

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 3 – Non-Residential Zones

*Proposed Lighting Ordinance update and
clarification*

Final version February 26, 2024

Compiled and presented by



Reviewed and approved by



DarkSky
INTERNATIONAL

CHAPTER 3 – COMMERCIAL ZONES

SECTION 3.0 COMMERCIAL ZONES

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

1. Commercial Buffer (**CB**) Zones
2. Town Core Commercial (**TCC**) Zones
3. General Commercial (**GC**) Zones

SECTION 3.1 COMMERCIAL BUFFER (CB) ZONE

A. **Purpose:** The purpose of the Commercial Buffer (**CB**) zone is to provide for professional offices and commercial uses in locations that meet the daily needs of the immediate residential neighborhoods.

1. All development of **CB** 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*”), unless otherwise specified in this Ordinance.

B. **Allowable Uses:**

1. See *Section 3.5* of this Chapter.
2. All uses permitted in the Single Residence Zones and the Multiple Residence Zone.
 - a. Residential uses shall be located above, behind or adjacent to the commercial building(s) on a lot or parcel containing mixed commercial and residential uses.
 - b. Residential units located or created within the same structure (building) as a commercial use shall not interfere with the ability of the non-residential use to meet the requirements and standards of the **CB** zone as outlined within this Ordinance.

3. Accessory buildings, and associated accessory uses including alternative energy systems.

C. Uses subject to Special Use Approval:

1. See *Section 3.5* of this Chapter.

D. Bulk Regulations:

ZONE	MAXIMUM BUILDING HEIGHT		MIN. YARD SETBACKS (FEET)			LOT AREA & LOT WIDTH	
	STORIES	FEET	FRONT YARD (feet)	REAR YARD (feet)	SIDE YARD (feet)	MIN. LOT AREA IN SQUARE FEET	MIN. LOT WIDTH IN FEET
CB	2	25 ⁽¹⁾	15 or 25 ⁽²⁾	5 or 25 ⁽²⁾	5 or 25 ⁽²⁾	6,000	60

TABLE 3.1

- Notes:
1. The maximum building height is the calculated distance from original natural grade to the highest point on the roof.
 2. If a property line or adjoining street or alley abuts Desert Rural (**DR**) or residential zones, the setback shall be twenty-five feet (25').

E. Lot Coverage and Land Disturbance Regulations:

ZONE	MAX. LOT COVERAGE	MAX. TOTAL LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)	MAX. TOTAL HILLSIDE LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)
CB	60% 40% (hillside)	0 to .99 ac: 60% + 15% = 75% 1.00 to 1.99 ac: 60% + 10% = 70% 2.00 ac +: 60% + 5% = 65%	40% coverage + 10% disturbance = 50%

TABLE 3.2

- 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 3.2 TOWN CORE COMMERCIAL (TCC) ZONE

- A. **Purpose:** The purpose of the Town Core Commercial (**TCC**) Zone is to allow for a diverse commercial area to service neighborhood residential and tourist trade. The intent of this zone is to maintain and enhance the character of the community's Town Core while promoting a pedestrian-oriented specialty retail district.
1. All development of **TCC** zoned properties, regardless of size; require approval of a *Site Plan* by the Council upon recommendation by the Commission, unless otherwise specified in this Ordinance.
- B. **Allowable Uses:**
1. See *Section 3.5* of this Chapter.
 2. Multiple Residences in conjunction with commercial uses (Live/Work).
 - a. Residential uses shall be located above, behind or adjacent to the commercial building(s) on a lot or parcel containing mixed commercial and residential uses.
 - b. Residential units located or created within the same structure (building) as a commercial use shall not interfere with the ability of the non-residential use to meet the requirements and standards of the TCC zone as outlined within this Ordinance.
 - c. A permitted commercial use totaling at least 50% of the first level square footage of a building shall be required when located or created within the same structure (building) as a residential use, except that no residential use shall be permitted on the first floor fronting along Cave Creek Road. * Subsection c Adopted by Ord. O2021-05
 3. Accessory buildings, and associated accessory uses including alternative energy systems.
- C. **Uses subject to Special Use Approval:**
1. See *Section 3.5* of this Chapter.

