

**TOWN OF CAREFREE, ARIZONA
ORDINANCE NO. 2004-03**

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, GRANTING A RESIDENTIAL UNIT PLAN DEVELOPMENT (RUPD) TO USE CERTAIN REAL PROPERTY TO DEVELOP A SEVEN LOT RESIDENTIAL SUBDIVISION ON COUNTY ASSESSOR'S TAX PARCEL NUMBERS 211-99-002F, 002J, 002Y AND 004 CONSTITUTING APPROXIMATELY 32 ACRES ON THE SOUTHWESTERN FACE OF BLACK MOUNTAIN; AND IMPOSING CERTAIN CONDITIONS ON SUCH USE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

Section 1. Pursuant to Section 1603 of the 1996 Town of Carefree Zoning Ordinance, a RUPD shall be and hereby is granted to the Carefree Vistas, L.L. C. to use the real property, shown as Parcel 002F, 002J, 002Y and 004 in the Maricopa County Assessor's Book No. 211 Map 99, for the development of a seven lot residential subdivision, as disclosed in Application No. Z03-09-RUPD and the accompanying Preliminary Plat S-03-01-PP..

Section 2. The RUPD shall be and is subject to the following conditions:

1. As per Section 234 of the Subdivision Ordinance, the Final Plat shall be in substantial conformance with the approved Preliminary Plat and shall meet the requirements of Sections 235 through 240.
2. The Final Plat shall provide for all public utility easements including water, electrical, sanitary sewer, telephone, natural gas and cable television service.
3. A Declaration of Covenants, Conditions and Restrictions (CC&Rs) shall be submitted and reviewed by the Town Council and recorded with the Final Plat.
4. A Subdivision Improvement Agreement shall be submitted and approved by the Town Council and recorded with the Final Plat.
5. The final drainage report shall be submitted and approved by the Town of Carefree in conjunction with the engineering plans. Additional drainage easements and retention, if necessary, shall be shown on the Final Plat.
6. The final drainage report shall be submitted and approved by the Maricopa County Flood Control District prior to the submittal of the Final Plat.

7. The applicant shall submit the 100-year assured supply of water as required by the Arizona Department of Water Resources during the submittal of the Final Plat.
8. Prior to approval of the Final Plat, the developer shall submit a letter from the Maricopa County Department of Environmental Management (Health Department) approving the design of the water supply system and conceptual septic systems.
9. A final landscape plan shall be submitted to and approved by the Town prior to approval of the Final Plat. The landscape plan shall include protection and methods of removal of protected plants, revegetation, slope protection of graded areas and eonite treatment of all disturbed rock surfaces. Irrigation shall be by an automatic drip irrigation system.
10. A set of all improvement plans shall be submitted with the Final Plat to be reviewed, approved, and signed by the Town Engineer.
11. Rural/Metro shall approve the fire hydrant locations, any wash crossings, and the roadway design prior to the Town's consideration of the Final Plat.
12. After approval and prior to recording of the Final Plat, the applicant shall submit two complete sets of Final Plat documents to the Town including:
 - a. Final signed plat map.
 - b. Approved drainage plan.
 - c. Improvement plans reviewed and signed by the Town Engineer.
 - d. Approved landscape plan.
 - e. Approved Subdivision Improvement Agreement.
 - f. Covenants, Conditions, and Restrictions.
13. Pursuant to the conclusions of Speedie & Associates' report submitted to the Town in March 1997, and in association with the final plat improvement plans, the applicant will be required to:
 - a. Close the entrance to the shaft on lot 5 permanently by a solid grouted masonry wall or a cast in place concrete bulkhead to prevent uncontrolled access. This shaft shall be closed in association with the subdivision improvements.
 - b. Conduct a test pit investigation to uncover partially filled shafts and/or adits along the alignment of and within any of the subdivision improvements. The results of this test pit investigation shall be submitted with the Final Plat application. All shafts and adits must be filled or otherwise made safe in association with the subdivision improvements.
 - c. Place a note on the Final Plat and incorporated into the CC&R's that additional boring will be required for each lot to assure safe construction, mitigate possibility of settling, and uncover any and all shafts that are either void or partially filled under each of the lot's building envelope.

