

**ORDINANCE NO. 2016-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO ARTICLE II AND ARTICLE V OF THE TOWN OF CAREFREE ZONING ORDINANCE 10<sup>TH</sup> PUBLICATION; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN OF CAREFREE ZONING ORDINANCE; PROVIDING FOR SEPARABILITY; ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE TOWN OF CAREFREE ZONING ORDINANCE.**

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

Section 1: 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 Town of Carefree Zoning Ordinance.

Section 2: All ordinances and portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3: The Amendments are made to Article II, Section 2.02 of the Town of Carefree Zoning Ordinance and Article V, Section 5.02, Amended as follows (additions are shown in double underline, and deleted language is ~~crossed-out~~):

Section 2.02 Definitions

- (30) DWELLING, MULTIPLE -FAMILY: A building containing three (3) or more housekeeping units. ~~and used exclusively for residential occupancy.~~
- (31) DWELLING, SINGLE-FAMILY: A building designed for occupancy by one (1) housekeeping unit. ~~and used exclusively for residential occupancy.~~
- (32) DWELLING, TWO-FAMILY: A building designed for occupancy by two (2) housekeeping units in separate and distinct quarters. ~~and used exclusively for residential occupancy.~~
- (50) 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.
- ~~(93) 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.~~
- ~~(113) TIMESHARE: 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 timeshare.~~

~~(115) **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.~~

## Section 5.02 Additional Requirements and Clarifications

- (8) Mixed use residential and non-residential uses are permitted, pursuant to the following regulations (Ord. #2013-03):
  - (A) In existing buildings, one (1) or more residential dwelling unit(s) are allowed, subject to approval by the Zoning Administrator and the following criteria:
    - ~~6) Timeshares and/or transient use are prohibited.~~
    - 6)7) A minimum of two (2) onsite parking spaces per residential unit are required. Such spaces shall be specifically reserved for the associated residential units.
    - 7)8) Any improvements related to the residential units shall be designed such that the exterior of the building blends in with the architectural treatment, forms and style of the overall building. The intent is to establish the different uses within the subject building in a manner that ties them together in a whole, consistent appearance.

(B) A Conditional Use Permit is required to allow new mixed use commercial and residential condominiums within a Commercial zoning district, and shall meet the following minimum criteria:

3) The minimum size of each residential condominium shall be 1,200 square feet of livable area. A residential condominium plat shall be approved by the Planning and Zoning Commission. All units shall be used solely for residential occupancy. ~~Timeshare and transient use is prohibited.~~

Section 4: 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 5: The immediate operation of the provision of this Ordinance is necessary for the immediate preservation of the public peace, health and safety; and emergency is hereby declared to exist; and this ordinance shall be effective immediately and in full force and effect from and after its passage, adoption and approval by the Mayor and the Common Council of the Town of Carefree as required by law.

Section 6: The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein in to the Town of Carefree Zoning Ordinance, Carefree, Arizona.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 1st day of November, 2016.

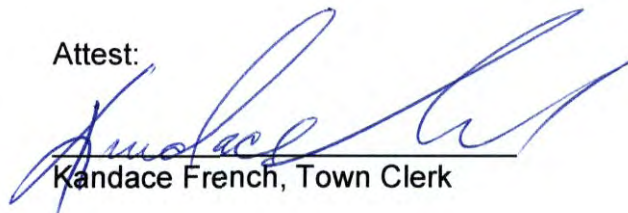
Ayes 7 Noes 0 Abstentions 0 Absent 0

TOWN OF CAREFREE



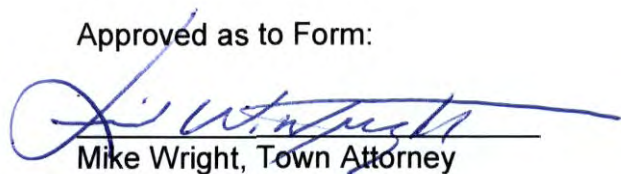
Les Peterson, Mayor

Attest:



Kandace French, Town Clerk

Approved as to Form:



Mike Wright, Town Attorney