

ORDINANCE No. 2010-02

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING ORDINANCE AMENDED THROUGH AUGUST 4, 2009, ARTICLE II. RULES AND DEFINITIONS; ARTICLE VIII. SIGNS PERMITTED; AND ARTICLE IX. GENERAL PROVISIONS; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN ZONING ORDINANCE; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 August 4, 2009" is hereby amended as stated below in Section 4 (the "Amendments"). The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, to amend that certain document known as the Zoning Ordinance of the Town of Carefree, Arizona.
- Section 2. The amended Zoning Ordinance of the Town of Carefree, Arizona shall be known as the "Zoning Ordinance of the Town of Carefree, Arizona, amended through January 5, 2010," and is hereby declared to be a public record. Three (3) copies of said amended Zoning Ordinance 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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; Article VIII. Signs Permitted; and Article IX. General Provisions of the Town of Carefree Zoning Ordinance, adopted March 2, 2004 and amended through August 4, 2009 as follows (added language is shown in **bold**, deleted language is shown ~~crossed out~~):

Article II. RULES AND DEFINITIONS

Section 2.02 Definitions

(1) - (8) No changes.

~~(9) **BANNER:** Any short term sign which displays graphics and/or text regarding an event to be held on a subject property.~~

- ~~(10)~~ **(9) BED AND BREAKFAST:** A single family-dwelling where the owners provide temporary lodging including breakfast to guests for compensation.
- ~~(11)~~ **(10) BOARDING HOUSE:** A building where lodging is provided for three (3) or more persons but not exceeding twenty (20) persons.
- ~~(12)~~ **(11) BRAIDED STREAM:** A shallow stream (with a large width/depth ratio) within which the normal flow passes through a number of smaller interlaced channels separated by bars or shoals.
- ~~(13)~~ **(12) BUILDABLE AREA:** The portion of a lot which is within the area formed by the required yard (building setbacks) or within the building envelope in the case where a building envelope has been established.

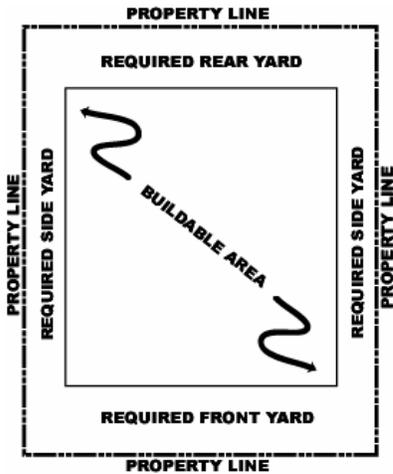


Figure 2.1: Illustration of buildable area.

- ~~(14)~~ **(13) BUILDING:** A permanent structure having a roof supported by columns or walls.
- ~~(15)~~ **(14) BUILDING, ACCESSORY:** A detached structure which is subordinate to and incidental to the main use of the principal structure on a lot.
- ~~(16)~~ **(15) BUILDING ENVELOPE:** The portion of a lot within the buildable area that may be disturbed as illustrated and is recorded in association with a final plat.

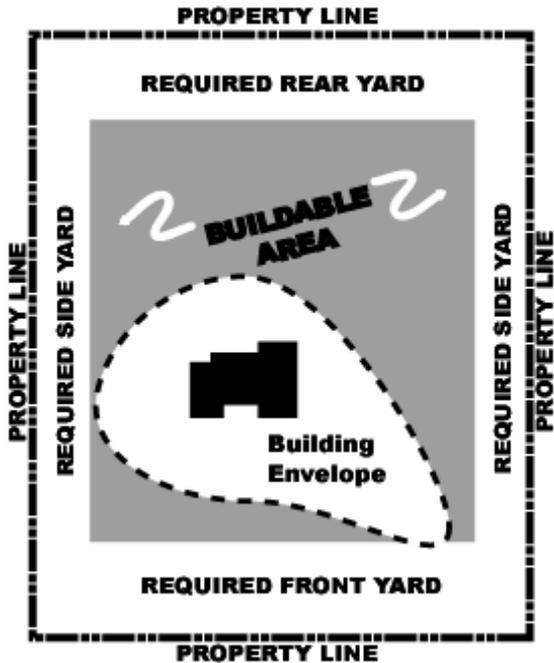


Figure 2.2: Illustration of building envelope

- ~~(17)~~ **(16) BUILDING, PRINCIPAL:** A building which houses the principal use of the lot.
- ~~(18)~~ **(17) BUILDING SETBACK (required yard):** The horizontal distance prescribed per zoning district measured from the property line towards the center of the property. This open space shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In order to maintain the community's native desert character and identity, no non-native shrubs, plants or trees shall be planted within any building setback. Where the existing desert vegetation is sparse native, drought tolerant and/or desert hybrid shrubs, trees and/or cacti may be planted within the building setback but shall not create a structure as defined in this Ordinance. (Ord.#2007-05)
- ~~(19)~~ **(18) CAMPER:** A camper is a structure designed for occupancy as a dwelling or sleeping place by one (1) or more persons, which may be placed upon or attached to a vehicle.
- ~~(20)~~ **(19) CARPORT:** A permanent roofed structure with two (2) or more open sides used or intended to be used for motorized vehicle shelter.
- ~~(21)~~ **(20) CEMETERY:** A place for the burial of the remains of deceased humans either below ground or in a mausoleum or other structure above ground.
- ~~(22)~~ **(21) CONSERVATION EASEMENT:** A permanent open space granted to the Town or to a public trust to prohibit development of property including roads and utilities and to retain and preserve the undisturbed land for the scenic enjoyment of the general public.

- ~~(23)~~ **(22) CONTINUING CARE RETIREMENT COMMUNITY:** A community subject to licensing by the State of Arizona which offers several levels of assistance, including independent living, assisted living and nursing home care. (Ord. #2006-05)
- ~~(24)~~ **(23) CONVALESCENT HOME OR NURSING HOME:** Any place or institution, licensed by the State of Arizona as a convalescent or nursing home, which makes provisions for bed care, chronic care, or convalescent care for one or more persons who by reason of illness or physical infirmity are unable to properly care for themselves. This does not include home care by relatives. A nursing home typically provides 24-hour skilled care for the more acute patients. (Ord. #2006-05)
- ~~(25)~~ **(24) DETENTION BASIN:** A reservoir where water is stored for regulating a flood and having outlets for releasing the flows during a flood event.
- ~~(26)~~ **(25) DEVELOPMENT:** A man-made change to property, such as buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- ~~(27)~~ **(26) DISTURBED AREA:** The total area of grading or other disturbance of natural terrain and vegetation typically occurring within a building envelope.
- ~~(28)~~ **(27) DRIVEWAY:** A vehicular access way that serves a single principal use or parcel.
- ~~(29)~~ **(28) DWELLING, MULTIPLE -FAMILY:** A building containing three (3) or more housekeeping units and used exclusively for residential occupancy. (Ord. #2005-03)
- ~~(30)~~ **(29) DWELLING, SINGLE-FAMILY:** A building designed for occupancy by one (1) housekeeping unit and used exclusively for residential occupancy. (Ord. #2005-03)
- ~~(31)~~ **(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. (Ord. #2005-03)
- ~~(32)~~ **(31) DWELLING UNIT:** A building or portion thereof containing cooking accommodations and designed or used exclusively for residential occupancy by a single housekeeping unit.
- ~~(33)~~ **(32) FACTORY-BUILT BUILDING:** A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except for a manufactured home or recreation vehicle as defined by this Ordinance. A factory-built building shall be erected on a permanent foundation in accordance with the Uniform Building Code (UBC) as adopted by the Town.
- ~~(34)~~ **(33) FLOOD PLAIN:** The portion of a watercourse, outside of the stream channel but adjacent to it, which is described by the perimeter of the probable limiting flood. It is the land which is not covered by the stream at low or average flow but which has been flooded in the past or is likely to be flooded.

- ~~(35)~~ **(34) FLOOD, REGULATORY:** The 100-year flood with a peak discharge of 50 cubic feet per second (cfs) , or greater, and which has a one percent (1%) chance of being equaled or exceeded in any given year.
- ~~(36)~~ **(35) FLOODING, SHEET:** A condition which occurs within those areas which are subject to flooding of about one (1) foot in depth, more or less, during the regulatory flood, and where a clearly-defined channel does not exist, so that the path of the flooding is often unpredictable and indeterminate.
- ~~(37)~~ **(36) FLOW, SHEET:** The shallow, diffuse runoff produced from rainfall on a large flat surface. It is characterized by approximately equal depth of runoff across a broad width of flow.
- ~~(38)~~ **(37) FLOODWAY:** The area along a watercourse which will allow passage of the regulatory flood without increasing flood elevations by more than one (1) foot after a hypothetical encroachment has been made into the floodway fringe.
- ~~(39)~~ **(38) FLOODWAY FRINGE:** The portion of the regulatory flood plain that lies outside the floodway.
- ~~(40)~~ **(39) GARAGE, PRIVATE:** A covered and completely enclosed building designed for the parking of motor vehicles. A private garage is accessory to the principal structure.
- ~~(41)~~ **(40) GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.
- ~~(42)~~ **(41) GRADING:** Any land excavation, land clearing, land filling, or disturbance of natural terrain and vegetation, or combination thereof.
- ~~(43)~~ **(42) GRADE, FINISHED:** The proposed and ultimately the final grade of the lot.
- ~~(44)~~ **(43) GRADE, NATURAL:** The original undisturbed natural surface of the lot.
- ~~(46)~~ ~~**GROUND SIGN:** Any sign attached to a freestanding wall or other structure separate from a building.~~
- ~~(45)~~ **(44) GROUP HOME:** A long-term residential care facility licensed by the State of Arizona functioning as a single housekeeping unit providing meals, supervision, and other support services for not more than ten (10) residents (greater than ten residents is defined as a supervisory care facility) , that are physically, emotionally, and/or mentally disabled individuals not related to the owner/manager of the group home. Typical uses include adult care homes, homes for the developmentally disabled, group foster homes, and homes for the chronically mentally ill. A group home does not include nursing homes, shelter facilities, or community correctional facilities.
- ~~(47)~~ **(45) GROSS FLOOR AREA:** The floor area contained inside the building as measured along the exterior walls of the building.
- ~~(48)~~ **(46) GUEST RANCH:** A building or group of buildings containing two or more temporary guest rooms including but not limited to such facilities as swimming pools, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for use primarily by guests of the guest ranch.

