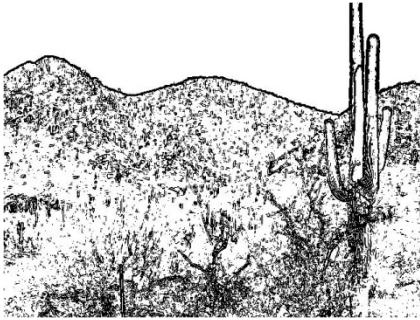


Article X. MOUNTAINSIDE DEVELOPMENT REGULATIONS



Section 10.01 Introduction

Black Mountain and prominent hillsides throughout the Town serve as a valuable intrinsic resource for community residents, businesses and visitors. For purposes of this regulation, prominent features include slopes of twenty percent (20%) and greater, ridgelines, boulder outcroppings, and significant stands of protected plants. These features contribute to the Town's identity and help define Carefree's sense of place. While these landforms offer a desirable setting to view the valley floor, they also require unique development standards due to the rigorous mountainside terrain and sensitive upper Sonoran Desert environment.

Section 10.02 Purpose

- (1) To protect the public from the natural hazards of erosion, rock slides, and storm water runoff.
- (2) To ensure that the built form adapts to the natural mountainside topography, thereby reducing visually prominent scarring produced by streets, driveways, building pads, and associated infrastructure servicing the development.
- (3) To preserve the natural integrity of prominent mountainsides and ridgelines throughout the community.

Section 10.03 Identification of Mountainside Slopes and Environmentally Sensitive Features

- (1) A slope and site analysis is required for a proposed development if the Zoning Administrator determines that a property contains one or more slopes with a fifty (50) foot run perpendicular to the contour lines that rise twenty percent (20%) or greater.

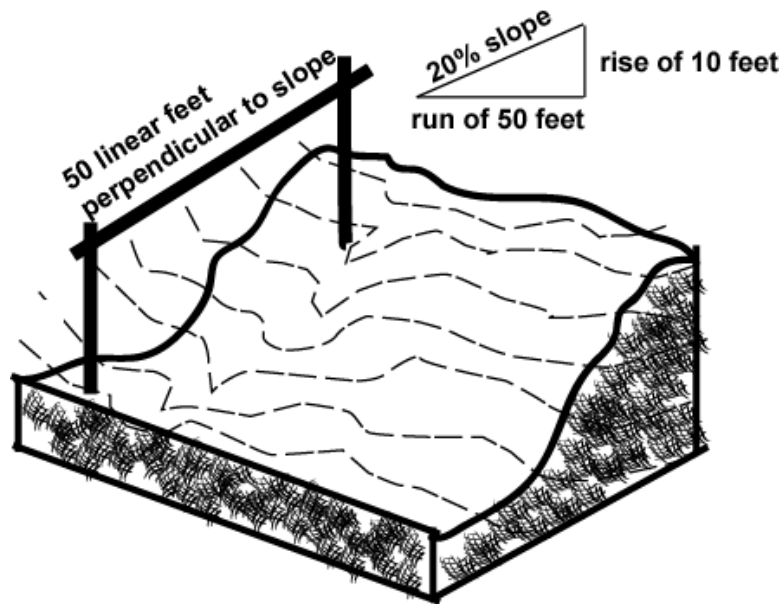


Figure 10.01: Method of determining whether a twenty percent (20%) slope exists on a given property.

- (A) The slope analysis shall have the following information:
- 1) A topographic map illustrating contours at two (2) foot intervals at a minimum scale of one (1) inch equal to twenty (20) feet. The area for each slope shall be illustrated on the map as follows:
 - a) Slopes less than 19.99%.
 - b) Slopes between 20% and 24.99%.
 - c) Slopes between 25% and 29.99%.
 - d) Slopes 30% and greater.
 - 2) All grading plans shall include a calculation of the amount of disturbed area in each of the slope categories listed above.
- (B) The site analysis shall have the following information:
- 1) Identification of any ridgeline bisecting the site illustrated in plan view and cross section.
 - 2) Identification of any natural wash (including the respective floodway and floodplain) bisecting the site. If the wash is recognized by the Corps of Engineers as waters of the United States, it shall be identified as such.