D. Bulk Regulations:

ZONE	MAXIMUM BUILDING HEIGHT		MIN. YARD SETBACKS (FEET)			LOT AREA & LOT WIDTH	
	STORIES	FEET	FRONT YARD (feet)	REAR YARD (feet)	SIDE YARD (feet)	MIN. LOT AREA IN SQUARE FEET	MIN. LOT WIDTH IN FEET
TCC	2	25 ⁽¹⁾	15 or 25 ⁽²⁾	5 or 25 ⁽²⁾	5 or 25 ⁽²⁾	6,000	60

TABLE 3.3

- Notes:
1. The maximum building height is the calculated distance from original natural grade to the highest point on the roof.
 2. If a property line or adjoining street or alley abuts Desert Rural (DR) or residential zones, the set back shall be twenty-five feet (25').

E. Lot Coverage and Land Disturbance Regulations:

ZONE	MAX. LOT COVERAGE	MAX. TOTAL LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)	MAX. TOTAL HILLSIDE LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)
TCC	60% 40% (hillside)	0 to .99 ac: 60% + 15% = 75% 1.00 to 1.99 ac: 60% + 10% = 70% 2.00 ac +: 60% + 5% = 65%	40% coverage + 10% disturbance = 50%

TABLE 3.4

- 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 3.3 GENERAL COMMERCIAL (GC) ZONE

A. **Purpose:** The purpose of the General Commercial (**GC**) Zone is to allow for a diverse mixed use of commercial retail sales, offices, services and industrial uses in locations which are suitable and appropriate, taking into consideration the land uses of adjacent and nearby properties, access to major streets or highways and the availability of utilities.

1. All **GC** zoned properties, regardless of size, require approval of a *Site Plan* by the Council upon recommendation by the Commission, unless otherwise specified in this Ordinance.

B. **Allowable Uses:**

1. See *Section 3.5* of this Chapter.
2. Accessory buildings, and associated accessory uses including alternative energy systems.

C. **Uses subject to Special Use Approval:**

1. See *Section 3.5* of this Chapter.

D. **Bulk Regulations:**

ZONE	MAXIMUM BUILDING HEIGHT		MIN. YARD SETBACKS (FEET)			LOT AREA & LOT WIDTH	
	STORIES	FEET	FRONT YARD (feet)	REAR YARD (feet)	SIDE YARD (feet)	MIN. LOT AREA IN SQUARE FEET	MIN. LOT WIDTH IN FEET
GC	2	25 ⁽¹⁾	15 or 25 ⁽²⁾	5 or 25 ⁽²⁾	5 or 25 ⁽²⁾	6,000	60

TABLE 3.5

- Notes:
1. The maximum building height is the calculated distance from original natural grade to the highest point on the roof.
 2. If a property line or adjoining street or alley abuts Desert Rural (**DR**) or residential zones, the set back shall be twenty-five feet (25').

E. Lot Coverage and Land Disturbance Regulations:

ZONE	MAX. LOT COVERAGE	MAX. TOTAL LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)	MAX. TOTAL HILLSIDE LOT DISTURBANCE as a % of the GROSS LOT AREA (Coverage + Disturbance)
GC	60% 40% (hillside)	0 to .99 ac: 60% + 15% = 75% 1.00 to 1.99 ac: 60% + 10% = 70% 2.00 ac +: 60% + 5% = 65%	40% coverage + 10% disturbance = 50%

TABLE 3.6

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

SECTION 3.4 GENERAL REGULATIONS:

A. Accessory Buildings and Uses:

- Construction of commercial 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 commercial accessory buildings may be processed concurrently with the *Building Permit* for the principal use or building.
- All commercial accessory buildings and accessory uses shall require at a minimum an approved *Zoning Clearance*.
- Commercial accessory buildings or uses include the following:
 - Swimming pools
 - Satellite dishes
 - Sport Courts
 - Garages
 - Other uses incidental to the principal commercial use.
- All commercial accessory buildings or uses, except for wells and related well equipment shall have the same electrical meter as the principal building or use.

5. Commercial accessory buildings shall not be used for dwelling purposes.
6. Commercial accessory buildings and uses shall occupy the same parcel as the principal use or building and shall be located within the buildable area.

B. Adult Uses:

1. All adult businesses require prior approval of a *Special Use*.
2. An adult business shall be permitted only in the **GC** zones.
3. No adult business shall be located within:
 - a. Two thousand feet (2,000') of a park, school, day care center, library or religious or cultural facility; or
 - b. Two thousand feet (2,000') of any other adult business or any Desert Rural (**DR**), Single Residence (**R**) or Multiple Residence zoned lot or parcel.
 - c. Associated distances shall be measured between the subject lot/parcel lines at their closest proximity on an aerial view without regard to intervening structures or topography.
4. This Ordinance shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

C. Fences and Walls:

1. No fence or wall shall be constructed without first obtaining a *Zoning Clearance* from the Town.
2. In commercial zones all fences and walls shall be set back so as to provide for adequate space to construct the wall footings without encroachment on adjacent property.
3. 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).