- ~~(49)~~ **(47) GUEST HOUSE:** Living quarters in an accessory building or attached to the principal residence, which may include cooking facilities, for guests or servants on the premises.
- ~~(50)~~ **(48) 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 the transient use of the dwelling. (Ord. #2005-03)
- ~~(51)~~ **(49) HOUSEKEEPING UNIT:** One (1) or more persons living, sleeping, and cooking in a single dwelling unit who share housekeeping tasks and responsibilities as an interdependent unit.
- ~~(52)~~ **(50) HOSPITAL:** An institution for the diagnosis, treatment, or other care of human ailments. The term hospital is deemed to include sanitarium, clinic, nursing home, convalescent home, and maternity home.
- ~~(53)~~ **(51) HOTEL/MOTEL:** A commercial building that provides guest rooms for the lodging of travelers and other temporary residents and may include customarily incidental uses such as, but not limited to, meeting rooms, restaurants, and cocktail lounges.
- ~~(54)~~ **(52) INDEPENDENT LIVING:** A residential living setting subject to licensing by the State of Arizona for elderly or senior adults that may or may not require minimal hospitality or supportive services. (Ord. # 2006-05)
- ~~(55)~~ **(53) JUNK:** Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber, plastic, glass, plant debris, waste, iron, steel; or other old or scrap ferrous or nonferrous material; or junked, dismantled, wrecked automobiles, or parts thereof.
- ~~(56)~~ **(54) KENNEL:** Any establishment housing dogs, cats, or other domestic pets and where grooming, breeding, training, raising, caring for, adoption, or selling of animals is conducted as a business. Kennel also includes for-profit or non-profit animal shelters.
- ~~(57)~~ **(55) LAUNDRY, SELF-HELP:** A building with clothes washing, drying, and dry cleaning machines that are provided on a rental basis to individuals doing their own laundry and/or dry cleaning but not including outdoor drying facilities.
- ~~(58)~~ **(56) LOT:** A parcel of land, or contiguous parcels under one ownership, established by an approved subdivision plat, lot split, or other lawful method. A lawful lot must meet minimum ordinance requirements.
- ~~(59)~~ **(57) LOT AREA:** The area of a horizontal plane within the lot lines of a lot.
- ~~(60)~~ **(58) LOT, CORNER:** A lot located at the intersection of two (2) or more streets.
- ~~(61)~~ **(59) LOT COVERAGE:** The total area under roof of all structures on a lot.

- ~~(62)~~ **(60) LOT DEPTH**: The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- ~~(63)~~ **(61) LOT, INTERIOR**: A lot other than a corner lot.
- ~~(64)~~ **(62) LOT LINE, FRONT**: The boundary of a lot which separates the lot from the street; and in the case of a corner or through lot, a front yard setback shall be provided along each street that is adjacent to the lot.
- ~~(65)~~ **(63) LOT LINE, REAR**: The boundary of a lot which is most distant from and is most nearly opposite to the front lot line. In the absence of a rear lot line as in the case of a triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
- ~~(66)~~ **(64) LOT LINE, SIDE**: The boundary of a lot which is not a front lot line nor a rear lot line.
- ~~(67)~~ **(65) LOT OF RECORD**: A lot which is part of a lawful subdivision, the plat of which has been recorded in the office of the County Recorder of Maricopa County. A lot split or combination, the deed of which has been recorded in the office of the County Recorder of Maricopa County. A parcel of land lawfully created prior to the incorporation of the Town, the deed of which has been recorded in the office of the County Recorder of Maricopa County.
- ~~(68)~~ **(66) LOT, THROUGH**: A lot having a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot.
- ~~(69)~~ **(67) LOT WIDTH**: For rectangular lots the shortest distance between the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the width as measured at the front setback line. If the lot is a flaglot, the subject lot shall be measured at the building setback line (required yard).
- ~~(70)~~ **(68) MANUFACTURED HOME**: A multi-sectional structure not exceeding two (2) stories in height and manufactured after June 15, 1976, to standards established by the United States Department of Housing and Urban Development, that when joined forms a residence for human occupancy that measures sixteen (16) feet by forty (40) feet or larger and which is designed to be installed on a permanent foundation.
- ~~(71)~~ **(69) MASSAGE THERAPY**: Manipulation of the human body through the skillful application of any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance approved by the American Massage Therapy Association.
- ~~(72)~~ **(70) MOBILE HOME**: A structure built prior to June 15, 1976 on a permanent chassis, capable of being transported in one or more sections, and designed to be used with or without a permanent foundation as a dwelling unit when connected to on-site utilities, but excluding factory-built buildings and recreation vehicles as defined in this Ordinance.
- (71) MULTI-TENANT COMPLEX**: A building with space partitioned and/or allocated for five (5) or more business tenants or a property with two

(2) or more buildings with shared onsite facilities, such as access, private parking, and/or pedestrian amenities.

~~(73)~~ **(72) NON-CONFORMING USE, LEGAL**: Any structure, building, or use of land which at one time conformed to the applicable provisions of zoning laws or regulations of the Town or Maricopa County but subsequently failed to conform to any such applicable provisions, either as a result of incorporation or annexation of the structure, building, or land into the Town, or as a result of the adoption or amendment of the applicable zoning laws and regulations of the Town.

~~(74)~~ **(73) NURSERY SCHOOL**: A facility in which child care is regularly provided for five (5) or more children not related to the proprietor in exchange for compensation. Any child care facility shall meet all requirements for certification by the Arizona Department of Health.

~~(75)~~ **(74) PLANT NURSERY**: A place for commercial growing and/or keeping of plants.

~~(76)~~ **(75) PRIVATE CLUB**: A meeting place for members of a group or organization and their guests, but not including any adult oriented facilities, wherein a variety of business uses can take place provided:

- (A) No products of any kind are manufactured or assembled; and
- (B) Sales are limited to food, beverages and merchandise related to the private club, such as clothing and accessory items.

~~(77)~~ **(76) PRIVATE ROAD/STREET**: Any non-public vehicular access way on private property that serves two or more principal uses or parcels.

~~(78)~~ **(77) PUBLIC BUILDING**: A building owned, occupied, and operated by a public entity such as the United States, the State of Arizona, Maricopa County, the Town, or other municipality.

~~(79)~~ **(78) PUBLIC ROAD/STREET**: Any thoroughfare not less than twenty-four (24) feet in width (back of curb to back of curb) or otherwise approved in the Mountainside District which has been dedicated or deeded to the public for public use.

~~(80)~~ **(79) RECREATION VEHICLE**: A vehicular type unit that is:

- (A) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
- (B) A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab, or van that is an integral part of the completed vehicle.
- (C) A parked trailer on a single chassis, excluding fifth wheel trailers, that is mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances; that has a gross trailer area of not less than three hundred twenty square feet; and that is not more than four hundred square feet when it is set up.

- (D) A travel trailer, including a fifth wheel trailer, mounted on wheels and designed to provide temporary living quarters for recreational, camping, or travel use; that is of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle; and that has a trailer area of less than three hundred twenty square feet.
- (E) A portable truck camper constructed to provide temporary living quarters for recreation travel or camping use and consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

~~(81)~~ **(80) RENTAL STORE:** A commercial establishment that allows for the short term use of household items, party supplies, and small construction equipment. Rental stores do not include the leasing or rental of motor vehicles.

~~(82)~~ **(81) REPAIR SHOPS:** A commercial establishment that restores, renovates, or refurbishes household items. This does not include the restoration, renovation, or fixing of motor vehicles.

~~(83)~~ **(82) REQUIRED YARD (building setbacks):** The horizontal distance prescribed per zoning district measured from the property line towards the center of the property. This open space shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In order to maintain the community's native desert character and identity, no non-native shrubs, plants or trees shall be planted within any building setback. Where the existing desert vegetation is sparse native, drought tolerant and/or desert hybrid shrubs, trees and/or cacti may be planted within the building setback but shall not create a structure as defined in this Ordinance. (Ord. #2007-05)

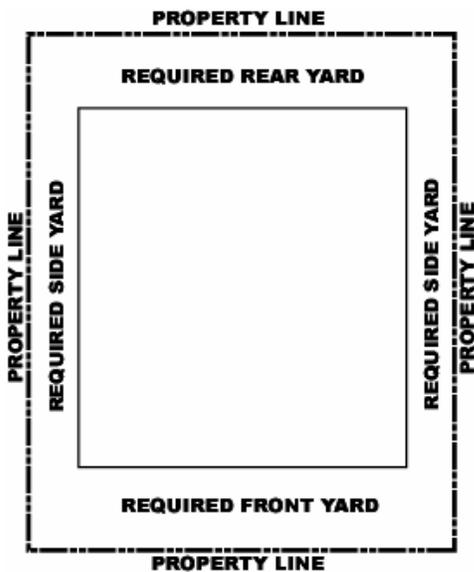


Figure 2.3: Illustration of required yard (building setback)s.

- ~~(84)~~ **(83) REQUIRED FRONT YARD:** An open space extending across the front width of a lot and being the minimum horizontal distance from the property line towards the center of the property. Other than the address identification sign as defined within this Ordinance, no column, driveway gate, free-standing solid masonry wall, fence or other structure shall be placed within the required front yard. The required front yard of a single-family residential corner lot is the yard adjacent to the shorter street frontage. The required front yard of a multiple-family or non residential corner lot shall be the yard adjacent to each street frontage. In order to maintain the community's native desert character and identity, no non-native shrubs, plants or trees shall be planted within the required front yard. Where the existing desert vegetation is sparse native, drought tolerant and/or desert hybrid shrubs, trees and/or cacti may be planted within the required front yard but shall not create a structure as defined in this Ordinance. *(Ord. #2007-05)*
- ~~(85)~~ **(84) REQUIRED REAR YARD:** An open space extending across the rear width of a lot and being the minimum horizontal distance from the property line towards the center of the property. The required rear yard is typically opposite the required front yard. If the lot has frontage on a cul-de-sac, the required rear yard shall be the lot line which most closely approximates the rear lot line of abutting lots.
- ~~(86)~~ **(85) REQUIRED SIDE YARD:** An open space between the required front and rear yards and being the minimum horizontal distance from the property line towards the center of the property. Any required lot line that is not a rear lot line or front lot line shall be deemed a side lot line.
- ~~(87)~~ **(86) RESIDENTIAL OCCUPANCY:** Non-transient used 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. Residential occupancy use is restricted to the occupants of a lot or building and their guests, where compensation is not paid or received and where no commercial activity (excluding home occupations) is associated with the use, such as but not limited to, providing services customarily furnished by a resort hotel, except as otherwise required by state and federal fair housing laws. Transient use, including rentals of single-family, two-family, or multiple-family dwellings for periods of less than thirty (30) consecutive days, is not residential occupancy. *(Ord. #2005-03)*
- ~~(88)~~ **(87) RESORT HOTEL:** A building or group of buildings other than a motel, boarding house, or lodging house containing individual guest rooms, suites of guest rooms, and/or dwellings which furnish services customarily provided by hotels.
- (88) RESTAURANT:** An establishment whose primary business is the serving of food to the public, where revenues from the sale of food served to the public equal at least forty percent (40%) of the gross revenue.
- (89) - (93) No changes.