- 3) A geotechnical analysis of rock formations and soils.
- 4) Delineation of all active and inactive mines, mine shafts, well sites, water tanks, and significant stands of vegetation.

Section 10.04 Criteria for Development Review Evaluation

- (1) The Development Review Board shall have the authority to review and approve or deny new Mountainside development as specified in this Article.
- (2) The Board's evaluation shall be based upon the following:
 - (A) Identification of environmentally sensitive features through:
 - 1) A slope analysis as identified in Section 10.03.
 - 2) A site analysis as identified in Section 10.03.
 - 3) A composite map graphically illustrating the highest environmentally sensitive and the lowest environmentally sensitive areas based upon the combination of the slope and the site analysis. This composite map shall be known as the Environmentally Sensitive Features Map.
 - 4) The Development Review Board shall have the authority to approve, deny, or require modifications of the Environmentally Sensitive Features Map to further clarify the identification of environmentally sensitive features.
 - (B) The applicant shall overlay (on a separate plan) the location of all site improvements relative to the identification of environmentally sensitivity features. This plan shall be known as the Development Plan.
 - 1) If any site improvements encroach within areas defined as the most environmentally sensitive in the approved Environmentally Sensitive Features Map, any relaxation of the underlying standards specified in Section 10.06 shall not be applicable. Such encroachment shall provide appropriate engineering to ensure that public health, safety, and welfare are not compromised. The Development Review Board shall have the authority to approve, deny, or require modifications of respective improvements to ensure public health, safety, and welfare are not compromised.
 - 2) If the site improvements are located within portions of the property that are determined by the approved Environmentally

Sensitive Features Map to be the least environmentally sensitive, the applicant may use the relaxation of the standards specified in Section 10.06. To ensure that future development does not infringe on the identified environmentally sensitive features, the Development Review Board shall approve or modify the location and the dedication of a conservation easement. Such conservation easement shall be defined on the Development Plan with a legal description and the area identified in square feet. This easement shall be recorded with a respective subdivision, lot split or tie, and/or deed to the subject parcel or lot.