4. Erection or construction of fences 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*.
5. Construction of any retaining wall four feet (4') or greater in height (as measured from the bottom of the footing) shall require a *Building Permit*.
6. Reference *Chapter 7* of this Ordinance - *General Hillside Regulations* for additional retaining wall regulations.
7. Fences surrounding a swimming pool shall comply with the pool barrier requirements as stated within the Town of Cave Creek *Town Code*.
8. Fences surrounding a sport court may not exceed twelve feet (12') in height (measured from original natural grade) and must be set within the buildable area of a lot.
9. Screening Walls:
 - a. A solid wall not less than six feet (6') in height, shall be required along and adjacent to any side or rear property line abutting any **DR, R** or **MR** zone, or any alley abutting such zone at the time of development of the commercial property. The wall height shall be measured from original natural grade to the top of the wall. Any access gates in said solid wall shall be constructed of view-obscuring material so as to provide effective site screening.
 - b. The perimeter of any portion of a site not adjacent to a **DR, R** or **MR** zone upon which any outdoor use of a commercial nature is developed shall be enclosed to a height of not less than six feet (6') by building walls, walls, or fences of view-obscuring material. Height is measured from grade to the top of the wall. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street. Any outdoor storage of products or materials shall not exceed the height of the enclosure in which it is located.
 - c. No commercial zone screening shall be installed without first obtaining a *Zoning Clearance*.

D. Height Limits:

1. Chimneys, church steeples, ornamental towers or spires, outdoor light stanchions, 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'), if such structure is set back from each yard setback line a minimum of one foot (1') for each one foot (1') of additional height above twenty-five feet (25'). The above referenced setbacks are measured from the lot line to the closest point, including overhangs exceeding two feet (2') or other projections, on the structures.
2. Stand-alone ornamental towers or spires, outdoor light stanchions, wireless or amateur towers shall not exceed twenty-five feet (25') in height.
3. Reference *Chapter 7* of this Ordinance - *General Hillside Regulations* for additional *Height Limit* regulations.

E. Landscape Requirements – Commercial Zones:

1. *Reference Chapter 8 of this Ordinance for additional General Landscape Regulations.*
2. The following requirements shall apply to all development/building projects within the commercial zones. 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* 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 a *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 % + Landscape%) = 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 3.7

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 insure 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.
7. The properties having frontage along Cave Creek Road within the Town Core area shall be required to comply with the streetscape design requirements as contained within the Town of Cave *Technical Design Guideline Number 4 – Landscaping*.
 - F. **Manufactured/ Mobile homes** are not allowed in any zone except as provided for in this Ordinance.
 - G. **Modular buildings** may be permitted if constructed to and certified as meeting all associated *International Building Code (IBC)* regulations.
 - H. **Factory built buildings** may be permitted if constructed to and certified as meeting all associated IBC regulations.

I. Outdoor Lighting Provisions Non-Residential:

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 a 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:

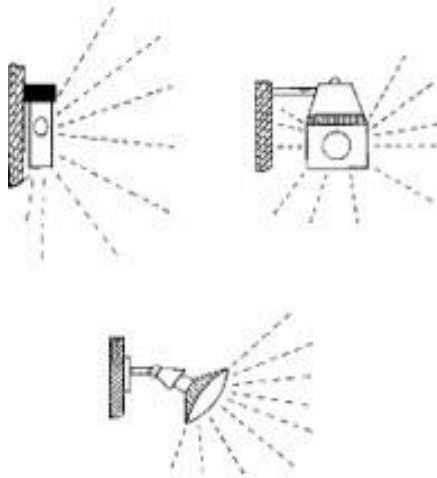
1. DSI Annual Report (self-audit)
2. TOCC Lighting Measurements and Mapping (annual)
3. Continuing lighting education for both residents and businesses (year-round and ongoing)
4. CCDS Events (minimum of two annually)
5. Light measuring by volunteers for validating citizens' lighting complaints (as needed)
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 community's 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, or which would otherwise be offensive to neighboring and near-by properties.
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.
3. In the event of a conflict between state or federal law, and the requirements of these outdoor lighting provisions, the most restrictive shall govern.
4. All outdoor light fixtures shall be fully shielded as required in Table 3.8 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 street view.
5. All lighting fixtures for buildings, structures and canopies shall comply with the following requirements (as of Ordinance Date Effective):