(94) SIGN: Any device for visual communication, including any structure, natural object, or part thereof which is used for the purpose of bringing the subject to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency. **See Article VIII for other definitions related to signs.**

(95) - (102) No changes.

(103) STUDIO: A place providing office space for individuals to fabricate and display artistic work such as paintings, sculptures, graphic illustrations, or similar applications. (Ord. #2007-05)

~~(103)~~ **(104)** SUPERVISORY CARE FACILITY: A facility with the characteristics of a group home which houses eleven (11) or more individuals and is licensed and regulated by the Arizona Department of Health Services.

~~(104)~~ **(105)** SWIMMING POOL, PRIVATE: A contained body of water used for swimming or bathing, either above ground level or below ground level, having either a maximum depth at any point of more than eighteen (18) inches or a water surface area of more than thirty-eight (38) square feet, or both. Hot tubs, spas, and jacuzzis meeting the criteria of the preceding sentence are included in this definition.

~~(105)~~ **(106)** 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, corporate interest, 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. (Ord. #2005-03)

~~(106)~~ **(107)** TRAILER: A non-motorized towed vehicle designed to transport things including but not limited to sand, gravel, horses, boats, or vehicles.

~~(107)~~ **(108)** TRANSIENT USE: Any use of any property, of 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 as defined by §2.02(104). For purposes of this definition, "Transient" means any person who either at the person's own expense or at the expense of another obtains the right to use or occupy property on a daily or weekly basis, or on any other basis for a period of time less than thirty (30) consecutive days as provided by agreement, lease, license, or any other means, including any

agreement to rescind or modify an existing agreement, lease, or license, which would result in a right to use or occupy property for a period of time less than thirty (30) consecutive days. (Ord. #2005-03)

~~(108)~~ **(109) USE:** The purpose for which land or a building is occupied, maintained, arranged, intended, designed, let, or leased.

~~(109)~~ **(110) USE, ACCESSORY:** A subordinate use of a building or land customarily incidental to and conducted on the same lot with the principal use, including servant or caretaker quarters, which does not alter the character of the principal use or adversely affect other properties within the surrounding area.

~~(110)~~ **(111) USE, PRINCIPAL:** The main or primary use or uses on any lot which establishes the basic land use characteristics of the property as distinguished from an accessory use.

~~(111)~~ **(112) UTILITY POLES AND WIRES:** Poles, structures, wires, cable, conduit, transformers, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio, or television communications.

~~(112)~~ **(113) VARIANCE:** An exception to the provisions of this Ordinance granted by the Board of Adjustment.

~~(113)~~ ~~**WALL SIGN:** Any sign with only one sign surface attached parallel to but within ten inches (10") of a wall, which is either painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure.~~

(114) - (118) No changes.

Article VIII. SIGNS PERMITTED

Section 8.01 Definitions

- ~~(1) **BANNER:** Any short term sign which displays graphics and/or text regarding an event to be held on a subject property.~~
- (1) **BANNER, HORIZONTAL:** A temporary horizontal sign composed of flexible material.
- (2) **BANNER, PROJECTING VERTICAL:** A temporary vertical sign composed of flexible material, attached to two brackets that are affixed perpendicular to an exterior wall or column of a building.
- (3) **BLADE SIGN:** A permanent sign composed of rigid material that hangs from a bracket or arcade. **ATTACHED** blade signs hang from a bracket permanently affixed to an exterior wall or column of a building. **FREESTANDING** blade signs hang from a bracket permanently affixed to a post that is separate from a building. **ARCADE** blade signs hang from an awning truss that is part of and/or attached to a building.
- ~~(2)~~ (4) **DIRECTIONAL SIGN:** ~~Any~~ A permanent sign that designates a functional aspect of a site such as the entrance or exit from a parking area, a loading area, a fire lane, or any similar feature approved by the Zoning Administrator.
- ~~(3)~~ (5) **GROUND SIGN:** ~~Any~~ A permanent sign attached to a freestanding wall or other structure separate from a building.
- ~~(4)~~ (6) **IDENTIFICATION SIGN:** ~~Any~~ A permanent sign that ~~illustrates~~ displays the physical address of a building. The sign may also identify the occupant of a residence or the name of a building.
- (7) **MENU BOARD SIGN:** A permanent sign displaying the menu of a restaurant.
- (8) **OUTDOOR MERCHANDISE:** Items associated with a business use that are temporarily displayed outside the subject tenant space.
- (9) **PERMANENT SIGN:** A sign displayed for an unrestricted period of time.
- ~~(8)~~ (10) **TEMPORARY SIGN REAL ESTATE SIGN:** ~~Any~~ A temporary sign pertaining to the sale, lease, or rental of property or a real estate “open house” event or displaying information ~~concerning~~ pertaining to the general contractor or architect of a permitted construction project.
- ~~(5)~~ (11) **SIDEWALK SIGNS:** ~~Any~~ A temporary sign, ~~which may be an A-frame or sandwich board type sign,~~ placed on the property of a business associated with that business establishment to which it is associated, including but not limited to an A-frame or sandwich board sign.
- ~~(6)~~ **SIGN:** ~~Any device for visual communication, including any structure or natural object or part thereof, used for the purpose of bringing the subject to the attention of the public but not including any flag, badge, or insignia of any government or government agency.~~

- ~~(7)~~ **(12) SIGN AREA:** Unless otherwise specified in Article VIII, ¶ the area contained within the outer limits of the text, emblem, logo, or other display together with the material or color forming the background for the text, emblem, logo, or other display but not including the supporting structure or wall to which it is attached.
- ~~(8)~~ **(13) TEMPORARY SIGN:** ~~Any sign pertaining to the sale, lease, or rental of property or concerning a permitted construction project.~~ Any sign displayed for a restricted period of time.
- (14) TENANT DIRECTORY SIGN:** A permanent sign listing various tenants in a Multi-Tenant Complex.
- ~~(9)~~ **(15) WALL SIGN:** ~~Any~~ A permanent sign with only one sign surface that is attached parallel to but within ten (10) inches of a wall, which is either an outside wall of a building. A wall sign may be painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure be of separate construction extending no more than ten (10) inches from the wall surface.

Section 8.02 Signs Permitted in each Zoning District

The table below shows which types of signs are allowed in each zoning district. An "X" means that type of sign is allowed. A blank means that type of sign is not allowed. A number in parentheses () indicates additional conditions, provisions, and/or clarifications that will be found in the correspondingly numbered paragraphs in Section 8.03 of this Article.

SIGNS	RURAL 190	RURAL 70	RURAL 43	R1-35	R1-18	R1-10	R-3	L	GO	G
Identification	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎	X ₍₁₎
Directional						X ₍₂₎				
Temporary	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎	X ₍₃₎
Ground	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎	X ₍₄₎
Wall							X ₍₅₎	X ₍₅₎	X ₍₅₎	X ₍₅₎
Banner										X ₍₆₎
Sidewalk									X ₍₇₎	X ₍₇₎

Table 8.1: Permitted signs per Zoning District.

SIGNS	RURAL-190	RURAL-70	RURAL-43	R1-35	R1-18	R1-10	R-3	L	GO	C
PERMANENT SIGNS										
BLADE								X ₍₁₎	X ₍₁₎	X ₍₁₎
DIRECTIONAL							X ₍₂₎	X ₍₂₎	X ₍₂₎	X ₍₂₎
GROUND	X ₍₃₎									
IDENTIFICATION	X ₍₄₎									
MENU BOARD								X ₍₅₎	X ₍₅₎	X ₍₅₎
TENANT DIRECTORY									X ₍₆₎	X ₍₆₎
WALL							X ₍₇₎	X ₍₇₎	X ₍₇₎	X ₍₇₎
TEMPORARY SIGNS										
BANNER, HORIZONTAL									X ₍₈₎	X ₍₈₎
BANNER, PROJECTING VERTICAL								X ₍₉₎	X ₍₉₎	X ₍₉₎
OUTDOOR MERCHANDISE								X ₍₁₀₎	X ₍₁₀₎	X ₍₁₀₎
REAL ESTATE	X ₍₁₁₎									
SIDEWALK									X ₍₁₂₎	X ₍₁₂₎

Section 8.03 Additional Requirements and Clarifications

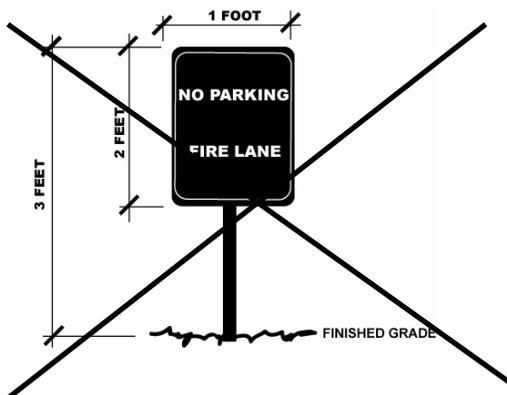
- (1) **BLADE SIGNS** shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:
 - (A) One (1) blade sign, whether attached or freestanding, shall be allowed per tenant space.
 - (B) Blade signs shall not be placed so as to obstruct any windows or doorways.
 - (C) Blade signs shall be constructed of a rigid material, including but not limited to high-density urethane, and of sufficient density to resist gusts of wind.
 - (D) Blade signs shall be located no closer than five (5) feet from any other temporary or permanent sign.

