviewing subsection (8), Ms. Bridge-Denzak acknowledged how difficult it is to manage design and advised that the Town does not have the authority to do so. Noting, the way the new language is written with the buildings and design being compatible; it sends the message of cohesiveness without dictating the actual design. It is language also found in other valley communities.

Director Bridge-Denzak responded to comments and questions from the Commission.

Chairperson Cross reported that he performed an online search on Airbnb and VRBO websites, finding only one non-compliant guest house for rent in the Town of Carefree. Mr. Cross felt that the proposed language is excellent for clarification and falls in line with previous discussions.

Commissioner Burns inquired about Section 9.02, (3) regarding cumulative square footage. Asking if the limitation is on the square footage of all the accessory buildings or just the casita/guest house? Director Bridge-Denzak explained first it pertains only to guest quarters through lot coverage- a certain percent of anything under a solid roof based on the zoning category the house exists in. Lot coverage manages the amount of square footage that is on a property but not how the square footage is distributed, except now for managing the size of a guest house.

Commissioner Burns suggested removing language not used as living quarters, in subsection (14) as it conflicts with other sections of the Zoning Ordinance. Commissioner Burns also felt the language regarding limited cooking facilities in subsection (49) is vague. Mr. Burns suggested leaving the language to read, which may include cooking facilities.

Commissioner Burgett questioned that by removing the language regarding limited cooking facilities in subsection (49), are we reversing the intent to restrict the long-term occupation of the accessory unit? Vice Chairperson Hitchon pointed out that if the guest

house/casita is used for an aging parent or family member, having regular cooking facilities would be preferable. Chairperson Cross and Director Bridge-Denzak explained that the goal is to manage vacation and long-term rentals, noting that "rental" is the key word. Commissioner Burns suggested revising the language, shall never be rented or offered for rent adding the clause separate from the principal residence.

Commissioner Burns **MOVED** to **RECOMMEND APPROVAL** of Case #21-16-TA to Town Council with the following modifications:

Article II. RULES AND DEFINITIONS, Section 2.02.

- (14) **BUILDING, ACCESSORY:** A detached structure which is subordinate to and incidental to the main use of the principal structure on the same lot. Accessory structures must be located in the building envelope and shall comply with the applicable sections of this Ordinance.
- (49) **GUEST HOUSE:** Living quarters in an accessory building or attached to the principal residence, which may include cooking facilities, used to house guests or domestic attendants of the occupants of the principal building, and which shall never be rented or offered for rent separate from the principal residence.

Commissioner Ferro **SECONDED** the **MOTION TO RECOMMEND APPROVAL TO TOWN COUNCIL**. The **MOTION PASSED**, 5 to 1, with Commissioner Burgett dissenting.

ITEM #3 ANNOUNCEMENTS

Director Bridge- Denzak announced that there were will not be Planning and Zoning, Development Review Board or Board of Adjustment meetings in July.

ITEM #4 ADJOURNMENT

Commissioner Ferro **MOVED** to **ADJOURN** the meeting. **SECONDED** by Vice Chairperson Hitchon. **PASSED** unanimously.


The meeting was adjourned at 5:51 p.m.

PLANNING AND ZONING COMMISSION



Tom Cross, Chairperson

ATTEST



Samantha Gesell, Planning Clerk