

Revised TOCC Lighting Ordinances

March 4, 2024

Summary

The following proposed upgraded changes to the Town of Cave Creek's current lighting ordinances are comprised of revisions, additions, and deletions to Chapter 2 (Residential) and Chapter 3 (Non-Residential).

Each Chapter has a Final Proposed Ordinance document section and a Work Product document section (see color legend), created by Cave Creek Dark Sky (CCDS) from the current TOCC ordinances, written over a multi-month period, using comparative research from dark sky certified municipalities, and with the review and edited consultation from the staff of Dark Sky International (DSI).

COLOR LEGEND

FINAL PROPOSED Ordinance's - Chapters 2 & 3	Black
TOCC Original Ordinance's WORK PRODUCT	Black
CCDS Revisions	Red
DSI Edits	Blue
CCDS & DSI Revisions & Edits	Blue/Green

All changes are minor with the following exceptions:

1. Residential and Non-Residential Design Standards for shielding.
2. Holiday Lights would be allowed from November 15 – January 15.
3. All landscape lighting would be included in Light Trespass and Shielding requirements.
4. Added requirements to Non-Conforming Outdoor Lighting.
5. Lighting Terms and Definitions redefined to contemporary usage
6. Over a ten-year period, Major and Minor additions, modifications, replacements, and change of use, as well as non-conforming outdoor lighting provides the transitional language necessary for the TOCC to become a Dark Sky place.
7. Over a five-year period, all TOCC municipality buildings would be expected to comply with all Outdoor Lighting requirements.
8. PURPOSE: Revision to include the role of Cave Creek Dark Sky (CCDS) in assisting the TOCC with the pursuit and maintenance of dark sky lighting standards.

Town of Cave Creek Zoning Ordinance

Chapter 2 – Residential Zones

*Proposed Lighting Ordinance update and
clarification*

Final Version – February 26, 2024

Compiled and presented by



Reviewed and approved by



DarkSky
INTERNATIONAL

CHAPTER 2 – RESIDENTIAL ZONES

SECTION 2.0 RESIDENTIAL ZONES

A. For the purpose of this Ordinance, land that is inside the corporate limits of the Town of Cave Creek (*“the Town”*) is hereby classified into the following residential zones as shown in *Appendix C – Town of Cave Creek Zoning Map*:

1. Desert Rural (**DR**) Zones
2. Single Residence (**R**) Zones
3. Multiple Residence (**MR**) Zone

SECTION 2.1 DESERT RURAL (DR) ZONES

A. **Purpose:** The purpose of the Desert Rural (**DR**) zone is to prevent urban and desert land use conflicts by protecting scenic vistas, protecting natural habitats and natural features such as hillsides and washes, and to ensure that residential development is harmonious and sensitive to the natural environment.

B. **Allowable Uses:**

1. One (1) principal residential dwelling unit per lot of record.
2. Private Ranch uses subject to the following:
 - a. The site must contain an area of not less than two (2) contiguous acres under single ownership.
 - b. Permitted **PRIVATE RANCH** uses include the keeping of ranch animals for the following:
 - (1) Boarding.
 - (2) Breeding.
 - (3) Equine training.
 - (4) Equine lessons.
 - (5) The sale of ranch animals.
 - (6) 4H and other youth-related activities.

- c. Private ranch uses **do not** include the following:
 - (1) Dairies.
 - (2) Liveries.
 - (3) Livestock sale barns.
 - (4) The retail sale of hay, feed or tack.
 - (5) Ranch activities open to the general public and for which an entry fee or donation is charged.
 - (6) Animal shelter.

 - d. A private ranch is permitted five (5) large and ten (10) medium ranch animals per acre up to five (5) acres. Thereafter, an additional two (2) large and four (4) medium ranch animals are allowed for each acre. A private ranch is allowed up to twenty (20) small ranch animals per acre with the exception of pets.
- 3. Detached accessory living quarters, accessory buildings, and associated accessory uses including alternative energy systems.
 - 4. Public and private open space.
 - 5. Public utilities, including but not limited to; water, wastewater gas, electricity, telephone and cable television.
 - 6. Public parks and recreational facilities.
 - 7. Factory Built and Modular Buildings which comply with the *International Building Code* (“*the IBC*”).
 - 8. Churches and places of worship.
 - 9. Community residence. Except as required by state law, a community residence shall be permitted only when
 - a. It is located at least 660 linear feet or seven lots, whichever is greater, from the closest existing community residence as measured from the nearest lot line of the proposed community residence to the nearest lot line of the closest existing community residence, and

- b. The community residence or its operator is granted:
 - (1) Any available license or certification that the State of Arizona requires to operate the proposed community residence within 120 days of the date on which the first individual occupies the community residence; or
 - (2) If not required to be licensed by the State of Arizona, certification by the Arizona Recovery Housing Association within 120 days of the date on which the first individual occupies the community residence, or
 - (3) A “conditional” Oxford House Charter within 30 days of the date on which the first individual occupies the Oxford House and a “permanent” Oxford House Charter within 180 days after the “conditional” charter was issued.
- c. A community residence that is denied a license that the State of Arizona requires or had its license suspended or revoked, been denied certification by the Arizona Recovery Housing Association or had its certification suspended or revoked, or been denied a permanent Oxford House Charter or had its Oxford House Charter revoked or suspended, is not allowed in the Town of Cave Creek and must cease operation and vacate the premises within 30 days of the date on which its license, certification, or Oxford House Charter is denied, suspended, or revoked. Each community residence must provide evidence to the Planning Director that it has been granted its license, certification, or Oxford House Charter within ten business days of the annual anniversary of being granted zoning approval.
- d. No more than ten individuals occupy the community residence.
- e. Except as required by state law, a proposed community residence must obtain a Disability Accommodation in accord with Section 14.3C.11 of this code when:
 - (1) It would be located within 660 linear feet or seven lots, whichever is greater, from the closest existing community residence as measured from the nearest lot line of the proposed community residence to the

nearest lot line of the closest existing community residence; or

- (2) The State of Arizona, Arizona Recovery Housing Association, and Oxford House do not offer a license, certification, or Oxford House charter for the proposed community residence; or
- (3) More than ten individuals would occupy the community residence.

C. Uses Subject to Special Use Approval:

1. Bed and breakfast Inns, subject to the following requirements:
 - a. No more than five (5) guest bedrooms are allowed.
 - b. One (1) off-street, non-tandem parking space is required per bedroom.
 - c. The operator of the Bed & Breakfast Inn shall live on the premises.
 - d. The Bed & Breakfast Inn shall be limited to short term occupancy only.
2. Commercial Ranches, subject to the following requirements:
 - a. Shall contain an area of not less than five (5) contiguous acres.
 - b. Allowed uses include the following:
 - (1) All allowed private ranch uses;
 - (2) Polo fields;
 - (3) Riding arenas used for scheduled public or club events for activities such as:
 - (a) Barrel racing;
 - (b) Bull riding;
 - (c) Cutting;
 - (d) Gymkhanas;
 - (e) Roping;
 - (f) Team penning;
 - (g) Horse shows;
 - (h) Other rodeo related activities.