- (E) Blade signs may be illuminated by external light directed onto the sign, provided the light source is shielded and does not shine beyond the limits of the sign area it is intended to illuminate.
- (F) The following requirements apply to ATTACHED blade signs:
- 1) Attached blade signs shall be fastened to a permanent bracket affixed perpendicular to a building support column or an exterior wall of the building.
 - 2) For any building, the top of the attached blade sign shall be no higher than one (1) foot below the top of the building façade to which it is affixed.
 - 3) For buildings of more than one story, the top of each attached blade sign shall be located no higher than the floor plate of the story directly above the associated tenant space.
 - 4) The maximum allowed size shall be an area of twelve (12) square feet, no more than four (4) feet high, measured from the bottom to the top of the sign and/or bracket, and three (3) feet wide, measured from the wall surface to the outermost edge of the sign and/or bracket.
 - 5) So as not to obstruct pedestrian or vehicular circulation, attached blade signs shall have a minimum clearance of eight (8) feet from the bottom of the sign or bracket to finished grade directly below.
 - 6) Attached blade signs shall be located only on the exterior wall of the associated business, unless otherwise approved by the Zoning Administrator.
- (G) The following requirements apply to FREESTANDING blade signs:
- 1) Freestanding blade signs shall be attached to a permanent bracket affixed to a post that is located:
 - a) On the subject property,
 - b) No further than fifteen (15) from the subject building entrance,
 - c) Within an established landscaped area, and
 - d) So as not to obstruct any sidewalk or vehicular passageway.
 - 2) The maximum height from finished grade directly below the sign to the top of the sign and/or the post supporting the sign shall not exceed a height of five (5) feet.
 - 3) The maximum allowed size of the sign shall be an area of twelve (12) square feet, no more than four (4) feet high, measured from the bottom to the top of the sign and/or

bracket and three (3) feet wide, measured from the wall surface to the outermost edge of the sign and/or bracket.

- (H) The following requirements apply to ARCADE blade signs:
- 1) Arcade blade signs shall be hung either parallel or perpendicular to the building from an awning truss that is part of and/or attached to a building.
 - 2) So as not to obstruct pedestrian or vehicular circulation under, around or through the arcade, arcade blade signs shall have a minimum height clearance of eight (8) feet from the bottom of the sign to finished grade directly below.
 - 3) The sign shall not be illuminated.
 - 4) The maximum allowed size shall be an area of twelve (12) square feet, no more than three (3) feet high and four (4) feet wide, measured from the outermost edge of the sign and/or bracket.

- (2) DIRECTIONAL SIGNS shall be exempt from building permit, ~~provided the sign complies~~ **comply** with all provisions of Article VIII, and meets the following ~~provisions~~ **standards**:
- (A) The maximum number of directional signs allowed shall be limited to the number required to safely inform the public as approved by the Zoning Administrator.
 - (B) The maximum **allowed** size of a directional sign shall ~~not exceed~~ **be** two (2) square feet in sign area.
 - (C) The directional sign may be either:
 - 1) Freestanding, in which case the top of the sign shall not be ~~higher than three (3)~~ **more than five (5)** feet above finished grade.
 - 2) Placed flat against the façade of a building, in which case the top of the sign shall not be more than ~~higher than~~ six (6) feet above adjacent finished grade **directly below the sign**.



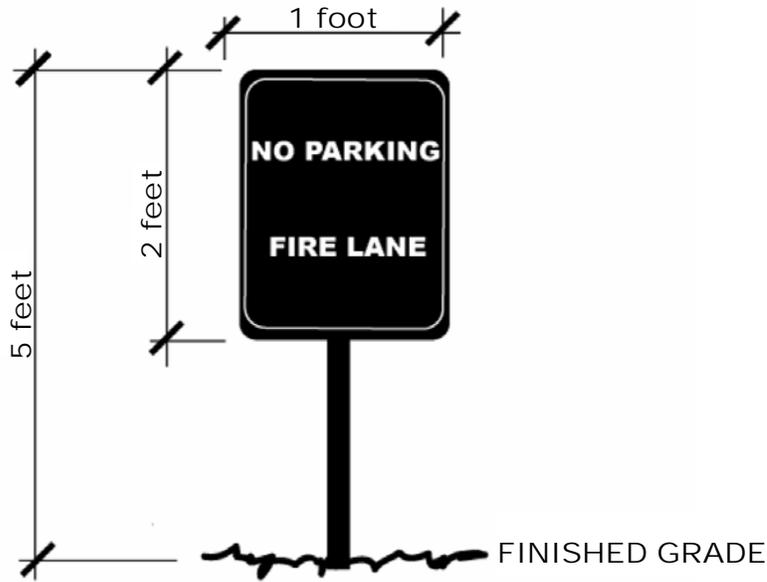
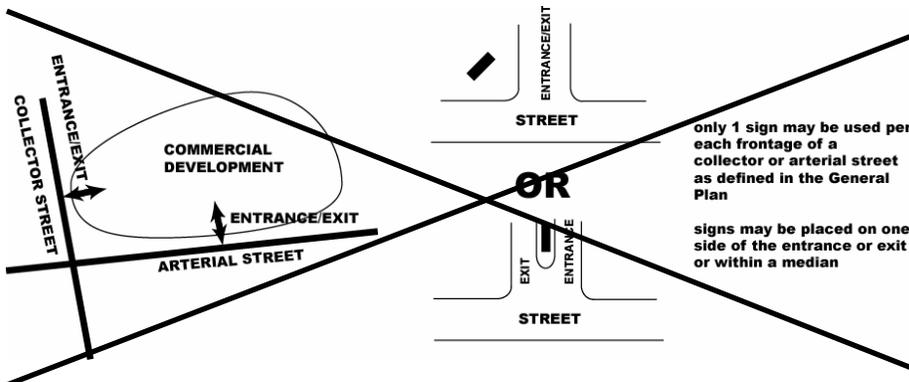


Figure 8.31: Example of directional sign.

- (D) The directional sign may be illuminated by ~~directed external lighting~~ directed onto the sign ~~from a spot light~~, provided the light source is shielded ~~to ensure it~~ and does not shine beyond the sign area ~~to~~ it is intended to illuminate ~~and the bulb does not exceed a total of 25 watts.~~
- (E) If freestanding, the directional sign shall be set back a minimum of one (1) foot from any property line.

(4) (3) GROUND SIGNS, whether new or modified, shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:

- (A) The maximum allowed number of ground signs shall ~~not exceed~~ **be:**
 - 1) For a multi-tenant complex, One (1) ground sign for each abutting arterial or collector street that a commercial development abuts. (See Figure 8.2 for examples.)**



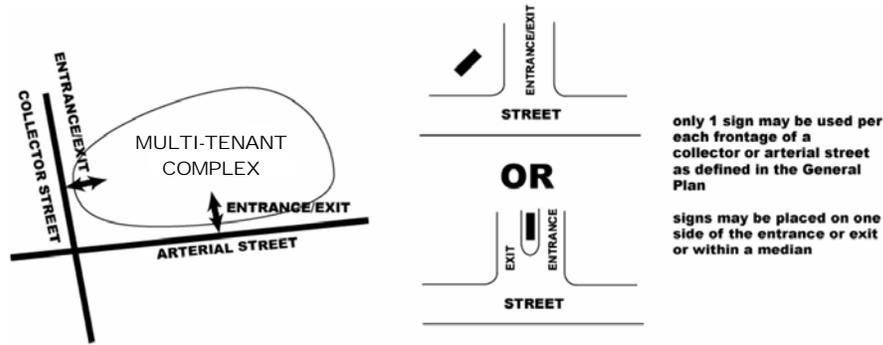


Figure 8.62: Location of ground signs for commercial developments a multi-tenant complex.

- 2) No ground sign shall be allowed for a multi-tenant complex that has a wall sign for the overall complex.
- 3) ~~Two (2) signs for each residential subdivision that fronts~~ For a residential subdivision where entrances are located on an arterial or collector roadway as defined in the General Plan, **two (2) ground signs shall be allowed. If two signs are placed at one entrance, no ground sign shall be allowed at another entrance. (See Figure 8.3 for examples.)**

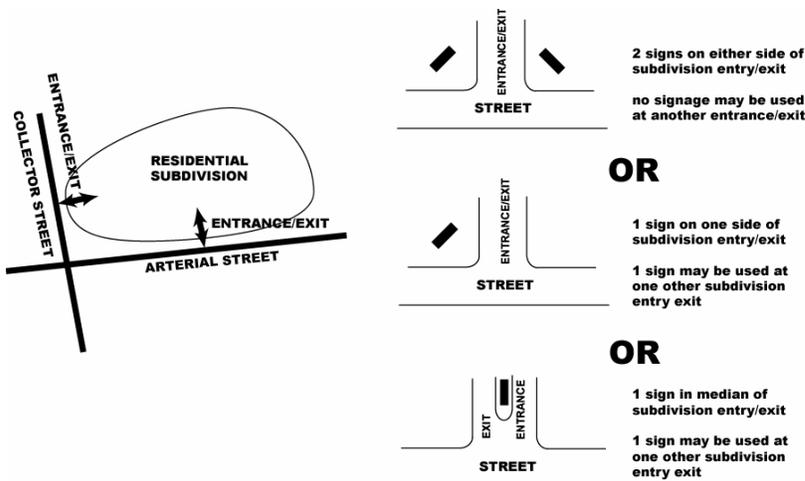


Figure 8.53: Location of ground signs for residential subdivisions.

- (B) ~~The~~ **All** ground signs ~~must~~ **shall** be located:
- 1) Within fifty (50) feet of the driveway accessing the use or complex it serves.
 - 2) Within ten (10) feet of the right-of-way line of the arterial or collector roadway on which it is located.

- 3) ~~If the complex or use fronts on a minor collector roadway as defined in the Carefree General Plan, a Conditional Use Permit shall be required to allow a ground sign.~~
- 4) 3) The ground sign must conform to all other standards for ground signs as stated in Article VIII.
- (C) ~~Any~~ **All** ground signs shall be located within a landscaped area no smaller than 240 square feet.
- (D) The maximum ~~size (physical dimension) of the~~ **allowed area for a** ground sign structure shall not exceed twenty-four (24) square feet ~~and shall not exceed a~~, **with a maximum** height of four (4) feet from finished grade **directly below the sign.**
- (E) The ~~maximum~~ sign area (text, logo, and symbols) **for a ground sign** shall not exceed thirty-five (35) percent of the overall ~~physical~~ dimensions of the sign structure.