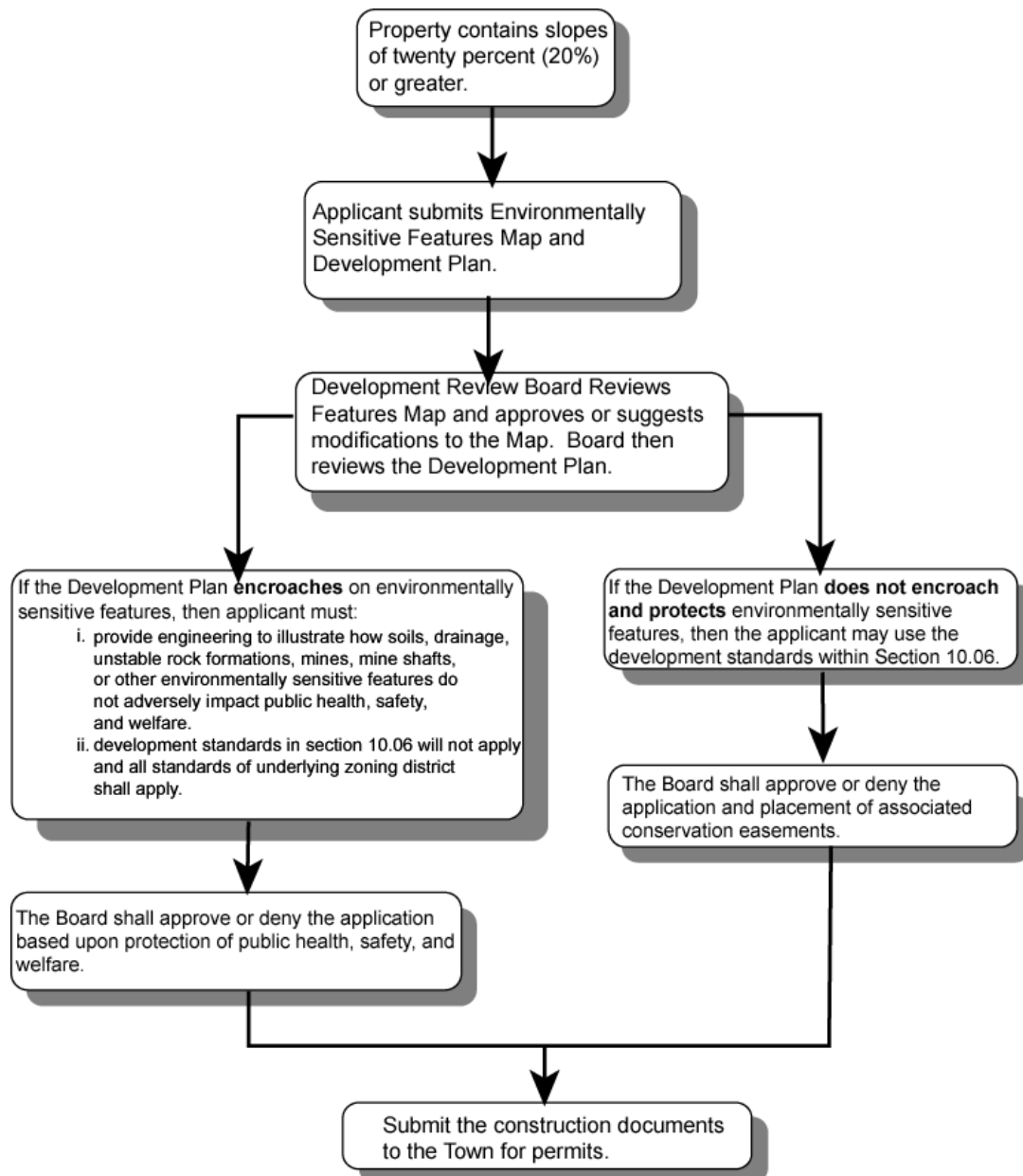


Figure 10.02: Flow chart illustrating process of Mountainside Regulations.

Section 10.05 Appeals

- (1) The approval, with or without conditions, or denial by the Development Review Board shall be final, unless within twenty-one (21) calendar days from the date of the Board's decision the applicant appeals the decision in writing to the Town Council. Such appeal shall be submitted to the Town Clerk and shall include a brief statement of the grounds of the appeal and the relief requested. The Town Council shall hear such appeal at the next regularly scheduled Council meeting if there is a minimum of fourteen (14) calendar days before the next regularly scheduled Council meeting. If there is not a minimum of fourteen (14) calendar days, such appeal shall be heard at the second regularly scheduled meeting following the official filing of the appeal with the Town Clerk. (*Ord. #2013-02*)
- (2) The Town Council shall have the right and the prerogative to initiate its own review of any decision by the Development Review Board and shall uphold, modify, or over-rule said decision. Such a Council-initiated review shall be considered at the first regularly scheduled Town Council meeting after the Development Review Board's decision or no later than the second regularly scheduled Town Council meeting. If no review is initiated by the Town Council, the Development Review Board's decision shall be deemed to be final and binding upon the Town of Carefree.

Section 10.06 Development Standards

The following Development Standards are designed to allow for some flexibility to encourage unique, sensitive Mountainside development while balancing the preservation of the natural mountainside terrain or features:

- (1) The minimum lot size shall be consistent with the standards established in Article VI.
- (2) In Rural-190 and Rural-70 zoning districts only, required yard (building setback) regulations are:
 - (A) The minimum yard regulations shall be consistent with the standards established in Article VI; except, if one of the following conditions are met, the minimum width of any two (2) required yard (building setback)s may be reduced by:
 - 1) Twenty-five percent (25%) if fifteen percent (15%) or more of the lot is preserved as a conservation easement.
 - 2) Fifty percent (50%) if thirty percent (30%) or more of the lot is preserved as a conservation easement.

- 3) Seventy-five percent (75%) if forty-five percent (45%) or more of the lot is preserved as a conservation easement.

	FRONT/REAR SETBACK	SIDE SETBACK
CURRENT STANDARDS	60 feet	30 feet
25% RELAXATION	45 feet	22.5 feet
50% RELAXATION	30 feet	15 feet
75% RELAXATION	15 feet	7.5 feet

Table 10.1: Building setbacks for Rural-190 and Rural-70 based upon the above schedule in Section 10.04 (2) (A).