- d. In order to mitigate settlement of the building pads, a note shall occur on the Final Plat and incorporated into the C.C.&R.'s stating these two options:
 - i. a structural slab with foundation elements shall be extended down to and into the bedrock; or
 - ii. the fill material must be removed, re-placed and compacted under strict control as an 'engineered fill'.
14. In order to reduce erosion, existing pads shall be hydro seeded with native vegetation at the time the roadway improvements are completed. Furthermore, no grading associated with these pads shall be done until a building permit has been issued in association with a residence.
15. Pursuant to the RUPD application and Chapter 5 and 6 of the Subdivision Ordinance, the Town Council recognizes that there exists extraordinary conditions of topography, drainage, mature vegetation and special circumstances with the previously graded areas which require amended development standards, including the following:
 - a. The approved roadway shall be private and will allow for access to those who have legal access under the mutual access easement.
 - b. The utilities shall be buried underneath the alignment of the roadway improvements. Utility easements shall be on lot lines only if required by a utility company.
 - c. The cul-de-sac streets shall be allowed to exceed the length of 400 feet to a length of approximately 2,350 feet and 1,850 feet respectively.
 - d. Sidewalks and alleys shall not be required to be constructed in the Subdivision.
 - e. All roadway cut and fill slopes shall be within the roadway right-of-way of 40 feet or within grading easements. A maximum one-third of the cross sectional width of the roadway may be on fill material and a minimum of two-thirds of the cross sectional width of the roadway must be on cut material or natural grade.
 - f. Residential fire sprinklers shall be installed in all homes and accessory structures.
 - g. Hammerhead turn arounds as approved by Rural Metro Fire Department are permitted in lieu of circular cul-de-sacs.
 - h. The maximum street grade shall not exceed eighteen (18) percent at any location and shall be subject to Town review and approval at the time of Final Plat submittal.
 - i. The roadway cross section servicing lots one through five shall consist of a twenty-four (24) foot wide section of asphalt, back of curb to back of curb with a minimum two-foot ribbon curb and two-foot shoulder. The roadway cross-section servicing lots six and seven shall be eighteen (18) feet back of curb to back of curb with a minimum two-foot ribbon curb and two-foot shoulder.

- j. All intersecting roadway connections to adjacent properties shall be designed and constructed as part of the subdivision improvements for the Subdivision and shall be subject to Town review and approval at the time of Final Plat submittal.
- k. All driveway connections within the subdivision shall be designed and constructed as part of the subdivision improvements for the Subdivision and shall be subject to Town review and approval at the time of final plat submittal.
- l. The minimum lot size shall be:
 - Lot 1 = 106,889 square feet (2.45 acres)
 - Lot 2 = 112,669 square feet (2.59 acres)
 - Lot 3 = 112,198 square feet (2.58 acres)
 - Lot 4 = 143,043 square feet (3.28 acres)
 - Lot 5 = 288,813 square feet (6.63 acres)
 - Lot 6 = 322,582 square feet (7.41 acres)
 - Lot 7 = 309,996 square feet (7.12 acres)
- m. The minimum lot coverage shall be:
 - Lot 1 = 6,413 square feet (6%)
 - Lot 2 = 6,760 square feet (6%)
 - Lot 3 = 6,732 square feet (6%)
 - Lot 4 = 8,538 square feet (6%)
 - Lot 5 = 11,400 square feet (3.9%)
 - Lot 6 = 11,400 square feet (3.5%)
 - Lot 7 = 11,400 square feet (3.6%)
- n. The maximum disturbed area shall be:
 - Lot 1 = 18,353 square feet (17%)
 - Lot 2 = 16,777 square feet (14.8%)
 - Lot 3 = 25,049 square feet (22%)
 - Lot 4 = 23,163 square feet (16%)
 - Lot 5 = 29,034 square feet (10%)
 - Lot 6 = 15,031 square feet (4.6%)
 - Lot 7 = 24,466 square feet (7.9%)
- o. The minimum open space shall be:
 - Lot 1 = 19,727 square feet (18.5%)
 - Lot 2 = 31,850 square feet (28.2%)
 - Lot 3 = 37,709 square feet (33.6%)
 - Lot 4 = 62,876 square feet (43.9%)
 - Lot 5 = 136,748 square feet (47.3%)
 - Lot 6 = 248,291 square feet (76.9%)
 - Lot 7 = 234,820 square feet (75.7%)
- p. The minimum building setback shall be:

	FRONT	REAR	SIDE
• Lot 1 =	40 feet	140 feet	5 feet
• Lot 2 =	20 feet	40 feet	20 feet
• Lot 3 =	30 feet	110 feet	30 feet

- Lot 4 = 10 feet 45 feet 5 feet
- Lot 5 = 40 feet 150 feet 40 feet
- Lot 6 = 40 feet 650 feet 50 feet
- Lot 7 = 40 feet 470 feet 30 feet

q. The minimum lot width shall be:

- Lot 1 = 170 feet
- Lot 2 = 330 feet
- Lot 3 = 580 feet
- Lot 4 = 420 feet
- Lot 5 = 530 feet
- Lot 6 = 360 feet
- Lot 7 = 370 feet

Section 3. The Town of Carefree Zoning Map is hereby amended to reflect the issuance of the Residential Unit Plan Development granted hereunder.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Arizona, the 4th day of May 2004.

Ayes _____ Noes _____ Abstentions _____ Absent _____

TOWN OF CAREFREE

By:

Edward C. Morgan, Mayor

ATTEST:

Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:

Thomas K. Chenal, Town Attorney