- c. Uses not allowed include the following:
 - (1) Dairies;
 - (2) Liveries;
 - (3) The retail sale of hay, feed or tack;
 - (4) Livestock auctions;
 - (5) The raising of swine, except for potbellied pigs kept as household pets.
- d. All livestock structures, containment areas, and facilities used for the stabling, storing, showing or training of livestock shall comply with all required yard setbacks as outlined for the associated zoning district.
- e. All manure storage shall be set back a minimum of sixty feet (60') from all property lines.
- f. The operator of the commercial ranch shall live on the premises.
- g. Commercial ranches require direct access to, at a minimum, a designated collector road (as defined within town of cave creek technical design guideline #2 – transportation).
- h. On-site unpaved parking for daily activities, shows and special events is preferred. No associated parking shall be allowed within the public rights-of-way.
- i. All livestock turnout areas and pens shall be enclosed with fences. The design and location of these enclosures shall be shown on the required site plan submitted with the special use application.
- j. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and fly impacts on adjacent parcels, shall be provided at the time of special use application submittal.
- k. The applicant/owner shall provide a specific program for fly control in barn and stable areas, which minimizes the attraction to and successful breeding of flies at the time of special use application submittal.
- l. The applicant/owner shall provide a specific program for dust control for all activity and pasture areas, including parking areas, at the time of special use application submittal.

m. Failure to maintain any of the requirements described above is grounds for revocation of the special use approval.

3. Antennas owned and operated by Federal Communication Commission (“*the FCC*”) licensed members.
4. Public and quasi-public uses, including but not limited to; libraries, museums, fire stations, police stations, schools and playgrounds.
5. Mounted shooting.

D. Divisions:

1. **DR-190:** 190,000 square feet per lot (minimum lot size).
2. **DR-89:** 89,000 square feet per lot (minimum lot size).
3. **DR-70:** 70,000 square feet per lot (minimum lot size).
4. **DR-43:** 43,000 square feet per lot (minimum lot size).

E. Bulk Regulations:

ZONE	MAX. BUILDING HEIGHT		MIN. YARD SETBACKS (feet)		LOT AREA & LOT WIDTH	
	STORIES	FEET	FRONT & REAR YARD (feet)	SIDE YARD (feet)	MIN. LOT AREA (square feet)	MIN. LOT WIDTH (feet)
DR-190	2	25	60	30	190,000	300
DR-89	2	25	60	30	89,000	250
DR-70	2	25	60	30	70,000	250
DR-43	2	25	40	20	43,000	145

TABLE 2.1

Notes: 1. The maximum building height is the calculated distance from original natural grade to the highest point on the roof through any section

F. Lot Coverage and Land Disturbance Regulations:

ZONE	MAX. LOT COVERAGE	MAX. TOTAL LOT DISTURBANCE as a % of the GROSS LOT AREA (Lot Coverage + Disturbance)	MAX. TOTAL HILLSIDE LOT AREA DISTURBANCE as a % of the GROSS HILLSIDE AREA (Lot Coverage + Disturbance)
DR-190	10%	10% coverage + 65% disturbance = 75%	10% coverage + 5% disturbance = 15%
DR-89	10%	10% coverage + 65% disturbance = 75%	10% coverage + 10% disturbance = 20%
DR-70	10%	10% coverage + 65% disturbance = 75%	10% coverage + 10% disturbance = 20%
DR-43	15%	15% coverage + 60% disturbance = 75%	15% coverage + 15% disturbance = 30%

TABLE 2.2

- Notes: 1. Total land disturbance is inclusive of lot coverage as well as disturbance areas for accessory uses, driveways and septic systems. Lots located within a hillside area shall comply with the disturbance limitations as set forth within the Hillside regulations of this Ordinance.
2. Lot coverage and lot disturbance limits are not interchangeable or transferable and each category must stand on its own.

SECTION 2.2 SINGLE RESIDENCE (R) ZONES

- A. **Purpose:** The purpose of the Single Residence (**R**) zone is to conserve and protect residential areas intended for single residential dwelling unit uses, taking into consideration existing conditions, current land use, lot sizes, and future land use needs.
- B. **Allowable Uses:**
1. One (1) principle residential dwelling unit per lot of record.
 2. Accessory buildings and accessory uses including alternative energy systems.
 3. Detached accessory living quarters are **not** allowed.
 4. Public and private open space.
 5. Public utilities, including but not limited to; water, wastewater gas, electricity, telephone and cable television.
 6. Public parks and recreational facilities.
 7. Factory Built and Modular Buildings which comply with the IBC.
 8. Churches and places of worship.

9. Community residence. Except as required by state law, a community residence shall be permitted only when
 - a. It is located at least 660 linear feet or seven lots, whichever is greater, from the closest existing community residence as measured from the nearest lot line of the proposed community residence to the nearest lot line of the closest existing community residence, and
 - b. The community residence or its operator is granted:
 - (1) Any available license or certification that the State of Arizona requires to operate the proposed community residence within 120 days of the date on which the first individual occupies the community residence; or
 - (2) If not required to be licensed by the State of Arizona, certification by the Arizona Recovery Housing Association within 120 days of the date on which the first individual to occupy the community residence; or
 - (3) A “conditional” Oxford House Charter within 30 days of the date on which the first individual occupies the Oxford House and a “permanent” Oxford House Charter within 180 days after the “conditional” charter was issued.
 - c. A community residence that is denied a license that the State of Arizona requires or had its license suspended or revoked, been denied certification by the Arizona Recovery Housing Association or had its certification suspended or revoked, or been denied a permanent Oxford House Charter or had its Oxford House Charter revoked or suspended, is not allowed in the Town of Cave Creek and must cease operation and vacate the premises within 30 days of the date on which its license, certification, or Oxford House Charter is denied, suspended, or revoked. Each community residence must provide evidence to the Planning Director that it has been granted its license, certification, or Oxford House Charter within ten business days of the annual anniversary of being granted zoning approval.
 - d. No more than ten individuals occupy the community residence.

- e. Except as required by state law, a proposed community residence must obtain a Disability Accommodation in accord with Section 14.3C.11 of this code when:
 - (1) It would be located within 660 linear feet or seven lots, whichever is greater, from the closest existing community residence as measured from the nearest lot line of the proposed community residence to the nearest lot line of the closest existing community residence; or
 - (2) The State of Arizona, Arizona Recovery Housing Association, and Oxford House do not offer a license, certification, or Oxford House charter for the proposed community residence; or
 - (3) More than ten individuals would occupy the community residence.