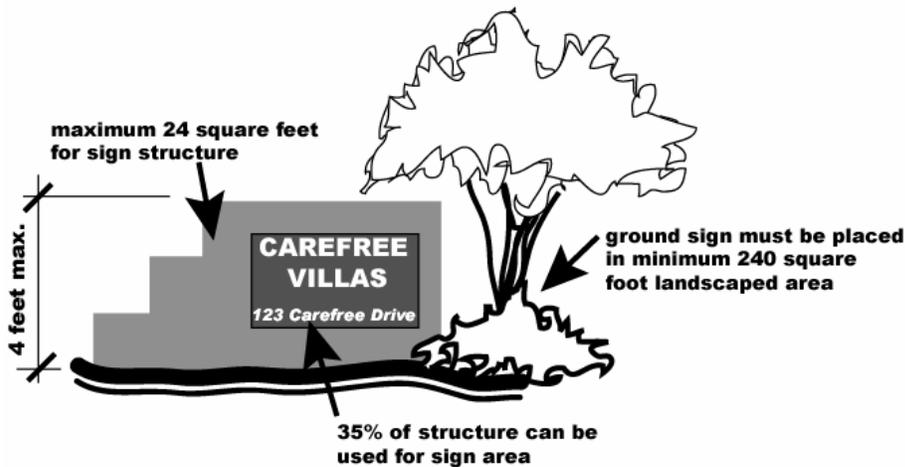


Figure 8.74: Example of ground sign.

- (F) ~~The~~ **A** ground sign may include the name of a ~~commercial~~ **multi-tenant complex**, residential subdivision or multi-family complex but shall not display the name and/or address of individuals within the respective uses. ~~However, the physical address of the commercial~~ **a multi-tenant complex** or multi-family complex may be placed on the sign ~~as illustrated in Figure 8.7.~~ **(See Figure 8.4, above.)**
- (G) ~~The~~ **A** ground sign may be illuminated by ~~either~~ **one of the following methods:**
 - 2) 1) ~~Directed~~ External lighting from a spot light directed onto the sign, provided the light source is shielded ~~to ensure it~~ **and** does not shine beyond the ~~text~~ sign area it is intended to illuminate ~~and each light source does not exceed 75 watts.~~

- 4) 2) Reverse pan channel text with halo lighting consisting of concealed lighting elements; ~~or.~~

~~(4) (4) IDENTIFICATION SIGNS shall be exempt from building permit provided the sign complies, **comply** with all provisions of Article VIII, and meets the following provisions **standards**:~~

~~(A) For single-family **all** residential uses:~~

- ~~1) One (1) identification sign is~~ **A maximum of two (2) identification signs are allowed for each lot, subject to the following:**

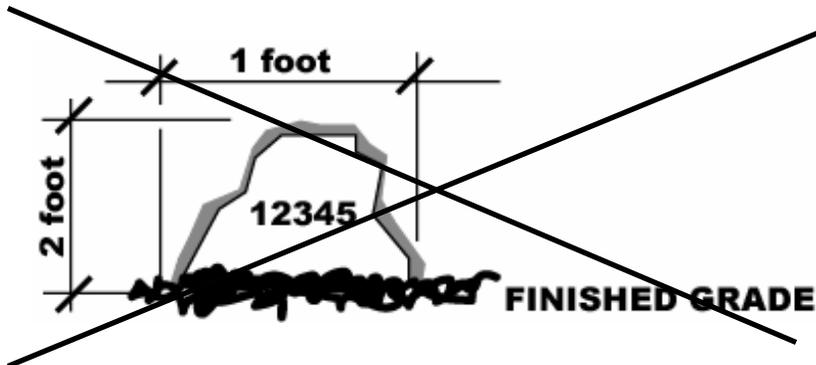
- ~~4) a) The One (1) identification sign~~ **displaying the address of the property shall be located at the driveway access and shall be visible from the street serving the property, which may be within the required yard (setback) area.**

- b) An identification signs displaying the name of the residence shall not be located in the required yard (setback).**

- c) Properties fronting more than one (1) street or having two (2) or more driveways may display up to two (2) identification signs within the setback if the content is limited to the address.**

- 2) The maximum **allowed** size of the identification sign **structure** shall ~~not exceed~~ **be** four (4) square feet ~~in sign area.~~ (Ord. #2007-05)

- 3) The identification sign may be freestanding but the height shall not exceed three (3) feet above finished grade **directly below the sign.**



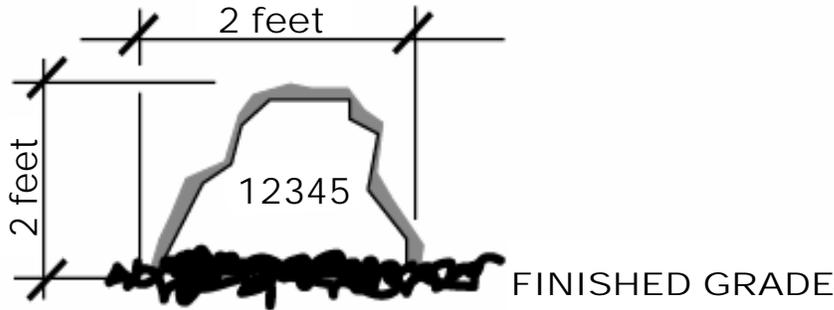
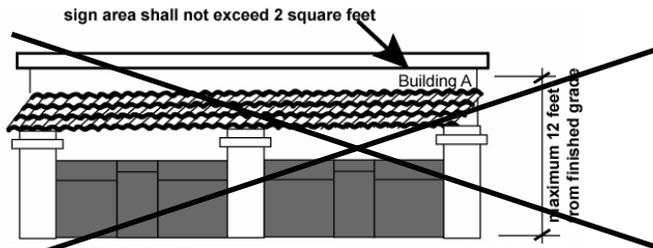


Figure 8.45: Example of single-family residential identification sign.

- ~~5) 4) The identification sign may be located in or project into the required yard (building setback) but shall not be located in, or project into, any street or alley.~~
 - ~~6) The identification sign shall be set back a minimum of one (1) foot from any property line.~~
 - ~~7) 5) The identification sign may be illuminated by external lighting provided the bulb does not exceed 25 watts, and the light source is shielded from view and does not shine beyond the sign it is intended to illuminate.~~
- (B) For ~~all uses other than single-family~~ **non-residential uses only:**
 - 1) One (1) identification sign is allowed for each building.
 - 2) **Two (2) identification signs are allowed for a building that fronts on more than one street.**
 - ~~2) 3) The maximum allowed size of the identification sign shall not exceed two (2) square feet in sign area letters and/or numbers shall be twelve (12) inch font.~~
 - 4) **An identification sign for a multi-tenant complex shall be subject to the following:**
 - a) **For the building, the maximum allowed size of the letters and/or numbers shall be twelve (12) inch font.**
 - b) **For each tenant, the maximum allowed size of the letters and/or numbers shall be six (6) inch font.**
 - ~~3) 5) The~~ **An identification sign shall be placed flat against the façade of a building. The top of the sign shall be no higher than twelve (12) feet above adjacent finished grade nor project above the roof line of the building. on the exterior wall of the building. It shall not project more than three (3) inches from the wall and/or above the building façade.**



~~FIGURE 8.2: Example of commercial identification sign.~~

~~4) 6) The~~ An identification sign may be illuminated by ~~either one of the following methods:~~

~~b) a) Directed External lighting from a spot light directed onto the sign, provided the light source is shielded to ensure it and does not shine beyond the sign area it is intended to illuminate and each light source does not exceed 75 watts.~~

~~a) b) Reverse pan channel text with halo lighting consisting of concealed lighting elements.~~

(5) MENU BOARD SIGNS shall be exempt from building permit, comply with all provisions of Article VIII, and meet the following standards:

(A) One (1) menu board shall be allowed per restaurant, whether it is an attached menu board or a sidewalk menu board.

(B) Menu board signs shall not be placed so as to obstruct any windows, doorways or other permanent signs.

(C) Menu board signs shall be made of rigid material of sufficient density so as to resist gusts of wind, including but not limited to high density urethane.

(D) The following requirements apply to ATTACHED menu boards.

1) A building mounted menu board sign shall be permanently affixed to the exterior wall or arcade column of a restaurant.

2) The maximum allowed size of the attached menu board sign shall be an area of ten (10) square feet, no more than four (4) feet high, and two and a half (2.5) feet wide.

3) The attached menu board sign shall not project more than three (3) inches from the exterior wall.

4) Attached menu boards shall be located a minimum of five (5) feet from any other permanent sign.

5) Attached menu board signs may be illuminated by external light directed onto the sign, provided the light source is shielded and does not shine beyond the sign area it is intended to illuminate.

- (E) The following requirements apply to a freestanding SIDEWALK menu board.
- 1) Sidewalk menu board signs may be an A-frame type sign and shall be placed on the property of the business/complex where the restaurant is located.
 - 2) Sidewalk menu board signs shall not obstruct pedestrian or vehicular passages.
 - 3) The maximum allowed size of the sidewalk menu board sign shall be an area of ten (10) square feet, no more than four (4) feet high and two and one-half (2.5) feet wide.
- (6) TENANT DIRECTORY SIGNS shall require a building permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) Tenant directory signs are only allowed on the subject property of a multi-tenant complex, and are subject to the following:
- 1) If the subject property is less than two (2) acres in size:
 - a) Only one (1) tenant directory sign is allowed.
 - b) It shall be located no further than fifteen (15) feet from the building and adjacent to an established pedestrian walkway.
 - 2) If the subject property is greater than or equal to two (2) acres in size:
 - a) A maximum of two (2) tenant directory signs are allowed, one (1) for each vehicular entry from a public street.
 - b) Each sign shall be oriented toward interior traffic within the property/development and shall be located a minimum of thirty (30) feet from the public right-of-way.
- (B) Tenant directory signs shall be located:
- 1) No closer than thirty (30) feet from a ground sign or any other tenant directory sign, and
 - 2) No closer than five (5) feet from any other temporary or permanent sign.
- (C) The maximum allowed dimensions of a tenant directory sign shall be an area of twelve (12) square feet, no more than four (4) feet high and (3) feet wide.
- (D) The tenant directory sign shall be constructed of a rigid material, including but not limited to high-density urethane. Other similar materials may be approved by the Zoning Administrator.

- (E) The maximum height of the letters or images on a tenant directory sign shall be limited to the following:
 - 1) Those identifying the name, logo and/or address for a multi-tenant complex shall be no more than twelve (12) inches in height.
 - 2) Those identifying the name and/or logo for each tenant shall be no more than eight (8) inches in height.
- (F) Tenant directory signs may be illuminated by external light directed onto the sign, provided the source is shielded and does not shine beyond the sign area it is intended to illuminate.
- (G) An ATTACHED tenant directory sign shall be placed on the exterior wall of the building. It shall not project more than three (3) inches from the wall and shall be located no higher than two (2) feet below the top of the building façade.
- (H) A FREESTANDING tenant directory sign shall meet the following requirements:
 - 1) Shall be permanently affixed to a post constructed of Cor-ten steel. Other similar materials may be approved by the Zoning Administrator.
 - 2) Shall not obstruct any sidewalk or vehicular passage.
 - 3) The maximum height shall be seven (7) feet measured from the top of the freestanding tenant directory sign and/or the post supporting it to finished grade directly below.