- a. 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.
- b. Maximum height of the light fixture shall be ten feet (10') except as otherwise specifically provided in this Ordinance. Height is measured from grade to the top of the fixture.
- c. 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.
- d. Outdoor lighting in the commercial zones shall be turned off one-half (1/2) hour after the close of business or at such time as the last employee leaves the business premises, whichever is later.
- e. Requirements for Shielding:

Basic Lighting Fixture Styles

Prohibited



Allowed

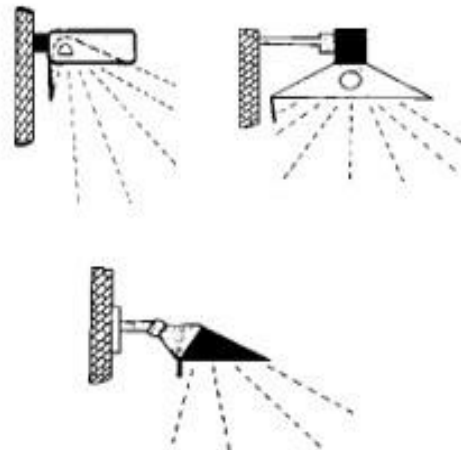


EXHIBIT 3.1

Requirements for Shielding

<i>FIXTURE LAMP TYPE (a)</i>	<i>SHIELDING (b)</i>
Low Pressure Sodium	Fully
High Pressure Sodium	Fully
Metal Halide / Warm Halide	Fully
Fluorescent	Fully
Light Emitting Diode (LED)	Fully
Fossil Fuel	Fully
Glass Tubes filled with Neon, Argon, Krypton (c)	Fully
ALL String Lights	Fully Starting 1.1.29
Other Lamp Types	As Approved by The Town of Cave Creek
<p>NOTES:</p> <ul style="list-style-type: none"> 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. Permitted only in Commercial Zones. 	

TABLE 3.8

6. 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 feet (10') when measured from ground finished floor. The maximum height of lighting standards (poles), including the fixture, used for security purposes, shall be ten feet (10') 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.

7. The Town does not require the lighting of parking areas. However, if parking area lighting is desired it must meet the following requirements:

- a. Within the commercial zones the maximum illuminance levels in the parking area shall be 1.0 lux (0.10 fc) measured at the property line.
 - b. The maximum height of parking area lighting standards (poles), including the fixture, shall be as follows:

In **CB & TCC** Zones height shall not exceed ten feet (10') from grade to top of fixture.

In **GC** Zones height shall not exceed fifteen feet (15') from grade to top of fixture. A photometric analysis shall be submitted for lighting proposed above ten feet (10') in height.
 - c. Short bollard style fully shielded light fixtures are preferred to that of overhead lighting.
8. 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.
 9. Light trespass beyond the property line shall be prohibited in all zoning districts. (see Exhibit 3.1.B page 16)
 10. Narrow-spectrum light sources such as low-pressure sodium and amber LEDs are preferred for minimizing adverse effects on astronomical observations (see Table 3.8). The correlated color temperature (CCT) of light sources shall not exceed 2700 K.
 11. 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).
 - c. All commercial ambient and landscape lighting shall be turned off one-half (½) hour after the close of the business or at such time as the last employee leaves the business premises, whichever is later.
 12. Recreational Facilities:
 - a. Illumination of an outdoor recreational facility, public or private,

or outdoor arenas, stables or corrals shall be turned off one-half (1/2) hour after the close of business or at such time as the last employee leaves the business premises, whichever is later.

- b. The maximum height of lighting standards (poles), including the fixture, shall not exceed a height of twenty feet (20') for all public or private recreational uses. Height is measured from grade to the top of the fixture. The fixtures shall be directed downward, fully shielded, aimed to prevent light spillage onto adjacent properties, and in compliance with all other requirements of this Ordinance.

13. Design Standards:

- a. All light fixtures shall be fully shielded and shall not create nuisance lighting to neighbors or create light trespass on adjacent properties. (See Exhibit 3.1.B Lighting Trespass Measurement pg. 17)
- b. Fixtures shall be directed downward and aimed on the targeted areas to maximize their effectiveness and minimize the total number of lighting fixtures.
- c. The illustrations shown in Exhibit 3.1 (page 12) 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 3.8, page 13).