C. Uses Subject to a Special Use Approval:

- 1. Antennas owned and operated by FCC licensed members.
- 2. Public and quasi-public uses, including but not limited to; libraries, museums, fire stations, police stations, schools and playgrounds.

D. Divisions:

- 1. **R-35:** 35,000 square feet per lot (minimum lot size)
- 2. **R-18:** 18,000 square feet per lot (minimum lot size)

E. Bulk Regulations:

ZONE	MAX. BUILDING HEIGHT		MIN. YARD SETBACKS <i>(feet)</i>		LOT AREA & LOT WIDTH	
	STORIES	FEET	FRONT & REAR YARD <i>(feet)</i>	SIDE YARD <i>(feet)</i>	MIN. LOT AREA <i>(square feet)</i>	MIN. LOT WIDTH <i>(feet)</i>
R-35	2	25	40	20	35,000	145
R-18	2	25	30	Interior = 10 Street = 20	18,000	120

TABLE 2.3

Notes: 1. The maximum building height is the calculated distance from original natural grade to the highest point on the roof through any section.

F. Lot Coverage and Land Disturbance Regulations:

ZONE	MAX. LOT COVERAGE	MAX. TOTAL LOT DISTURBANCE as a % of the GROSS LOT AREA (Lot Coverage + Disturbance)	MAX. TOTAL HILLSIDE LOT AREA DISTURBANCE as a % of the GROSS HILLSIDE AREA (Lot coverage + Disturbance)
R-35	20%	20% coverage + 55% disturbance = 75%	20% coverage + 20% disturbance = 40%
R-18	25%	25% coverage + 50% disturbance = 75%	25% coverage + 25% disturbance = 50%

TABLE 2.4

Notes: 1. Total land disturbance is inclusive of lot coverage as well as disturbance areas for accessory uses, driveways and septic systems. Lots located within a hillside area shall comply with the disturbance limitations as set forth within the Hillside regulations of this Ordinance.

2. Lot coverage and lot disturbance limits are not interchangeable or transferable and each category must stand on its own.

SECTION 2.3 MULTIPLE RESIDENCE (MR) ZONE

A. **Purpose:** The purpose of the multiple residence zone is to encourage multiple residential dwelling units to be located in areas that are suitable and appropriate, taking into consideration existing conditions and future needs. This zone is intended for long-term residential uses. All Multiple Residence (**MR**) zoned properties, regardless of size, require approval of a *Site Plan* by the Town Council (*“the Council”*) upon recommendation by the Planning Commission (*“the Commission”*).

B. **Allowable Uses:**

1. One (1) detached single residential dwelling unit per lot of record.
2. Multiple residential dwelling units and associated offices subject to Ordinance regulations and *Site Plan* approval.
3. Accessory buildings and accessory uses, including alternative energy systems, for the exclusive use of on-site residents.
4. Public and private open space.
5. Public utilities, including but not limited to; water, wastewater, gas, electricity, telephone and cable television.
6. Public parks and recreational facilities.
7. Factory Built and Modular Buildings which comply with the IBC.
8. Churches and places of worship.

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9. Community residence. Except as required by state law, a community residence shall be permitted only when
 - a. It is located at least 660 linear feet or seven lots, whichever is greater, from the closest existing community residence as measured from the nearest lot line of the proposed community residence to the nearest lot line of the closest existing community residence, and
 - b. The community residence or its operator is granted:
 - (1) Any available license or certification that the State of Arizona requires to operate the proposed community residence within 120 days of the date on which the first individual occupies the community residence; or
 - (2) If not required to be licensed by the State of Arizona, certification by the Arizona Recovery Housing Association within 120 days of the date on which the first individual occupies the community residence; or
 - (3) A “conditional” Oxford House Charter within 30 days of the date on which the first individual occupies the Oxford House and a “permanent” Oxford House Charter within 180 days after the “conditional” charter was issued.
 - c. A community residence that is denied a license that the State of Arizona requires or had its license suspended or revoked, been denied certification by the Arizona Recovery Housing Association or had its certification suspended or revoked, or been denied a permanent Oxford House Charter or had its Oxford House Charter revoked or suspended, is not allowed in the Town of Cave Creek and must cease operation and vacate the premises within 30 days of the date on which its license, certification, or Oxford House Charter is denied, suspended, or revoked. Each community residence must provide evidence to the Planning Director that it has been granted its license, certification, or Oxford House Charter within ten business days of the annual anniversary of being granted zoning approval.
 - d. No more than ten individuals occupy the community residence.

- e. Except as required by state law, a proposed community residence must obtain a Disability Accommodation in accord with Section 14.3C.11 of this code when:
 - (1) It would be located within 660 linear feet or seven lots, whichever is greater, from the closest existing community residence as measured from the nearest lot line of the proposed community residence to the nearest lot line of the closest existing community residence; or
 - (2) The State of Arizona, Arizona Recovery Housing Association, and Oxford House do not offer a license, certification, or Oxford House charter for the proposed community residence; or
 - (3) More than ten individuals would occupy the community residence.

C. Uses Subject to a Special Use Approval:

- 1. Antennas owned and operated by FCC licensed members.
- 2. Public and quasi-public uses, including but not limited to; libraries, museums, fire stations, police stations, schools and playgrounds.

D. Emergency Vehicle Access: All Multiple Residence (**MR**) developments containing eight (8) or more dwelling units shall provide an alternate emergency vehicle access in addition to the developments primary access.

E. On-Site Play Area: All Multiple Residence (**MR**) developments shall provide an on-site play area for the benefit of the residents.

F. Bulk Regulations:

ZONE	MAX. BUILDING HEIGHT		MIN. YARD SETBACKS (feet)		LOT AREA & LOT WIDTH	
	STORIES	FEET	FRONT & REAR YARD (feet)	SIDE YARD (feet)	MIN. LOT AREA (square feet)	MIN. LOT WIDTH (feet)
MR	2	25	Front – 20 Rear - 25	Interior – 5 Street - 20	6,000	60

TABLE 2.5

Notes: 1. The maximum building height is the calculated distance from original natural grade to the highest point on the roof through any section.

G. Lot Coverage and Land Disturbance Regulations:

ZONE	MAX. LOT COVERAGE	MAX. TOTAL LOT DISTURBANCE as a % of the GROSS LOT AREA (Lot Coverage + Disturbance)	MAX. TOTAL HILLSIDE LOT AREA DISTURBANCE as a % of the GROSS HILLSIDE AREA (Lot Coverage + Disturbance)
MR	50% 40%(hillside)	0 to .99 ac - 50% + 25% = 75% 1.00 to 1.99 ac - 50% + 20% = 70% 2.00 ac + - 50% + 15% = 65%	40% coverage + 10% disturbance = 50%

TABLE 2.6

Notes: 1. Total land disturbance is inclusive of lot coverage as well as disturbance areas for accessory uses, driveways and septic systems. Lots located within a hillside area shall comply with the disturbance limitations as set forth within the Hillside regulations of this Ordinance.

