

ORDINANCE NO. 2013-03

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 V. USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT; 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 April 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, amended through July 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 V. Uses Permitted in Each Zoning District and Additional Requirements and Clarifications for Uses Permitted in Each Zoning District of the Zoning Ordinance, adopted March 2, 2004 and amended through April 2, 2013 as follows (added language is shown in **BOLD**, deleted language is shown ~~crossed out~~).

(8) MIXED USE RESIDENTIAL AND NON-RESIDENTIAL USES ARE PERMITTED, PURSUANT TO THE FOLLOWING REGULATIONS:

(A) IN EXISTING BUILDINGS, ONE (1) OR MORE RESIDENTIAL DWELLING UNIT(S) ARE ALLOWED, SUBJECT TO APPROVAL BY THE ZONING ADMINISTRATOR AND THE FOLLOWING CRITERIA:

- 1) SUCH RESIDENTIAL UNITS ARE NOT ALLOWED ON THE FIRST FLOOR AND/OR STREET LEVEL OF THE SUBJECT BUILDING.**
- 2) PRIOR TO RESIDENTIAL OCCUPANCY, APPROVAL IS REQUIRED BY THE CAREFREE BUILDING DEPARTMENT FOR ANY CHANGE IN THE BUILDING OCCUPANCY USE CLASSIFICATION, PURSUANT TO THE TOWN'S BUILDING CODE REGULATIONS.**
- 3) EACH UNIT SHALL BE USED EXCLUSIVELY FOR RESIDENTIAL OCCUPANCY AND SHALL BE OCCUPIED BY NO MORE THAN ONE (1) HOUSEKEEPING UNIT.**
- 4) ACCESSORY USES ARE ALLOWED SUBJECT TO SECTION 5.02(2).**
- 5) SHARED HOUSEKEEPING FACILITIES FOR MULTIPLE HOUSEKEEPING UNITS ARE PROHIBITED.**
- 6) TIMESHARES AND/OR TRANSIENT USE ARE PROHIBITED.**
- 7) A MINIMUM OF TWO (2) ONSITE PARKING SPACES PER RESIDENTIAL UNIT ARE REQUIRED. SUCH SPACES SHALL BE SPECIFICALLY RESERVED FOR THE ASSOCIATED RESIDENTIAL UNITS.**
- 8) ANY IMPROVEMENTS RELATED TO THE RESIDENTIAL UNITS SHALL BE DESIGNED SUCH THAT THE EXTERIOR OF THE BUILDING BLENDS IN WITH THE ARCHITECTURAL TREATMENT, FORMS AND STYLE OF THE OVERALL BUILDING. THE INTENT IS TO ESTABLISH THE DIFFERENT USES WITHIN THE SUBJECT BUILDING IN A MANNER THAT TIES THEM TOGETHER IN A WHOLE, CONSISTENT APPEARANCE.**

(B) A Conditional Use Permit IS REQUIRED TO ALLOW ~~for~~ NEW MIXED USE COMMERCIAL AND residential condominiums within a Commercial zoning district, AND shall meet the following minimum criteria:

- 1) (No change) The application for the Conditional Use Permit or amendment thereof shall comply with the process prescribed in Article III., Section 3.08.**

- 2) **(No change)** The minimum property size (net lot area) to permit residential condominiums within the commercial zoning district is 43,560 square feet (1 acre). All properties shall be internal to the Town Center and shall contain frontage on Easy Street. Any property within the Town Center containing frontage on Tom Darlington, Cave Creek Road or Bloody Basin Road shall not be considered under this Conditional Use Permit for a mixed use development (residential and commercial uses). Additionally, any property outside of the Town Center as defined by the General Plan Land Use Map shall not be considered for this Conditional Use Permit for a mixed use development (residential and commercial uses).
- 3) The minimum size of each residential condominium shall be ~~1,500~~ **1,200** square feet of livable area. A residential condominium plat shall be approved by the ~~Subdivision Committee~~ **PLANNING AND ZONING COMMISSION**. All units shall be used solely for residential occupancy. Timeshare and transient use is prohibited.
- 4) **(No change)** All properties containing residential condominiums shall have commercial space maintained at street level unless otherwise approved by Town Council. If offices are proposed, the gross square footage of the commercial use at street level may not contain more than 25% offices unless otherwise approved by Town Council. An office associated with retail space is exempt from this requirement.
- 5) **(No change)** All required parking for the residential and commercial uses shall meet the minimum requirements set forth in this Ordinance unless otherwise approved by the Town Council through a development agreement.
- 6) **(No change)** A minimum of one half (1/2) of the required parking for the development unless otherwise approved by Town Council, shall be placed below the adjacent street curb. All other required parking shall be placed at street level adjacent to or behind store fronts or as approved by Town Council. Parking placed behind store fronts shall be screened from pedestrian traffic along Easy Street.
- 7) **(No change)** The building's maximum height above finished grade (measured from finished floor elevation to ridge of roof or top of parapet) shall not exceed thirty-seven (37) feet. Parking which is fully recessed below finished grade (no day lighting) shall be exempt from maximum building height. In order to adequately screen roof top mechanical equipment, an additional six (6) feet may be permitted. Such screening shall be integrated into the architecture of the building through complementing mansard roof forms with varying slopes and vertical parapets. Elevator shafts and stair wells which are placed near the center of the mechanical equipment enclosure and/or roof deck may extend a maximum of nine (9) feet above the roof deck.

- 8) **(No change)** Along any public street, above eighteen (18) feet in height from finished floor elevation and up to the maximum building height of thirty-seven (37) feet from finished floor elevation, the building facade shall step back $\frac{1}{2}$ foot (6 inches) for every foot in height. To permit horizontal undulation of the building façade to highlight building masses and to allow for separation between condominium balconies, a maximum of forty-five (45) percent of any elevation (façade) along any public street will be exempt from this step back requirement unless otherwise approved by the Town Council. Canopies or other shade structures may encroach within the building step back envelope.
- 9) **(No change)** Arcades shall extend a minimum of ten (10) feet from the building façade towards the property line and shall not exceed a height of eighteen (18) feet from finished floor elevation unless otherwise approved by Town Council. Shade trellises or awnings shall extend a minimum of six (6) feet from the building façade towards the property line. Where arcades, trellises or awnings are not used along the Easy Street retail frontage, native trees shall be used.
- 10) **(No change)** Lot coverage shall not exceed seventy percent (70%) of the net lot area. Arcades, shade structures and parking structures (covered parking decks) are excluded from lot coverage.

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.

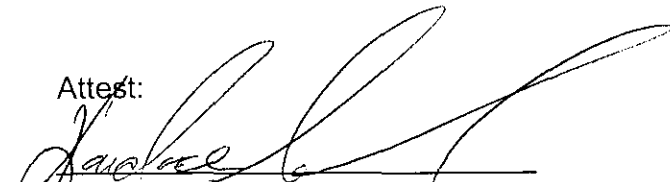
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 2nd day of July, 2013.

Ayes 7 Noes 0 Abstentions 0 Absent 0

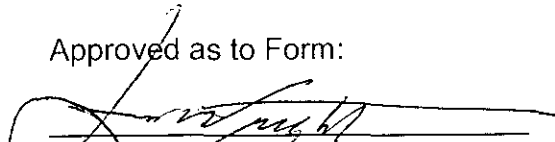
TOWN OF CAREFREE


David Schwan, Mayor

Attest:


Kandace French, Town Clerk

Approved as to Form:


Mike Wright, Town Attorney