14. Prohibitions:

- a. Searchlights are only permitted for safety search and rescue purposes authorized by local fire, police or government 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 or ½ hour after close of business each day.
- c. Bottom mounted, upward-aimed outdoor sign-lighting fixtures 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 spot light fixtures is prohibited.
- f. Building mounted floodlights used for area lighting and/or yard security lighting are prohibited unless the floodlight fixture is fully shielded, directed downward, and does not cause or create light spillage on adjacent properties. The mounting of floodlights shall not exceed a maximum height of ten feet (10') when measured from natural grade or finish floor, whichever is lower, to the top of the fixture. (See Exhibit 3.1.B.)

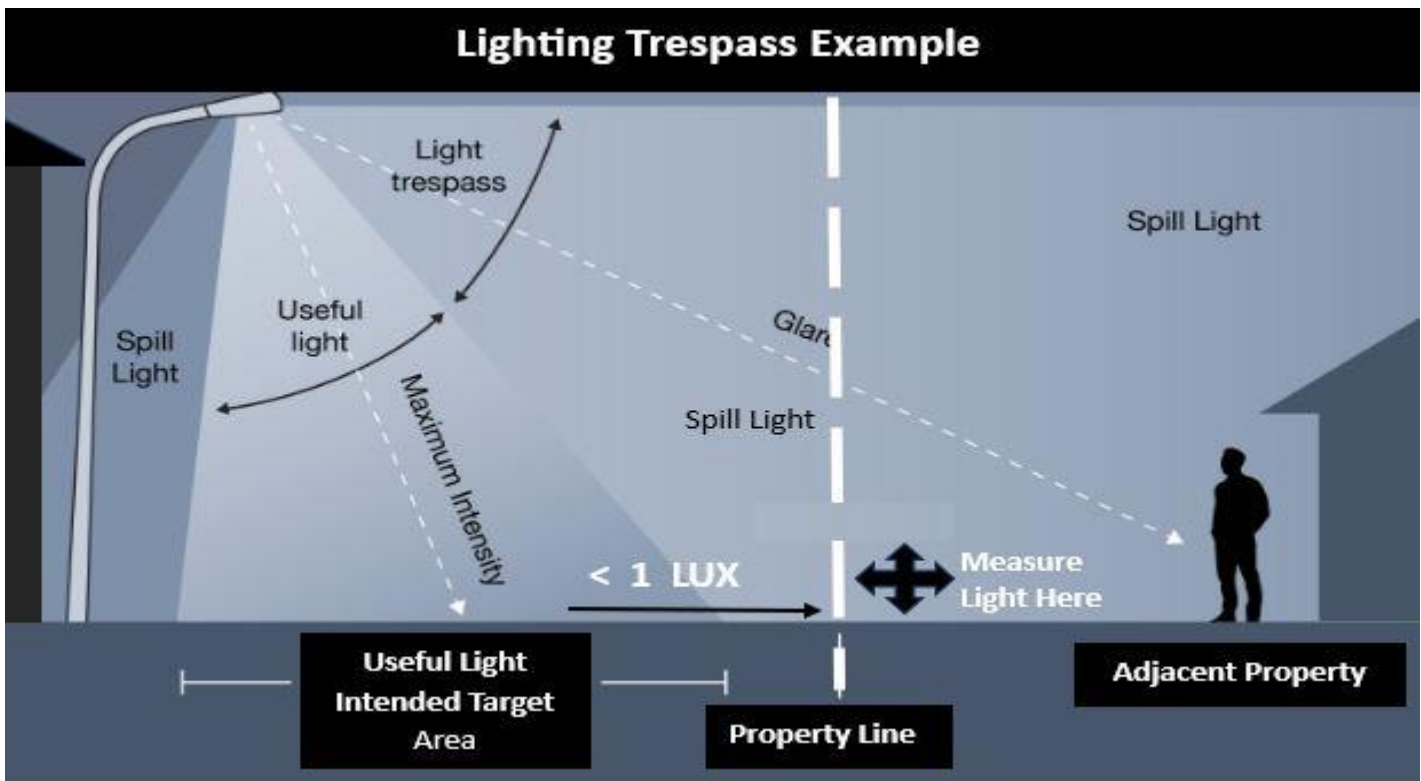


Exhibit 3.1.B Lighting Trespass Measurement

- 15. Exemptions:
 - a. Facilities and lands owned, operated or protected by the U.S. Federal Government or the State of Arizona are exempted by law from the requirements of this Ordinance. Voluntary compliance is encouraged.
 - b. Low wattage outdoor lighting fixtures for traditional holiday decorations, except for floodlights or spotlights, are allowed from

November 15th to January 15th and lights shall be turned OFF no later than midnight or ½ hour after close of business each day.