2. Lot coverage and lot disturbance limits are not interchangeable or transferable and each category must stand on its own.

SECTION 2.4 GENERAL REGULATIONS:

A. Accessory Buildings and Uses:

1. General:

- a. Construction of residential accessory buildings, or uses, excluding private access roads or driveways, shall not be commenced on a parcel until a *Building Permit* for the construction on the principal use or building has been issued. *Building Permits* for residential accessory buildings and detached accessory living quarters may be processed concurrently with the *Building Permit* for the principal use or building.
- b. Prior to the establishment of residential accessory buildings, detached accessory living quarters or accessory uses the property owner shall be required to obtain a *Zoning Clearance* in addition to all necessary *Building Permits*.
- c. The following uses are restricted to the Desert Rural (**DR**) residential zones:
 - (1) Detached accessory living quarters
 - (2) Corrals
 - (3) Barns
 - (4) Horse shades
 - (5) Other private ranch uses incidental to the principal residential use.

d. The following uses are allowed within all residential zones:

- (1) Accessory buildings
- (2) Swimming pools
- (3) Garages
- (4) Sport courts
- (5) Alternative energy systems
- (6) Other uses incidental to the principal residential use.

2. Accessory Buildings:

- a. Non-residential accessory buildings shall not be used for dwelling purposes.
- b. Residential accessory buildings and detached accessory living quarters shall occupy the same parcel as the principal use or building and shall be located within the buildable area of the lot.

B. Fences and Walls:

1. General:

- a. No fence, wall and/or gate shall be constructed without first obtaining a *Zoning Clearance* from the Town.
- b. In Single Residence (**R**) and Multiple Residence (**MR**) zones all fences and walls shall be set back so as to provide for adequate space to construct the wall footings without encroaching on adjacent property.
- c. Unless specified otherwise in this Ordinance, fences and walls located outside of the buildable area of a parcel shall not exceed six feet (6') in height (as measured from original natural grade).
- d. Erection or construction of fences exceeding five and a half feet (5.5') in height or walls exceeding four feet (4') in height (as measured from the bottom of the footing) shall require both a *Zoning Clearance* and a *Building Permit*.

2. In Desert Rural (DR) all fences including corral fences shall be set back a minimum of twelve feet (12') from any property line. Any fencing placed in excess of twenty-five feet (25') from the property line, not exceeding five and a half feet (5.5') in height (as measured from grade), permeable to the elements, incapable of retaining earth, and not used as a pool barrier shall be exempt from requiring a *Zoning Clearance*.

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3. Construction of any fence or wall four feet (4') or greater in height (as measured from the bottom of the footing) shall require a *Building Permit*.
 - a. Reference *Chapter 7* of this Ordinance - *General Hillside Regulations* for additional fence and/or wall regulations.
 4. Fences surrounding a swimming pool shall comply with the pool barrier requirements as stated within the *Town Code*.
 5. Fences surrounding a sport court may not exceed twelve feet (12') in height (measured from grade to the top of the fence pole) and must be set within the buildable area of a lot.

C. Additional Height Regulations:

1. Chimneys, church steeples, ornamental towers or spires, antennas, architectural embellishments, wireless or amateur towers, flag poles and mechanical appurtenances necessary to operate and maintain the building, may be erected to a height not exceeding thirty feet (30').
2. Reference *Chapter 7* of this Ordinance - *General Hillside Regulations* for additional *Height Limit* regulations.

D. Home Occupations:

1. *Home Occupation Permits* may be approved by the Zoning Administrator for any parcel provided the home occupation is conducted by a resident thereof and is clearly subordinate and incidental to the residential use.
2. The following home occupations are permitted subject to the provisions of this section:
 - a. Office, professional or trades business.
 - b. Service business.
 - c. Instructional service.
 - d. Repair service.
 - e. Arts and crafts business.
 - f. Day Care involving part-time care and/or instruction, whether or not for compensation, of six (6) or fewer individuals at any time within a dwelling, not including members of the family residing on the premises.

3. The operation of a home occupation requires prior approval of a *Home Occupation Permit* and acquisition of a *Town of Cave Creek Business License*.
4. The following standards apply to all Home Occupations:
 - a. Home occupations shall be conducted wholly within a dwelling unit, except that, in the Desert Rural (**DR**) and Single Residence (**R**) zones, an existing accessory building located within the buildable area of the side or rear yard may be utilized for home occupation purposes.
 - b. Any exterior change to a residence or site which does not conform to the residential appearance is prohibited. This includes but is not limited to signage, lighting, parking, and associated equipment/material installation and storage.
 - c. Other than the inhabitants of the residence, no more than one full time (40 hours per week) person may be employed in the operation of a home occupation.
 - d. Adequate off-street parking must be provided for customers. However, parking or traffic excess, in size or frequency, and which creates a nuisance, is prohibited.
 - e. Any activity which produces noise, litter, vibration, glare, fumes, odors, dust or electrical interference of a non- residential nature and that is measurable at or beyond the property line is prohibited.

E. Landscape Requirements - Desert Rural (DR) & Single Residence (R) Zones:

1. Reference *Chapter 8* of this Ordinance for additional *General Landscape Regulations*.
2. All parcels or lots within the Desert Rural (**DR**) zones shall include a Native Habitat Corridor ("*the NHC*") that shall be twelve feet (12') in width and that is measured inward from all property lines. The NHC shall be left in an undisturbed natural state. Revegetation of any previously disturbed area within the NHC shall be required and shall only be revegetated with appropriate plants as identified within the *Town of Cave Creek Technical Design Guideline Number 4 - Landscaping*.

Exceptions:

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- a. Town approved driveway access
 - b. Utility service lines
 - c. Identification of property boundary lines by utilizing markers separated by a minimum linear distance of forty feet (40') and limited to the following:
 - (1) Rock cairns constructed with native materials and with a maximum height of three feet (3'), measured from original natural grade.
 - (2) Native trees and cacti (see the Town of Cave Creek *Technical Design Guideline Number 4 – Landscaping*).
 - d. Public pedestrian, equestrian and non-motorized vehicular trails.
 - e. Street addressing signs.
3. Land disturbance areas shall be limited to the percentage outlined within the zoning regulations that govern the specific parcel or lot.
 4. The entire parcel or lot outside the land disturbance area is not allowed to be disturbed per zoning district requirements and shall remain in a natural state. The NHC is included in the undisturbed area calculation. Revegetation and/or supplemental vegetation of this undisturbed area, with plant materials from the appropriate plant list as identified within the Town of Cave Creek *Technical Design Guideline Number 4 - Landscaping* may be permitted provided a *Landscape Plan* is submitted and approved by the Town.
 5. A *Native Plant Inventory Plan* and *Landscape Plan* shall be submitted to the Town for review and approval as part of the *Building Permit* submittal package.
 6. If a lot has been previously disturbed, the revegetation of the lot shall follow the requirements as established within the Town of Cave Creek *Technical Design Guideline Number 4 - Landscaping*.
 7. Landscaping within the front yards, visible from a public street or private road and from adjacent properties shall only use plants from the appropriate plant list as identified within the Town of Cave Creek *Technical Design Guideline Number 4 - Landscaping*.
- F. Landscape Requirements – Multiple Residence (MR) Zone:**
1. Reference *Chapter 8* of this Ordinance for additional *General Landscape Regulations*.