~~(5)~~ (7) WALL SIGNS, whether new or modified, shall require a building permit, comply with all provisions of Article VIII, and meets the following standards:

- (A) Are limited to the name, logo, and address of an office, commercial, hotel, or resort use.
- ~~(B) The maximum number of wall signs shall not exceed one (1) for each use within the building except if the building fronts onto a parking lot with a public entrance and backs onto an arterial street as defined in the Carefree General Plan or vice versa, then one (1) additional wall sign may be allowed subject to the following:

 - ~~1) If more than one wall sign occurs on a wall advertising a single tenant, it shall be approved by the Zoning Administrator and shall be designed as an integral part of the architecture of the building.~~
 - ~~2) If the building has frontage on a collector street or within 400 feet of an arterial street as defined in the Carefree General Plan, the Zoning Administrator shall approve the additional wall signs.~~~~
- (B) Each tenant within a building is allowed one (1) wall sign.

(C) If the building fronts on two (2) streets or can be viewed from an arterial street, one (1) additional wall sign is allowed on a different façade.

(D) ~~(B)3~~ The maximum **allowed** size for each a wall sign shall ~~meet the following criteria~~ **be as follows:**

- 1) ~~a)~~ For buildings less than 5,000 gross square feet in area, the sign **area** shall not exceed one (1) square foot ~~in sign area~~ for every three (3) linear feet of ~~building/use~~ **frontage associated with the subject tenant.**
- 2) ~~b)~~ For buildings 5,000 gross square feet or greater in area, the sign **area** shall not exceed one (1) square foot ~~in sign area~~ for every one (1) linear foot of ~~building/use~~ **frontage associated with the subject tenant.**

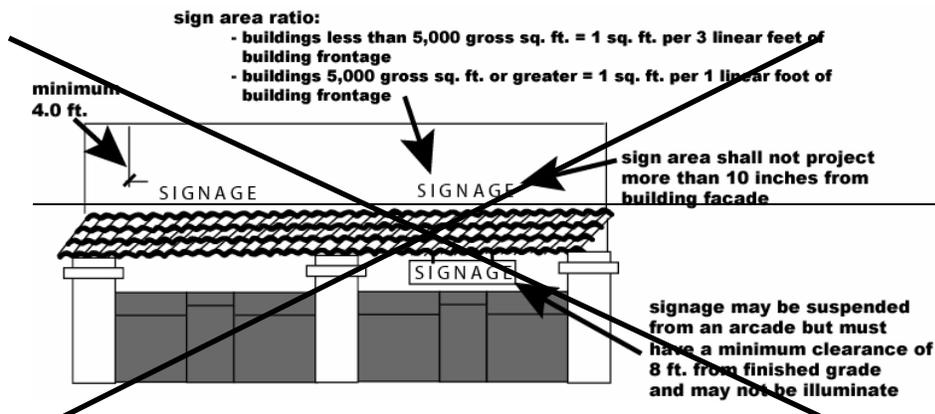
(E) Multi-tenant complexes that do not have a ground sign are allowed one (1) wall sign subject to the following:

- 1) The wall sign shall only identify the multi-tenant complex. It may include the name or address, but shall not display the name and/or address of individual tenants.
- 2) The maximum allowed size of the wall sign shall be an area of twenty-four (24) square feet, no more than four (4) feet high and six (6) feet wide.
- 3) The maximum allowed height of the individual letters or symbols on the wall sign shall be sixteen (16) inches.

~~(C)~~ (F) The top of the wall sign shall ~~not be higher than four (4) feet below the top of the wall~~ **be no higher than two (2) feet below the top of the building façade** to which it is affixed. ~~Additionally, the wall sign shall not be placed above the surface of the roof.~~

(G) For buildings of more than one story, the top of each wall sign shall not be located higher than the floor plate of the story directly above the associated tenant space.

~~(D)~~ (H) The ~~maximum projection from the wall surface shall not exceed ten~~ **(10) inches** wall sign shall not project more than ten (10) inches from the wall.

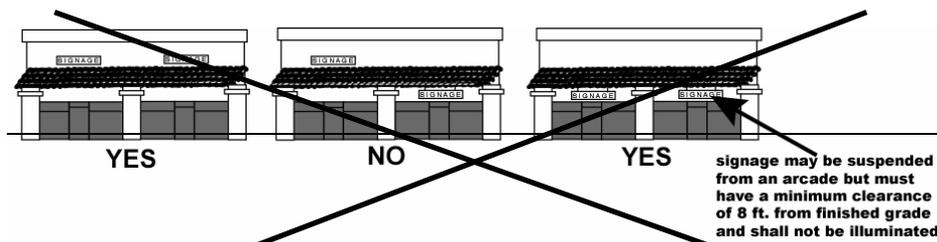


~~FIGURE 8.8: Example of wall sign.~~

(I) The wall sign shall be located no closer than five (5) feet from any other temporary or permanent sign unless otherwise approved by the Zoning Administrator.

~~(E) Signs suspended from an arcade are allowed and need not conform to the ten (10) inch wall projection limitation provided that:~~

- ~~1) The sign is a minimum of eight (8) feet above the finished grade.~~
- ~~2) The sign is not illuminated.~~
- ~~3) The sign complies with the maximum size requirements stated above in provision (5) (B) (3).~~
- ~~4) The sign is consistent with other signs on the building; for example, a building can not contain both signs on a building façade and suspended from an arcade (see Figure 8.9).~~
- ~~5) The sign does not obstruct pedestrian circulation under, around, or through the arcade.~~



~~FIGURE 8.9: Examples of acceptable wall signs and suspended signs.~~

~~(F) (J) The A wall sign may be illuminated by either one of the following methods:~~

- ~~2) 1) Directed External lighting from a spot light directed onto the sign, provided the light source is shielded to ensure it and does not shine beyond the text sign area it is intended to illuminate and each light source does not exceed 75 watts.~~
- ~~4) 2) Reverse pan channel text with halo lighting consisting of concealed lighting elements; or.~~

~~(6) (8) BANNER SIGNS, HORIZONTAL shall be exempt from building permit provided the sign complies shall require a temporary sign permit, complies comply with all provisions of Article VIII, and meets the following provisions standards:~~

- ~~(C)~~(A) No more than one (1) **horizontal banner sign shall be displayed on a property at any one time is allowed for each tenant occupying a minimum leasable area of five thousand (5,000) square feet. The banner must be displayed on the property where the event is scheduled to take place.**
- ~~(B)~~ The banner shall not exceed five (5) feet in length. No banner shall exceed a width of three (3) feet.
- ~~(H)~~(B) ~~A business shall not have both a sidewalk sign and a banner sign.~~ Businesses displaying a horizontal banner shall not also display a projecting vertical banner or sidewalk sign.
- (C) The horizontal banner sign shall be subject to the following standards:**
 - ~~(A)~~ 1) ~~The banner s~~ Shall be constructed of vinyl, cloth or similar material with folded and sewn edges.
 - 2) **The maximum size of the horizontal banner shall be an area of thirty-six (36) square feet, no more than three (3) feet high, and twelve (12) feet wide.**
 - 3) **If attached to a wall, shall be parallel with the wall to which it is affixed.**
 - ~~(D)~~ 4) ~~Banners placed on buildings s~~ Shall not be located on the rooftop. ~~or within four (4) feet of the top of a parapet.~~
 - 5) **Shall not be located higher than four (4) feet below the top of the building façade.**
 - ~~(E)~~ 6) ~~Banners hanging from arcades~~ If hanging from an arcade, shall have a minimum clearance of eight (8) feet and shall not obstruct pedestrian circulation.
 - ~~(G)~~ 7) Banners shall not be illuminated.
 - 8) **A maximum of four (4) temporary sign permits may be issued per calendar year for horizontal banners.**
 - ~~(F)~~ ~~Banners staked to the ground shall not exceed a height of three and one half feet (3.5) feet above the adjacent finished grade and shall not obstruct vehicular sight lines near or adjacent to street right of ways.~~
 - ~~(H)~~ ~~Effective January 5, 2010, a banner shall not be displayed for more than ten (10) consecutive days.~~
 - ~~(J)~~ ~~Prior to January 5, 2010, and prior to the placement of a banner sign, the principal of the business must complete and file the Town signage permit form and pay a \$5.00 permit fee per calendar month (may be permitted up to a maximum of 3 calendar months), through January 5, 2010, at which time, each business shall come into conformance with paragraph (H) of this subsection.~~

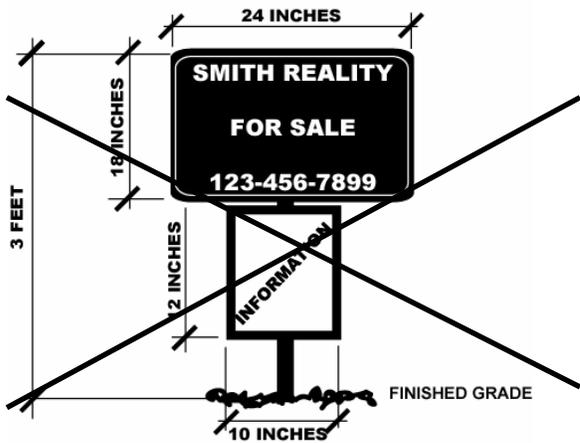
- (D) A non-profit 501(c)3 organization hosting a special event held on PRIVATE property shall be subject to the following standards for horizontal banners:
- 1) Horizontal banners related to a special event do not require a temporary sign permit but are regulated in association with the Special Event Permit.
 - 2) Horizontal banners related to a special event may be displayed on either private property or public right-of-ways as approved by the Zoning Administrator in association with the Special Event Permit.
 - 3) The maximum allowed size of a horizontal banner shall be an area of twelve (12) square feet, no more than three (3) feet high and four (4) feet wide.
 - 4) The top of a horizontal banner sign staked to the ground shall not exceed a height of five (5) feet above the finished grade directly below the sign and shall not obstruct vehicular sight lines if placed near or adjacent to street right-of-ways.
- (9) BANNER SIGNS, PROJECTING VERTICAL shall require a temporary sign permit, comply with all provisions of Article VIII, and meet the following standards:
- (A) One (1) projecting vertical banner sign shall be allowed for each tenant space.
 - (B) A maximum of two (2) projecting vertical banners shall be allowed for each tenant space with more than thirty-five (35) continuous feet of building exterior.
 - (C) Businesses displaying a projecting vertical banner shall not also display a horizontal banner or sidewalk sign.
 - (D) Projecting vertical banners shall be constructed of vinyl, cloth, or similar material with folded and sewn edges.
 - (E) Projecting vertical banners shall be:
 - 1) Located only on the exterior wall of the associated business, unless otherwise approved by the Zoning Administrator.
 - 2) Fastened to two (2) permanent brackets affixed perpendicular to a building support column or an exterior wall of the building.
 - 3) For all buildings, the top of the projecting vertical banner shall be no higher than one (1) foot below the top of the building façade to which it is affixed.