- c. 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 is 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.

16. Applicability:

- a. 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 prior to issuance of a Building Permit so as to ensure the required shielding conforms to the intent of this Ordinance. **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:
- c. "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
 - 1. 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.

17. **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.
 - b. All Outdoor Light Fixtures on property or buildings that are owned and operated by the Town of Cave Creek SHALL be fully shielded.
 - c. 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 prior to authorization to install by the Building Official so as to ensure the required shielding conforms to the intent of this Ordinance.
18. 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.
19. The application shall include the following information. Additional

information shall be required in the reasonable discretion of the Zoning Administrator or Building Official.

- a. 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.
 - b. The manufacturer's catalog cut sheets and drawings that describe the illuminating devices, fixtures, lamps, lumen outputs and wattages, supports, and other devices.
 - c. 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 levels measured at the property lines.
20. 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. The off street parking spaces required for each use permitted by this Ordinance shall not be less than that found in Table 3.9. Fractional parking spaces shall be computed as whole spaces.
3. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum required for each use.
4. Number of Parking Spaces Required:

<i>USE</i>	<i>NUMBER OF PARKING SPACES REQUIRED</i>
Office	1 per each 250 gross square feet of building area
Retail	1 per each 250 gross square feet of building area
Restaurant	1 per each 200 gross square feet of building area
Assembly	1 per each 300 gross square feet of building area
Schools	1 per every 3.5 seats in assembly plus 1 per each employee
Industrial	1 per each 500 gross square feet of building area
Hotels/Motels, Resorts & Guest Ranches	1 per each guest room plus 1 for each 500 square feet of public area
Places of Worship	1 per every 4 seats

TABLE 3.9

5. Parking spaces required by this Ordinance shall be provided on the same lot as the use which requires them, except where the exclusive use of other parking spaces is provided on another lot adjacent to the subject lot and within the same zoning district. An offsite parking agreement approved by the Town shall be required when applicable.
6. Parallel parking stalls shall be at least eight feet (8') wide. All other parking stalls shall be a minimum width of ten feet (10'). * Amended by Ord. O2021-04

7. The width of a parking stall shall be increased to eleven feet (11') when there are obstructions located on either side of the stall. *Amended by Ord. O2021-04
8. Parallel parking stalls shall be a minimum of twenty-four feet (24') in length. All other parking stalls shall be a minimum of twenty-two feet (22') in length. * Amended by Ord. O2021-04
9. Handicapped parking must be provided as required by the *Americans with Disabilities Act, Public Law 101-336 ("the ADA")*.
10. Every parking facility shall be provided with one (1) or more access driveways, the width of which shall be:
 - a. Twelve feet (12') for one way enter/exit.
 - b. Twenty-four feet (24') for two-way enter/exit.
 - c. 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 hillside driveway regulations.
 - d. Each required parking stall shall be individually and easily accessible based on good engineering practice.
 - e. 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.
 - f. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.
 - g. A buffer with a minimum dimension of three feet (3') shall be provided at the edge of all public rights-of-way and adjacent to **DR, R or MR** zoned properties or all parking areas of ten (10) or more parking spaces.
 - h. 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.

11. Dedicated loading spaces shall be provided on the same lot for every building in the **CB, TCC** and **GC** Zones. No dedicated loading space is required if its construction is prevented by an existing, legally established building.
 - a. Each loading space shall have a clear height of fourteen feet (14') and shall be directly accessible through a useable door not less than three feet (3') in width and six feet-eight inches (6'-8") in height. Loading spaces shall be at least two hundred square feet (200 sq. ft.) in area with minimum dimensions of twenty feet (20') in length by ten feet (10') in width.
 - b. For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided a minimum of one (1) dedicated loading space. Additional dedicated loading spaces may be required.