2. General Landscape Requirements: The following requirements shall apply to all development/building projects within the Multiple Residence (**MR**) zone. Additional requirements for specific frontage landscape or streetscape shall be as identified within the Town of Cave Creek *Technical Design Guideline Number 4 – Landscaping*.
3. A *Native Plant Inventory Plan* and a *Landscape Plan* shall be submitted to the Town, for review and approval as part of the *Site Plan* review submittal package. All landscaping shall be installed per approved plans and prior to the issuance of a *Certificate of Occupancy*.
4. All undisturbed areas shall remain in a natural state. Revegetation and/or supplemental vegetation of this undisturbed area are allowed pursuant to the *Native Plant Inventory Plan* and a *Landscape Plan*. Only those plant species found in the appropriate plant list as identified within the Town of Cave Creek *Technical Design Guideline Number 4 – Landscaping* shall be allowed.
5. The minimum percentage of each parcel that shall be left undisturbed is as follows:

Undisturbed Area and Landscape Area Percentages

<i>Gross Parcel Area</i>	<i>Minimum Required Undisturbed Area</i>	<i>Minimum Required Landscaped plus Undisturbed Area (undisturbed % + landscaped % = total)</i>
0 – 0.99 acre	0%	0% + 25% = 25%
1 – 1.99 acre	15%	15% + 15% = 30%
2 acres & larger	20%	20% + 15% = 35%

TABLE 2.7

6. Prior to the issuance of any *Permits* by the Town the applicant shall provide a *Financial Assurance Agreement* in an amount and form acceptable to the Town to ensure completion of all work required by this Ordinance. Under no circumstances shall a *Certificate of Occupancy* be issued until all work required by this Ordinance has been completed to the satisfaction of the Zoning Administrator unless otherwise conditioned by the Town Council.

G. Manufactured/Mobile Homes:

1. Manufactured/ Mobile homes are not allowed in any zone except as provided for in this Ordinance.

H. **Modular/Factory Built Buildings:**

1. Modular buildings may be permitted if constructed to and certified as meeting all associated *International Building Code* (“the IBC”) regulations.
2. Factory built buildings may be permitted if constructed to and certified as meeting all associated IBC regulations.

I. **Residential Outdoor Lighting Provisions:**

Purpose 1.a.

In March 2023, Cave Creek Dark Sky (CCDS) was officially assigned a management case and a manager by DarkSky International (DSI) to start a Dark Sky Place nomination process for the Town of Cave Creek (TOCC) Once the TOCC secures a qualified DSI nomination, this process enables the TOCC to eventually qualify for a Dark Sky Place certification, becoming an International Dark Sky Community.

To qualify the TOCC Residential and Commercial Lighting Zoning Ordinances must comply with the 2018 DSI requirements. A CCDS Citizens Committee has produced revised versions of both the TOCC Residential and Commercial ordinances using language that aligns with DarkSky International. The changes to the current TOCC ordinances are few, with some additional standards.

The following categories are necessary to achieve and maintain a Dark Sky Place status. CCDS working on behalf of the TOCC will be responsible for providing the following:

1. DSI Annual Report (self-audit)
2. TOCC Lighting Measurements and Mapping (annual)
3. Continuing lighting education for both residents and businesses (year-round and ongoing)
4. CCDS Events (minimum of two annually)
5. Light measuring by volunteers for validating citizens’ lighting complaints (as needed)
6. 10-year adoption plan for both residential and commercial.
7. 5-year adoption plan for all TOCC municipal lighting.

1. The purpose of these provisions is to protect the communities’ dark skies, by establishing procedures and standards that minimize light pollution, reduce glare and light trespass, and conserve energy and resources by controlling the artificial illuminating devices emitting rays into the night sky which have a detrimental effect on the rural atmosphere and astronomical observations.
2. All outdoor artificial illuminating devices (light fixtures) shall be installed and utilized in conformance with the provisions of this Ordinance,

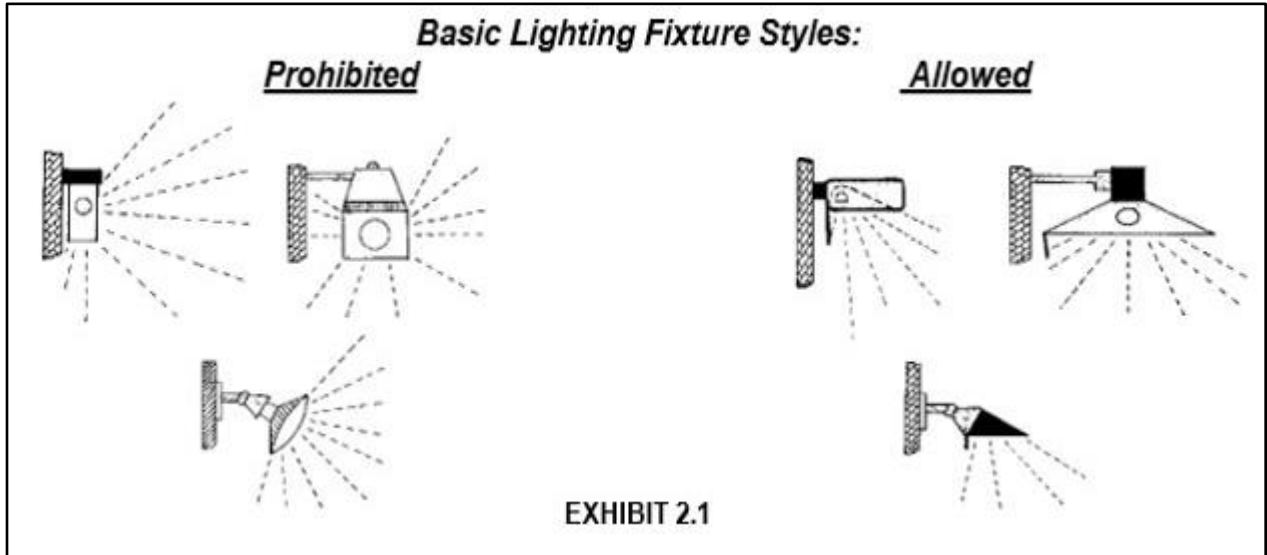
and all other ordinances and building codes of the Town of Cave Creek.

- a. In the event of a conflict between county, state or federal law, and the requirements of these outdoor lighting provisions, the more restrictive shall govern.