- 4) For buildings of more than one story, the top of each projecting vertical banner shall not be located higher than the floor plate of the story directly above the associated tenant space.
 - 5) So as not to obstruct pedestrian or vehicular circulation, projecting vertical banners shall have a minimum clearance of seven (7) feet from the bottom of the sign or brackets to finished grade directly below.
 - (F) Projecting vertical banners and/or brackets shall be removed when not permitted and/or not in use. The maximum projection of any remaining fixture shall not exceed three (3) inches.
 - (G) Projecting vertical banners shall be located no closer than eight (8) feet from other projecting vertical banners and five (5) feet from any other temporary or permanent sign.
 - (H) No projecting vertical banner shall be illuminated.
 - (I) The maximum allowed size of the projecting vertical banner shall be an area of twelve (12) square feet, four (4) feet high, measured from the bottom to the top of the sign and/or bracket, and three (3) feet wide, measured from the wall surface to the outermost edge of the sign and/or bracket.
 - (J) A maximum of four (4) temporary sign permits may be issued per calendar year for projecting vertical banners.
- (10) **OUTDOOR MERCHANDISE** shall be exempt from building permit, comply with all provisions of the Zoning Ordinance, and meet the following standards:
- (A) Outdoor merchandise shall relate to the primary use of the business and shall not be considered signage as otherwise allowed in Article VIII.
 - (B) Outdoor merchandise shall be located:
 - 1) No further than fifteen (15) feet from the building and adjacent to an established pedestrian walkway.
 - 2) Outdoor merchandise shall not extend more than fifty (50) percent along the linear length of the building façade.
 - 3) So as to not obstruct pedestrian or vehicular traffic.

~~(3)~~ (11) ~~TEMPORARY SIGNS~~ **REAL ESTATE SIGNS** shall be exempt from building permit ~~provided the sign~~, comply with all provisions of Article VIII, and meet the following ~~provisions~~ standards:

- ~~(A) For single family residential uses only:~~

- ~~1) One (1) for sale sign, one (1) open house sign, and one (1) contractor's sign are allowed on each lot.~~



~~FIGURE 8.4: Example of single family residential temporary sign.~~

- ~~2) The maximum size of the temporary sign shall not exceed four hundred and thirty two (432) square inches in area, for example, eighteen (18) inches by twenty four (24) inches as measured from outside of frame to outside of frame.~~

(A) The maximum allowed size of the real estate sign shall be three (3) square feet in area, for example, one and one half (1.5) feet by two (2) feet as measured from outside of frame to outside of frame.

- ~~4) No riders or attachments to any temporary sign are allowed except for one (1) enclosed information box with a maximum dimension of 2" x 10" x 12" or one (1) enclosed tube with a maximum dimension of 3" in diameter by 12" in length.~~

(B) Real estate signs shall have no riders or attachments, except that only "for sale" or "for lease" signs shall be allowed one (1) enclosed information box having maximum dimensions of 2" x 10" x 12" or one (1) enclosed tube having maximum dimensions of 3" in diameter by 12" in length.

- ~~3) Each temporary sign may be free standing and the maximum height of each sign or post shall be no higher than three (3) feet from finished grade.~~

- ~~7) Except for open house signs, all temporary signs shall be placed parallel with the street.~~

~~8) (C) Except for "open house" signs, all temporary signs~~ **real estate signs shall be mounted on single or double stakes or posts which shall be the only method of anchoring the sign to the ground. An "open**

house” sign shall be a sandwich or tent style with a maximum height of three (3) feet.

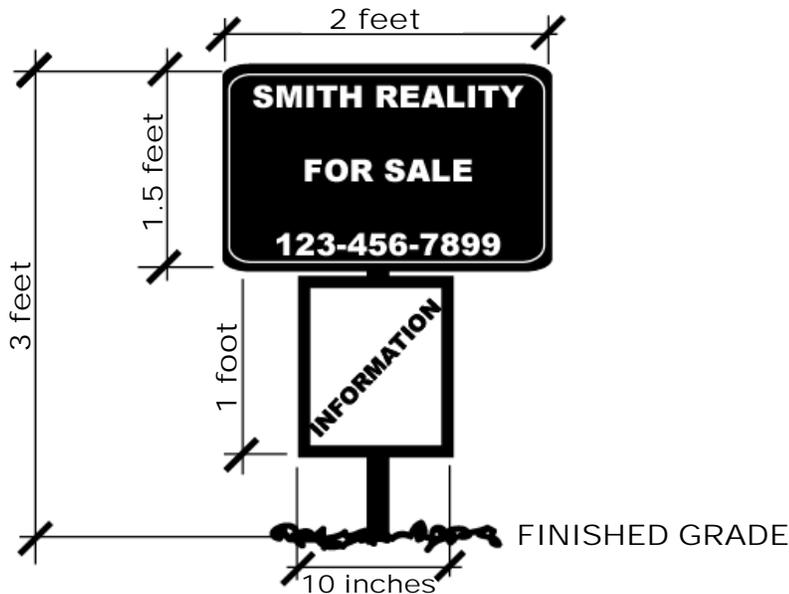


Figure 8.46: Example of single-family residential real estate sign.

- ~~(A)5~~ **(D)** ~~Any temporary sign~~ **Real estate signs** shall not be illuminated.
- ~~(A)6~~ **(E)** A contractor’s sign may only be displayed after a building permit has been issued and only during construction. It may include the name and telephone number of the general contractor and/or the architect but no other information.
- (F)** **“For sale” or “for lease” signs shall be removed within five (5) days after the sale or lease of the property or building.**
- ~~(A)9~~ **(G)** “Open house” signs are further ~~restricted~~ **regulated** as follows:
- 1) **An “open house” signs is allowed only for residential uses.**
 - ~~9)a)~~ **2) The An “open house” sign shall be a sandwich or tent style with a maximum height of three (3) feet.**
 - ~~9)b)~~ **3) An “open house” sign shall contain only the words “open house”, the name and/or logotype of the listing broker, and/or the address of the property, and/or an arrow.**
 - ~~9)c)~~ **4) An “open house” sign may be displayed placed on the property only during daylight hours and only when while the property owner or selling broker/representative is present at the open house.**

~~9)d)~~ **5) In addition to the one (1) onsite "open house" sign, up to 2 additional offsite "open house" signs located in the may be permitted in the Town rights-of-way may be permitted allowed as follows: with the same time restrictions as stated above in provision (9) (c). Those signs may include a directional arrow in addition to the words "Open House," the name and/or logotype of the listing broker, and the address of the property.**

~~9)d)~~ **a) Pursuant to Carefree Town Code Article 11-3, Section 11-3-3, a permit must be obtained from the Town prior to the placement of an open house sign permit is required for offsite "open house" signs.**

b) An offsite "open house" sign shall pertain only to a property located in the Town of Carefree.

c) Based on the location of the property, a maximum of five (5) offsite "open house" signs may be allowed. Starting from the associated arterial street, one (1) sign is allowed for each change of direction along the route. "Change of direction" shall mean a change in street name.

d) Regardless of the location of the property, up to two (2) offsite "open house" signs are allowed for any property in the Town of Carefree.

(H) For residential uses only:

1) One (1) "for sale" sign, one (1) "open house" sign and one (1) contractor's sign are allowed onsite for each subject lot, house, or unit.

2) A real estate sign may be freestanding or, for a condominium or townhouse unit, the sign may be placed in a window.

~~10)~~ **3) For a property in a residential NEW single-family subdivision or condominium or for a NEW townhouse complex only:**

~~a) For sale signs may contain only the name of the subdivision, the address of the property, and the name and/or logotype and phone number of the listing broker. Model home signs may contain only the words "Model Home," the address of the property, and a directional arrow. A contractor's sign may only be displayed after a building permit has been issued during construction. The sign may include the name and telephone number of the general contractor and/or the architect but no other information. All temporary signs shall be removed within five (5) days of close of escrow for the last lot or home.~~

~~b) On each lot or home in the subdivision, one (1) for sale sign, one (1) model home sign, and one (1) contractor's sign may be placed either flat against a wall, in which case~~

~~the top of the sign shall not exceed three (3) feet above adjacent finished grade nor project above the top of the wall; or it may be a freestanding sign with a maximum height of three (3) feet. All temporary signs shall be removed within five (5) days of close of escrow.~~

~~e) To advertise the entire subdivision, one (1) for sale sign, (1) model home sign and one (1) contractor's sign are allowed along each street frontage of the subdivision. The signs shall be free standing and the maximum height of the signs shall not exceed five (5) feet above the adjacent finished grade. The contractor's sign shall be removed upon completion of the subdivision improvements. The for sale and model home signs shall be removed within five (5) days of close of escrow for the last lot or home.~~

a) A "for sale" sign may contain only the name of the subdivision or complex, the address of the property, and the name and/or logotype and phone number of the listing broker.

b) A "model home" sign may contain only the words "model home," the address of the property, and a directional arrow.

c) To advertise the entire subdivision or complex, one (1) "for sale" sign, one (1) "model home" sign, and one (1) contractor's sign are allowed along each street frontage of the subdivision. Each sign shall be freestanding and the maximum height shall not exceed five (5) feet above finished grade directly below the sign.

4) In gated communities only, one (1) additional "for sale" sign may be displayed on common property at the entrance to the community, subject to the following:

a) The homeowners' association shall approve the additional sign.

b) The additional sign shall be either generic or branded by the homeowners' association, and no real estate company name shall be shown.

c) The sign shall not exceed a height of five (5) feet.