12. For all commercial development hereafter constructed where the minimum parking space requirements are exceeded by 10% or more, the project shall increase the tree quantity within the parking area(s) from 1 tree per 8 parking spaces to 1 tree per 5 parking spaces OR provide covered parking for the proposed additional spaces. * Subsection 12 Adopted by Ord. O2021-04

K. Signage:

Zoning District	Number of Signs	Total Area *	Maximum Height	Permit Req'd	Specifications
CB**	1 Freestanding / Ground Mounted Sign	40 sq. ft.	12 feet	YES	Shall be installed by a licensed contractor.
TCC**	1 Freestanding / Ground Mounted Sign	40 sq. ft.	12 feet	YES	Shall be installed by a licensed contractor.
GC**	1 Freestanding / Ground Mounted Sign	48 sq. ft.	12 feet	YES	Shall be installed by a licensed contractor.

TABLE 3.10

- *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, Section 9.4*

**** Refer to Chapter 9 Section 9.3 for additional commercial signage requirements.**

L. **Swimming Pools:**

1. Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier 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 Commercial (**CB, TCC, & GC**) zones, the interior edge of the swimming pool shall be located no closer than five feet (5') from any property line.
 - b. Barrier Details: Refer to the Town of Cave Creek's *Town Code* for regulations pertaining to swimming pool barrier details.

M. **Vehicle Storage and Parking:**

1. At no time shall a manufactured/mobile home or recreational vehicle be occupied or used for living, sleeping or housekeeping purposes except as provided in this Ordinance.
2. Except on properties with approved *Site Plans* for vehicle sales, no vehicle may be displayed for sale.
3. 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 may not be parked or stored for a maximum time period not to exceed twenty-four hours (24 hrs.) for loading and unloading purposes.
3. Vacant mobile/manufactured homes may not be stored on any parcel.
5. Recreational vehicles or boats may be stored on commercially zoned properties provided they meet the following requirements:
 - a. If recreational vehicles or boats are located or stored outside of a garage or carport, they 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.

- b. Placement of recreational vehicles or boats in other than the rear or side yard for loading and unloading purposes may be permitted for a period not to exceed seventy-two (72) hours.

N. Reflectivity:

- 1. Reflective building materials are prohibited. 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.

SECTION 3.5 PERMITTED USES IN COMMERCIAL ZONES

The uses listed in the following tables are permitted in the following non-residential zones, subject to the general provisions, special conditions, additional restrictions, and exceptions as stated in this Ordinance. The abbreviations used in the tables have the following meanings:

- S** = Uses permitted that require at a minimum a *Site Plan* approval prior to the development or occupancy of the site or building.
- SU** = Uses permitted only through *Special Use* approval.
- AU** = Allowed Use – Administrative Site Plan Approval required.
- = Uses not permitted in the zone indicated.

USE DESCRIPTIONS

ZONES

ADULT BUSINESS	CB	TCC	GC
Adult Business	—	—	SU
AGRICULTURE & NATURAL RESOURCES	CB	TCC	GC
On-site retail sales of off-site produced seasonal goods	S	S	S
Plant nurseries and greenhouses	S	S	S
ANIMAL RELATED SERVICES & ENTERPRISES	CB	TCC	GC
Feed stores	S	S	S
Pet stores	SU	S	S
Animal arenas, commercial stables, equestrian center	S	S	—
Veterinarians, animal hospitals & clinics	S	S	S
Pet Resorts and similar domestic animal accommodations * Amended by Ord O2021-06	SU	—	S
ANTENNAS & TOWERS	CB	TCC	GC
Public & commercial communication towers & transmitters	SU	SU	SU
Antennas, owned & operated by FCC licensed member of amateur radio service	SU	SU	SU
Satellite dish & all other antennas	S	S	S
ASSEMBLING, PROCESSING, ANALYZING, MANUFACTURING, PACKAGING, CREATING, TREATING, & RENOVATING GOODS, MERCHANDISE, FOOD, PRODUCTS & EQUIPMENT:	CB	TCC	GC
Majority volume of business done with walk-in trade	SU	—	S
Majority volume of business not done with walk-in trade	SU	—	S
Operations conducted partially or wholly outdoors	SU	—	S
Assembling of munitions and fireworks	—	—	SU