(Ordinance _____ Date effective _____)

3. General Requirements:

- a. All outdoor light fixtures (see Exhibit 2.1), shall be fully shielded as required in Table 2.8 of this Ordinance so that the light fixture's bulb or light source from the fixture is not visible from an adjoining property or from the adjacent street.
- b. All lighting fixtures for buildings, structures and canopies shall comply with the following requirements:
 - (1) The application of lighting to architectural features, including but not limited to building façade lighting, shall be minimized, and all light shall be directed downward.
 - (2) Maximum height of light standards (poles), including the fixture, shall be ten feet (10') except as otherwise specifically provided in this Ordinance. Height is measured from finished grade to the top of the fixture.
 - (3) Overhead lighting used to light building overhangs and open canopies shall be fully recessed within the overhang or canopy. The maximum illuminance levels under the canopy shall be no greater than 2 lux (0.2 fc) when measured directly under the overhang or canopy and no greater than 1.0 lux (0.10 fc) when measured at the property line.



Requirements for Shielding

FIXTURE LAMP TYPE (a)	SHIELDING (b)
Low Pressure Sodium	Fully
High Pressure Sodium	Fully
Metal Halide / Warm Halide	Fully
Fluorescent	Fully
Light Emitting Diode (LED)	Fully
Incandescent	Fully
Fossil Fuel	Fully
Glass Tubes filled with Neon, Argon, Krypton (c)	Fully
All String Lights	Fully Starting 1.1.2029
Other Lamp Types	As Approved by The Town of Cave Creek

Notes:

- a. Warm White, Natural, and other lamp colors of 2700 Kelvin and lower are preferred, to minimize effects on astronomical observations.
- b. Or current IES commercial guidelines; whichever is more restrictive.
- c. Prohibited in all residential zones.

TABLE 2.8

4. Security lighting may be permitted, subject to the following requirements:
 - a. Building or wall mounted fixtures shall be fully shielded and shall not exceed a maximum mounting height of ten (10) feet. The maximum height of lighting standards (poles), including the fixture, used for security purposes, shall be ten (10) feet measured from grade to the top of the fixture.
 - b. Motion sensor/detector light fixtures that are fully shielded are the only permitted type of security lighting allowed.
5. The Town does not require the lighting of parking areas on residentially zoned properties except within the Multiple Residence (**MR**) zone. However, if parking area lighting is desired it must meet the following requirements:
 - a. Within the residential zones the maximum illuminance levels in the parking area shall not exceed 1.0 lux (0.10 fc) measured at the property line. (Ref. Exhibit 3.1.B pg. 23)
 - b. The maximum height of parking area lighting standards (poles), including the fixture, shall be ten feet (10'). Height is measured from finished grade to the top of the fixture.
 - c. Short bollard style fully shielded light fixtures are preferred to that of overhead lighting.
6. Exterior lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign structure, shall be fully shielded and directed downward, and shall not interfere with driver vision on adjacent streets. Reverse pan-channel "halo" effects are also acceptable.
7. Light shall not exceed 1.0 lux (0.10 fc) when measured at the property line in all zones.
8. Narrow-spectrum light sources such as low-pressure sodium and amber LEDs are preferred for minimizing adverse effects on astronomical observations (see Table 2.8). The correlated color temperature (CCT) of light sources shall not exceed 2700 K.
9. Ambience lighting (a line voltage of 120 V) is permitted subject to the following requirements:
 - a. Short bollard style light fixtures or low wattage down lighting of plantings is preferred to that of building lighting.
 - b. The maximum illuminance levels of ambience lighting should not exceed 0.5 lux (0.05 fc).

10. No outdoor recreational facility, public or private, or outdoor arenas, stables or corrals shall be illuminated after 10:30 P.M.
11. The maximum height of lighting standards (poles), including the fixture, shall not exceed twenty feet (20') height for all residential corrals, stables, arenas, exercise areas, paddocks, and barns.
 - a. The height of all light standards, including the fixture, is measured from finished grade to the top of the fixture.
 - b. A photometric study that includes a lux or footcandle grid that demonstrates adequate illumination and uniformity as well as the maximum illuminance levels measured at the property lines shall be required at the time of *Building Permit* submittal for all corrals, stables, arenas, exercise areas, paddocks and barns. (See Exhibit 2.1.B Lighting Trespass Measurement)
 - c. All light fixtures shall be directed downward, fully shielded, aimed to prevent light spillage onto adjacent properties, and shall be in compliance with all other requirements of this Ordinance.

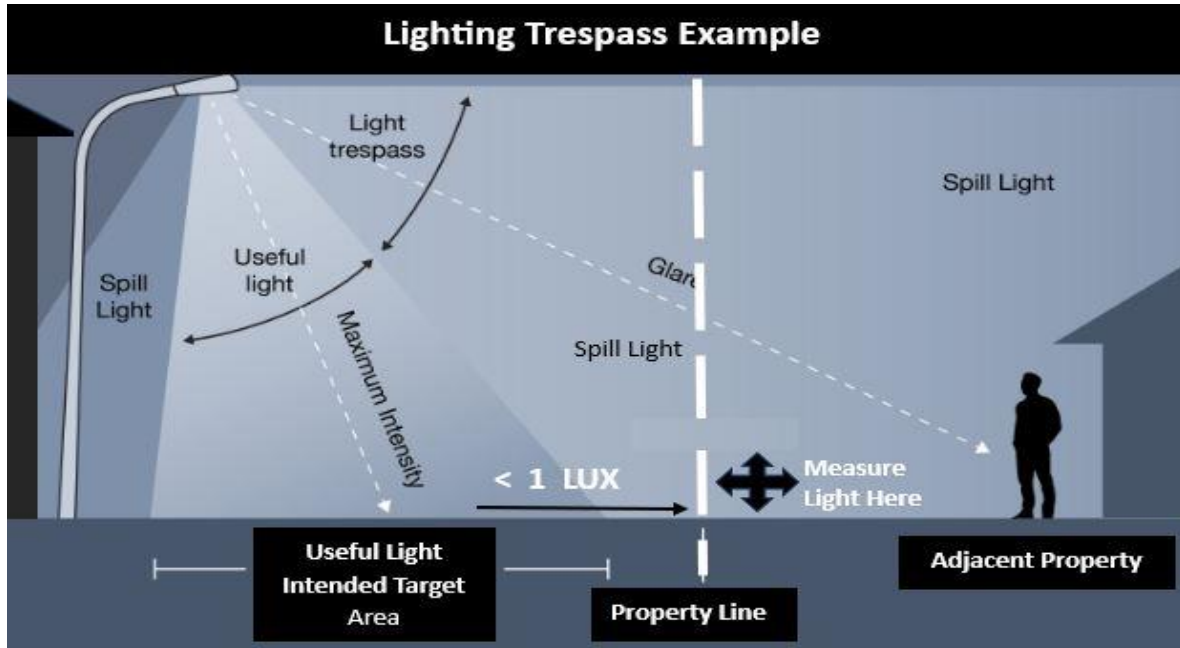


Exhibit 2.1.B Lighting Trespass Measurement

Design Standards:

- d. All light fixtures shall be fully shielded and shall cast their light downward only. In addition, light fixtures shall not

- e. create nuisance lighting to neighbors or create light trespass on adjacent properties.
- f. Fixtures shall be directed downward and aimed on the targeted areas to maximize their effectiveness and minimize the total number of lighting fixtures.
- g. The illustrations shown in Exhibit 2.1 (page 21) are intended to identify basic lighting fixture styles and are for illustrative purposes only. Fixtures similar to those labeled as prohibited are also prohibited by this Ordinance. (see also Table 2.8 on page 21)

12. Prohibitions:

- a. Searchlights are only permitted for safety search and rescue purposes authorized by local fire, police or governmental agencies.
- b. Intermittent, flickering or flashing lights are prohibited, except for holiday lighting. Holiday lighting is allowed from November 15th to January 15th and shall be turned off no later than midnight.
- c. Bottom mounted, upward-aimed outdoor sign-lighting fixtures and internally illuminated or backlit signs are prohibited. Reference *Chapter 9* of this Ordinance for additional *General Signage Regulations*.
- d. Unshielded dusk-to-dawn lights are prohibited. Unshielded wall-pack type fixtures are prohibited.
- e. The use of line voltage (120 volts) unshielded floodlight or spotlight fixtures is prohibited.
- f. Building mounted floodlights used for area lighting and/ or yard security lighting are prohibited unless the floodlight fixture is motion activated, fully shielded, directed downward, and does not cause or create light spillage on adjacent properties.

13. Exemptions:

- a. Public facilities and lands owned, operated or protected by the U.S. Federal government, the State of Arizona, Maricopa County are exempted by law from the requirements of this Ordinance.
- b. Low wattage outdoor lighting fixtures for traditional

- c. holiday decorations, except for floodlights or spotlights, are allowed from November 15th to January 15th and shall be turned off no later than midnight.
- d. Landscape accent lighting consisting of low voltage light fixtures (15 volts or less) and/or incandescent bulbs thirty- five (35) watts or less and/or fluorescent or LED bulbs five (5) watts or less and/or bulbs emitting three hundred seventy- five (375) lumens or less are exempt from the requirements of this Ordinance provided they are shielded, pointed downward, turned off by 10 pm and their light doesn't trespass beyond the property line.

14. Applicability:

- a. **New Development and Parking Areas.** The Provisions of this Ordinance shall apply to any new development of vacant lot or parcel and any installation of outdoor lighting to support that development, including parking areas and areas within an unenclosed parking garage.
- b. **Major Additions, Modifications, Replacements, and Change of Use.** The provisions of this Ordinance shall apply to all Major additions, modifications, replacements, or change of use. The entire property shall comply with the requirements of this Ordinance when any of the following occur:

- 1. "Major" shall be defined as an increase of 25% or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance; or
- 2. Single or cumulative modifications or replacements of legally installed Outdoor Light Fixtures after (DATE) constituting 25 per cent or more of the Lumens that would be permitted under this Ordinance for the property, regardless of the Total Outdoor Light Output currently existing on a site.

- c. **Minor Additions, Modifications, Replacements, and Change of Use.** The Provisions of this Ordinance shall not apply to Minor (less than 25% as referenced above) additions, modifications, replacements, or changes of use after (DATE _____), except for the following:

1. All new or modified Outdoor Light Fixtures shall comply with the requirements of this Ordinance.

2. The Total Light Output SHALL NOT exceed the amount allowed by this Ordinance, or the total legal Nonconforming light output, whichever is greater.

d. All Outdoor Light Fixtures on property or buildings that are owned and operated by the Town of Cave Creek SHALL be fully shielded.

15. Nonconforming Outdoor Lighting.

General.

1. If at the effective date of this Zoning Code, or of any extension resulting from annexation to the Town, any existing outdoor lighting which is being used in a manner or for a purpose which is otherwise lawful, but does not comply with the provisions of this Ordinance, the outdoor lighting SHALL be deemed legal but Nonconforming, and SHALL be allowed to continue provided such fixtures are extinguished between the hours of 10 PM and sunrise by an automatic shut off device.

2. No modification or replacement shall be made to a nonconforming outdoor light fixture unless the fixture thereafter conforms to the provisions of the TOCCZO Outdoor Lighting Provisions.

3. Whenever a Nonconforming use, structure or lot is abandoned for a period of 180 consecutive days and then changed to a new use then any existing Outdoor Lighting SHALL be reviewed and brought into compliance as necessary for the entire building, structure or premises.

e. Application:

(1) Any applicant for a *Building Permit*, as required by the Town who intends to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed lighting will comply with the requirements of this Ordinance. All light fixtures shall be reviewed by the Zoning Administrator or designee prior to issuance of a *Building Permit* so as to ensure the required shielding conforms to the intent of this Ordinance.

(2) All other individuals intending to install outdoor lighting fixtures shall submit an application to the Building Official providing evidence that the proposed work will comply with the requirements of this Ordinance. All light fixtures shall be reviewed by the Zoning Administrator or designee prior to authorization to

install by the Building Official so as to ensure the required shielding conforms to the intent of this Ordinance.

- f. Application Information:
- (1) Additional information may be required at the discretion of the Zoning Administrator or Building Official.
 - (2) Plans indicating the proposed luminaire location on the building and the site (if applicable), and the type of illuminating devices, fixtures, lamps, supports, other devices, the aiming angles and a statement of the proposed hours when the light fixtures will be on and when they will be extinguished.
 - (3) Manufacturer's catalog cut sheets and drawings that describe the illuminating devices, fixtures, lamps, lumen outputs and wattages, supports, and other devices.
 - (4) For all lighted parking lots, sport courts, arenas and exercise areas a photometric study that includes a lux or footcandle grid that demonstrates adequate illumination and uniformity as well as the maximum illuminance level measured at the property lines.
16. Upon compliance with the requirements of this Ordinance and other Town regulations the Building Department may issue a *Building Permit* for installation of the outdoor lighting fixtures, to be installed per the approved application.

Lighting specific term glossary:

CCT - correlated color temperature - A measure (in kelvins, K) of the warmth or coolness of the appearance of a light source. Light sources with a CCT of less than 3200 K are yellowish, pinkish, or orange-white in tone and considered "warm" in appearance. Light sources with a CCT greater than 4000 K are bluish-white and considered "cool" in appearance.

Candle power - Luminous intensity expressed in candelas.

Lumen - A measurement unit for the luminous flux generated by a light source, defined as the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. Essentially, a measure of the total flow of light from a lamp, luminaire, or other light source, without regard to its directionality.