~~(B) (I) For all uses other than single family residential nonresidential uses only:~~

~~1) For an established, occupied residential condominium or townhouse complex, a maximum of one (1) for sale or lease sign and one (1) open house sign are allowed for each unit that is for sale or lease. All signs must be removed within five (5) days of the execution of the lease or close of escrow for the~~

~~unit they are advertising. For each unit that is for sale, up to two (2) additional offsite "Open House" signs may be permitted in the Town rights of way. These signs may include a directional arrow in addition to the words "Open House," the name and/or logotype of the listing broker, and the address of the property. The open house signs may be placed in the Town rights of way or on the property for sale only during daylight hours and only when the property owner or selling broker/representative is present at the open house. Pursuant to Carofree Town Code Article 11-3, Section 11-3-3, a permit must be obtained from the Town prior to the placement of offsite open house signs.~~

- ~~2) For a new residential condominium or townhouse complex under construction, one (1) for sale sign, one (1) model home sign, and one (1) contractor's sign are allowed for each street frontage of the project. The contractor's sign shall be removed upon completion of the development. The for sale sign and/or model home sign shall be removed upon close of escrow of the last unit. The for sale sign may contain only the name of the complex, the address of the property, and the name and/or logotype and phone number of the listing broker. The model home sign may contain only the words "Model Home(s)," the address of the property, and a directional arrow. The contractor's sign may include the name and telephone number of the general contractor and/or the architect but no other information.~~
- ~~3) For an office or commercial complex, one (1) for sale or for lease sign is allowed for each street frontage. The signs shall be free standing and the maximum height of the signs shall not exceed three (3) feet above adjacent finished grade. All signs must be removed within five (5) days of the execution of the lease or close of escrow for the building they are advertising.~~
- ~~4) The maximum size of each temporary sign shall not exceed four hundred and thirty two (432) square inches in area, for example, eighteen (18) inches by twenty four (24) inches, as measured from outside of frame to outside of frame.~~
- ~~5) A temporary sign shall not be illuminated.~~
- ~~6) A contractor's sign may only be displayed after a building permit has been issued and only during construction. It may include the name and telephone number of the general contractor and/or the architect but no other information. It shall be removed upon completion of the construction project.~~
- 1) One (1) "for sale" or "for lease" sign is allowed on the exterior wall or window of each unit that is for sale or for lease.**

- 2) A maximum of one (1) “for sale” or “for lease” sign and one (1) contractor’s sign are allowed for each street frontage for nonresidential properties with more than one tenant.
- 3) Nonresidential properties with more than two hundred (200) feet of frontage along an arterial road are permitted a maximum of two (2) “for sale” or “for lease” signs per street frontage.
- 4) The maximum height of a freestanding real estate sign shall not exceed five (5) feet above finished grade directly below the sign.
- 5) If the real estate sign is attached to a building, the top of the sign shall not project above the building façade.

(12) SIDEWALK SIGNS shall ~~be exempt from a building permit~~ **require a temporary sign permit**, ~~provided the sign complies~~ **comply** with all provisions of Article VIII, and meets the following ~~provisions~~ **standards**:

- (A) A sidewalk sign shall only be allowed when a banner sign is not feasible, as determined by the Zoning Administrator.
- ~~(D)~~(B) No more than (1) sidewalk sign is allowed for each business.
- (C) Sidewalk signs shall be constructed as follows:
 - 1) Of a minimum one-half (½) inch high density exterior grade compressed wood, including but not limited to Omega or Medium Density Overlay board.
 - 2) Of sufficient weight so as to resist wind gusts, storms, etc.
 - 3) Sidewalk signs shall not be constructed of paper, poster board, or cardboard.

~~(A)~~(D) ~~Any~~ A sidewalk sign ~~must~~ **shall** be placed on the subject property in which the business is located.

~~(B)~~(E) ~~Any~~ A sidewalk sign shall not obstruct any pedestrian walkway or public right-of-way.

~~(C)~~(F) ~~Any sidewalk sign shall not exceed~~ **The maximum allowed size shall be three and one-half (3.5) feet high by and two and one-half (2.5) feet in width wide.**

~~(G)~~ ~~Effective January 5, 2010, a sidewalk sign shall not be permitted.~~

~~(H)~~ ~~Prior to January 5, 2010, and prior to the placement of a sidewalk sign, the principal of the business must complete and file the Town signage permit form and pay a \$5.00 permit fee per calendar month (may be permitted up to a maximum of 3 calendar months) through January 5, 2010, at which time, each business shall come into conformance with paragraph (G) of this subsection.~~

- ~~(E)~~(G) No sidewalk sign shall be illuminated.
- ~~(F)~~(H) No sidewalk sign shall have riders, ~~or~~ balloons, ~~associated therewith~~ or other attachments.
- (I) **A maximum of four (4) temporary sign permits may be issued per calendar year for sidewalk signs.**

Section 8.04 General Regulations

- (1) Unless otherwise provided by this Article, all signs shall be located on the subject property.
- (2) **A temporary sign permit shall be issued for one (1) calendar month. For example, a permit issued on the first of the month will expire on the last day of that month; a permit issued on the 15th of the month will also expire on the last day of that month; etc.**
- ~~(2)~~ (3) Signs for a private guard or security company and/or “no trespassing” signs are allowed and do not require permits provided each sign does not exceed one (1) square foot in area and two (2) feet in height from finished grade **directly below the sign**. No more than two (2) signs per street frontage are allowed.
- ~~(3)~~ ~~All signs shall be removed from the property or be permanently obscured from view as follows:~~
 - ~~(A) Temporary signs shall be removed within five (5) working days of the execution of a lease or close of escrow for the sale of the subject property.~~
- ~~(3)~~(B) (4) All ground and/or wall signs that contain the name of **associated with** a business that has closed shall be removed **by the landlord or property owner** within five (5) working days of the date of closure.
- ~~(4)~~ (5) ~~All signs other than~~ **Except for wall signs, all signs** may be back-to-back (double-sided). Each side may not exceed the maximum dimension stated for each respective type of sign.
- ~~(5)~~ (6) **Unless otherwise provided by this article**, sign height shall be measured from the finished grade directly below the sign to the top of the sign. Fill shall not be added for the purpose of elevating the sign.
- ~~(6)~~ (7) **Unless otherwise provided by this article**, all freestanding signs shall be set back a minimum of one (1) foot from any property line.

Section 8.05 Prohibited Signs

The following signs are prohibited:

- (1) Illuminated signs, except as specifically allowed by this Ordinance.
- (2) **With the exception of “open” signs placed in a commercial window,** ~~Animated~~ signs that use movement ~~or a change of~~, lighting, **or animation** to

give the illusion of action ~~or movement~~ **are prohibited. Such signs, without limitation, include the following:**

- ~~(6)~~ **(A)** Revolving signs.
- ~~(7)~~ **(B)** Flashing signs with intermittent lighting and/or varying intensities of light, including a moving light or lights.
- ~~(11)~~ **(C)** Signs ~~that are~~ illuminated by **internal lighting or by lights that are** external but integral to the sign, such as bulbs or neon tubing that display a business logo or spell out the sign message.
- ~~(3)~~ ~~Projecting wall signs that extend out from the wall to which they are attached more than ten (10) inches.~~
- ~~(5)~~**(3)** Audible Signs that give off any sound.
- (4) Any sign located above the eaves or parapet or attached to the roof of a building.
- ~~(8)~~**(5)** Window signs, including pictures, symbols, or combinations thereof designed to communicate information about an activity, business, commodity, event, sale, or service, except those that are ~~both~~:
 - (A) For commercial uses only:**
 - ~~(A)~~ 1) Placed inside a window or upon the window panes or glass and visible from the exterior of the window and
 - ~~(B)~~ 2) Which, in combination, encompass no more than ten (10) square feet or twenty five percent (25%) of the subject window area, whichever is smaller.
 - (B) Otherwise provided for in Article VIII.**
- ~~(9)~~**(6)** Search lights or beacons.
- ~~(10)~~**(7)** Flags, pennants, tethered balloons, **or similar devices** used for commercial advertisement.
- ~~(12)~~**(8)** Signs attached to ~~light~~ utility poles or other structures or located on the ground within ~~the~~ right-of-ways of public or private streets, except as specifically allowed in this Ordinance or the Carefree Town Code.
- ~~(13)~~**(9)** Signs not expressly allowed in this Article.

Section 8.06 Signs Exempt from Regulation

The following types of signs are exempt from regulation provided they meet all other requirements of this Article:

- (1) Non-commercial flags: ~~with a maximum height of twenty four (24) feet above finished grade and flown between sunrise and sunset.~~
 - (A) **With a maximum height of twenty four (24) feet as measured from the top of the flagpole to finished grade directly below.**
 - (B) **That are less than an area of twenty-four (24) square feet in size and no more than four (4) feet high and six (6) feet wide.**
 - (C) **That are only** flown between sunrise and sunset.
- (2) - (4) No changes.
- (5) **Signs displayed by the Town of Carefree for government or other public purposes.**

Section 8.07 Nonconforming Signs

- (1) - (3) No changes.
- (4) Any nonconforming sign which has been damaged by fire, flood, explosion, earthquake, war, riot, or act of God may be reconstructed and used as before, if done within six (6) months of such calamity. The Town Council, after review and recommendation by the Development Review Board, may determine that further delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner ~~of the premises~~ and permit a reasonable extension of time for reconstruction. Any applicable regulations may be waived by the Town Council provided the restored sign is not more nonconforming than **that which** existed at the time of the calamity.
- (5) Any nonconforming sign which ceases to be used for a period exceeding six (6) months shall be removed or converted to a conforming sign (except as provided in the preceding paragraph). A nonconforming sign shall not be changed to a different nonconforming use. This shall not prevent a change in ownership of the **subject** nonconforming sign.

Article IX. GENERAL PROVISIONS

Section 9.12 Exterior Lighting

- (1) - (6) No changes.
- (7) Light ~~projected upwards onto~~ **illuminating** a sign **shall be shielded** and shall not project above, **below**, or beyond the sign area ~~including letters, logo, and/or symbol.~~
- (8) - (9) No changes.

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 sixty (60) 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 AND ADOPTED by the Common Council of the Town of Carefree, Arizona this 5th Day of January, 2010.

Ayes _____ Noes _____ Abstentions _____ Absent _____

TOWN OF CAREFREE, an
Arizona Municipal Corporation

David Schwan, Mayor

ATTEST:

Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:

Thomas K. Chenal, Town Attorney