Zoning Ordinance

Chapter 3

USE DESCRIPTIONS

ZONES

<i>EATING & DRINKING ESTABLISHMENTS EXCLUDING ESTABLISHMENTS WITH DRIVE-UP WINDOWS</i> * Amended by Ord O2021-06	CB	TCC	GC
Delicatessen, bake shop, candy shop & sales of other prepared food products	S	S	S
All other restaurants & eating establishments	S	S	S
Taverns, bars, and nightclubs	—	S	S
<i>EDUCATIONAL & RELIGIOUS</i>	CB	TCC	GC
Schools: Primary, elementary, & secondary school	SU *	S	SU
Trade schools	SU *	S	SU
Business or vocational schools	SU *	S	SU
Places of Worship	S	S	S
Art studios, galleries, & centers, fine arts conservatories, music schools, dance studios, & similar cultural uses	SU *	S	S
Libraries, museums	SU *	S	S
Fraternal clubs & lodges, union halls	SU *	S	S
<i>ESTABLISHMENTS WITH DRIVE-UP WINDOWS</i>	CB	TCC	GC
Establishments with drive-up windows	—	SU	S
<i>OFFICES, SERVICES & RESEARCH</i>	CB	TCC	GC
Offices intended to attract & serve customers or clients on premises	S	S	S
State Licensed Medicinal Marijuana Dispensaries & Cultivation Centers	—	S	S
<i>PARKING AREAS</i>	CB	TCC	GC
Off-site parking lots for commercial uses	AU	AU	AU
<i>PUBLIC & QUASI-PUBLIC USES</i>	CB	TCC	GC
Emergency services	S	S	S
Government offices	S	S	S
Temporary staging areas for public works construction projects	AU	AU	AU
Town Owned Utility Services	AU	AU	AU

* Amended by Ordinance O2021-06

USE DESCRIPTIONS

ZONES

RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY: Activities Conducted Primarily Indoors	CB	TCC	GC
Bowling alleys, skating rinks, pool halls	SU	S	S
Indoor racquet sports clubs, spas, athletic, exercise, & health clubs and similar facilities	S	S	S
Youth clubs, senior centers, community centers	S	S	S
Theaters	SU	S	S
Playhouses/Performing arts theaters	SU	S	S
Games, amusements, arcades	SU	S	S
Indoor gun clubs, archery ranges and paintball facilities	SU	—	S

RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY: Activities Conducted Primarily Outdoors	CB	TCC	GC
Miniature golf and skateboard parks	—	—	S

RESIDENTIAL: Single Residence	CB	TCC	GC
Single residence detached, one dwelling per lot	AU	—	S
RESIDENTIAL: Multiple Residence	CB	TCC	GC
Multiple Residential Uses	S	—	—
Multiple Residences in conjunction with Commercial Uses (live/work)	S	S	—

RESIDENTIAL: Homes & Institutions Providing Special Services, Treatment, Or Supervision	CB	TCC	GC
Child care home	S	—	—
Child care institution (i.e.; day care, pre-school, nursery, kindergarten)	S	S	S

RESIDENTIAL: Miscellaneous Rooms For Rent Situations	CB	TCC	GC
Bed & Breakfast	S	—	—
Hotels, Motels & Resorts	S	S	S

<u>USE DESCRIPTIONS</u>	<u>ZONES</u>		
SALES, RENTAL & SERVICE BUSINESSES:	CB	TCC	GC
Retail sales where transaction privilege taxes (TPT) are collected by the Town *Amended by Ord O2021-06	S	S	S
Miscellaneous rental merchandise & equipment	SU	—	S
Servicing of goods, merchandise & equipment	SU	—	S
Personal services and other transactions not subject to transaction privilege tax (TPT) collected by the Town “ Amended by Ord O2021-06	SU *	SU *	S
Servicing of appliances, furniture, lawn & garden, mechanical and heating & cooling equipment or merchandise	SU	—	S
Services offered primarily off-site	SU	—	S
STORAGE & WAREHOUSING	CB	TCC	GC
All storage located in completely enclosed structures	—	—	S
Outdoor Storage or Combination of Indoor & Outdoor Storage	—	—	SU
Mini-warehouses/self-service storage facilities	—	—	SU
TRANSPORTATION	CB	TCC	GC
Taxi service, trolleys, horse-drawn carriages or similar transportation services	S	S	S
VEHICLE SALES, RENTAL & SERVICING OF GOODS, MERCHANDISE & EQUIPMENT	CB	TCC	GC
New and Used sales and rentals, including servicing	—	SU	S
Parts & accessories sales which may include installation services	—	SU	S
Service, minor repair & detail shops	—	SU	S
Automobile-oriented fuel sales with or without accessory service bays or accessory convenience sales	—	SU	S
Car washes	—	SU	S
Paint & body work	—	SU	S

TABLE 3.11

* Amended by Ordinance O2021-06