Illuminance - Density of luminous flux incident on a surface. Unit is lux or footcandle.

LUX - A unit of illuminance: one lumen per square meter.

Kelvin (K) - Unit of thermodynamic temperature. 1 kelvin is equal in size to 1 degree on the Celsius scale. 0 K is absolute zero- or -273 degrees C.

Footcandle - A unit of illuminance. One lumen per square foot.

5 principles for responsible outdoor lighting by DarkSky International

- 1 — Useful** - Use light only if it is needed. All light should have a clear purpose. Consider how the use of light will impact the area, including wildlife and their habitats.
- 2 — Targeted** - Direct light so it falls only where it is needed. Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.
- 3 — Low level** - The light should be no brighter than necessary. Use the lowest light level required. Be mindful of surface conditions, as some surfaces may reflect more light into the night sky than intended.
- 4 — Controlled** - Use light only when it is needed. Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.
- 5 — Warm-colored** - Use warmer-color lights where possible. Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

J. Off-Street Parking:

1. Off-street parking shall be provided with adequate provision for ingress and egress by standard sized vehicles at the time of erection of any principal building or at the time such buildings are changed in use, altered, enlarged, converted or increased in capacity.
2. Parking Space Requirements:
 - a. The off-street parking spaces required for each use permitted by this Ordinance shall not be less than that found in the table shown below. Fractional parking spaces shall be computed as whole spaces.

3. Number of Parking Spaces Required:

<i>USE</i>	<i>NUMBER OF PARKING SPACES REQUIRED</i>
Residential Dwelling Units	2 Parking Spaces Per Dwelling Unit

TABLE 2.9

4. Parking Stall Dimension:
 - a. Width:
 - (1) Parallel parking stalls must be at least eight feet (8') wide. All others require a minimum width of nine feet (9').
 - (2) The width of a parking stall shall be increased one foot (1') when there are obstructions located on either side of the stall within fourteen feet (14') of the access aisle used to enter the stall.
 - b. Length:
 - (1) Parallel parking stalls shall be a minimum of twenty-two feet (22') in length. All other parking stalls shall be a minimum of twenty feet (20') in length.
5. Handicapped Parking shall be provided as required by the *Americans with Disabilities Act, Public Law 101-336 ("the ADA")*.

6. Design of Parking Facilities:

- a. Every parking facility shall be provided with one (1) or more access driveways, the width of which shall be:
 - (1) Private driveways at least ten feet (10').
 - (2) Multiple Residence (**MR**) driveways:
 - (a) Twelve feet (12') for one way enter/exit.
 - (b) Twenty-four feet (24') for two-way enter/exit.
- b. Driveway and ramp slopes: The maximum slope of any driveway or ramp shall not exceed twelve percent (12%) if unpaved or fifteen percent (15%) if paved. Transition slopes between Town rights-of-way and private driveways and ramps shall be provided according to Town standards (see Town of Cave Creek *Technical Design Guideline Number 2 – Transportation*). Reference Chapter 7 of this Ordinance for additional General Driveway Regulations.
- c. Each required parking stall shall be individually and easily accessible based on good engineering practices.
- d. No automobile shall back onto any public street or sidewalk to leave any parking stall when such stall serves more than two (2) residential dwelling units.
- e. Within the Multiple Residence (**MR**) zone all portions of a public parking lot or garage shall be accessible to other portions thereof without requiring the use of any public street.
- f. Within the Multiple Residence (**MR**) zone a ten foot (10') buffer at the edge of the public right-of-way and/or adjoining Desert Rural (**DR**) or Single Residence (**R**) zoned property shall be provided for all parking areas with ten (10) or more parking spaces.
- g. Within the Multiple Residence (**MR**) zone off-street parking spaces shall be surfaced with concrete, asphalt or with a minimum of three inches (3") of compacted decomposed granite or other dust controlling material approved by the Zoning Administrator and subject to Maricopa County Standards.

K. Signage:

Zoning District	Total Aggregate Area **	Maximum Height	Permit Req'd *
MR	40 sq. ft.	6' feet	YES
R-18	20 sq. ft.	6' feet	NO *
R-35	20 sq. ft.	6' feet	NO *
DR-43	20 sq. ft.	6' feet	NO *
DR-70	20 sq. ft.	6' feet	NO *
DR-89	20 sq. ft.	6' feet	NO *
DR-190	20 sq. ft.	6' feet	NO *

Table 2.10

* A building permit is required for any structure requiring a foundation to support or requiring electrical or plumbing.

** The square footage set forth in the table is separate from and in addition to the total aggregate square footage set forth for portable signs in Chapter 9 Signage, Sec. 9.4

*** Chapter 9, Section 9.2 contains further information regarding residential signage

L. Swimming Pools:

1. Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier so as to restrict access to the swimming pool from public property, from adjacent private property, and directly from all dwelling units or guest rooms located on the same premises as the swimming pool.
 - a. In the Single Residence (**R**) and Multiple Residence (**MR**) zones, the interior edge of the swimming pool shall be located no closer than five feet (5') from any property line.
 - b. In the Desert Rural (**DR**) zones, swimming pools shall be located no closer than twelve feet (12') from any property line.
 - c. Refer to the Town of Cave Creek's *Town Code* for regulations pertaining to swimming pool barrier details.

M. Vehicle Storage and Parking:

1. In Desert Rural (**DR**), Single Residence (**R**) and Multiple Residence (**MR**) zones:
 - a. At no time shall a manufactured/mobile home or recreational vehicle be occupied or used for living, sleeping or

housekeeping purposes except as provided within this Ordinance.

- b. No more than one recreational vehicle may be used for living purposes and; it must be used only as accessory living quarters, placed only within the buildable area of the parcel, and shall not be occupied more than four (4) months out of any twelve (12) month period.
- c. The keeping or storage of any commercial vehicle having a *Gross Vehicle Weight Rating* (“GVWR”) exceeding thirteen thousand pounds (13,000 lbs.) or having dual rear wheels with rims exceeding seventeen inches (17”) in diameter is prohibited.
- d. Vacant manufactured/mobile homes may not be stored on any parcel.
- e. Recreational vehicles, boats or trailers may be stored on properties provided they meet the following requirements:
 - (1) If a recreational vehicle, boat or trailer is located or stored outside of a garage or carport, it must be placed in the rear or side yard within the buildable area of the parcel and buffered from view from abutting properties at ground level.
 - (2) Placement of recreational vehicles boats or trailers in other than the rear or side yard for loading and unloading purposes may be permitted for a period not to exceed seventy-two hours (72 hrs.).
 - (3) No more than one each of recreational vehicles, boats or trailers may be stored on a parcel.
 - (1) Horse Trailers are considered an accessory use when located within the Desert Rural (**DR**) zones and as such are not subject to the above notated restrictions.

N. Reflectivity:

- 1. Mirrored surfaces or any treatments that change ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.