	RURAL-190 (minimum 190,000 sq. ft.)	RURAL-70 (minimum 70,000 sq. ft.)
15% DEDICATION	28,500 square feet	10,500 square feet
30% DEDICATION	57,000 square feet	21,000 square feet
45% DEDICATION	85,500 square feet	31,500 square feet

Table 10.2: Square footage of the Conservation Easement per Rural-190 and Rural-70 zoning districts based upon the relaxed building setbacks specified in Section 10.04 (2) (A).

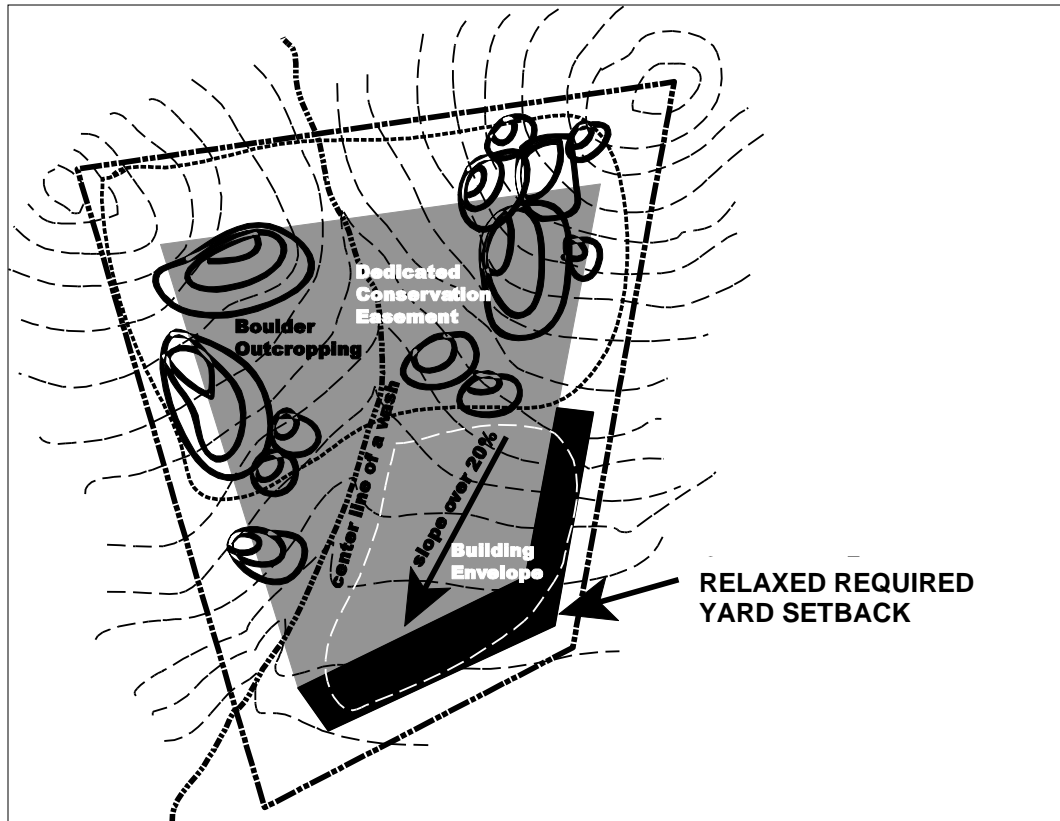


Figure 10.3: Example of amended required yard (building setback) setback and placement of conservation easement.

- (B) The conservation easement prescribed above is in addition to any conservation easement specified in any other part of this Article.
- (C) If practical, the conservation easements shall be contiguous tracts of land and shall:
- 1) Be placed adjacent to any conservation easements on neighboring parcels or lots.
 - 2) Preserve sensitive rock outcroppings, wildlife habitat, washes, steep mountainsides, and significant desert vegetation such as saguaro, cacti and mature desert trees.
 - 3) Conservation easements are not transferable to another property; however, easement boundaries may be adjusted to ensure they align with neighboring easements and protect significant natural features. Such an adjustment may not reduce the area or amount of previously approved conservation easements. Any conservation easement adjustment must be approved by the Development Review Board.

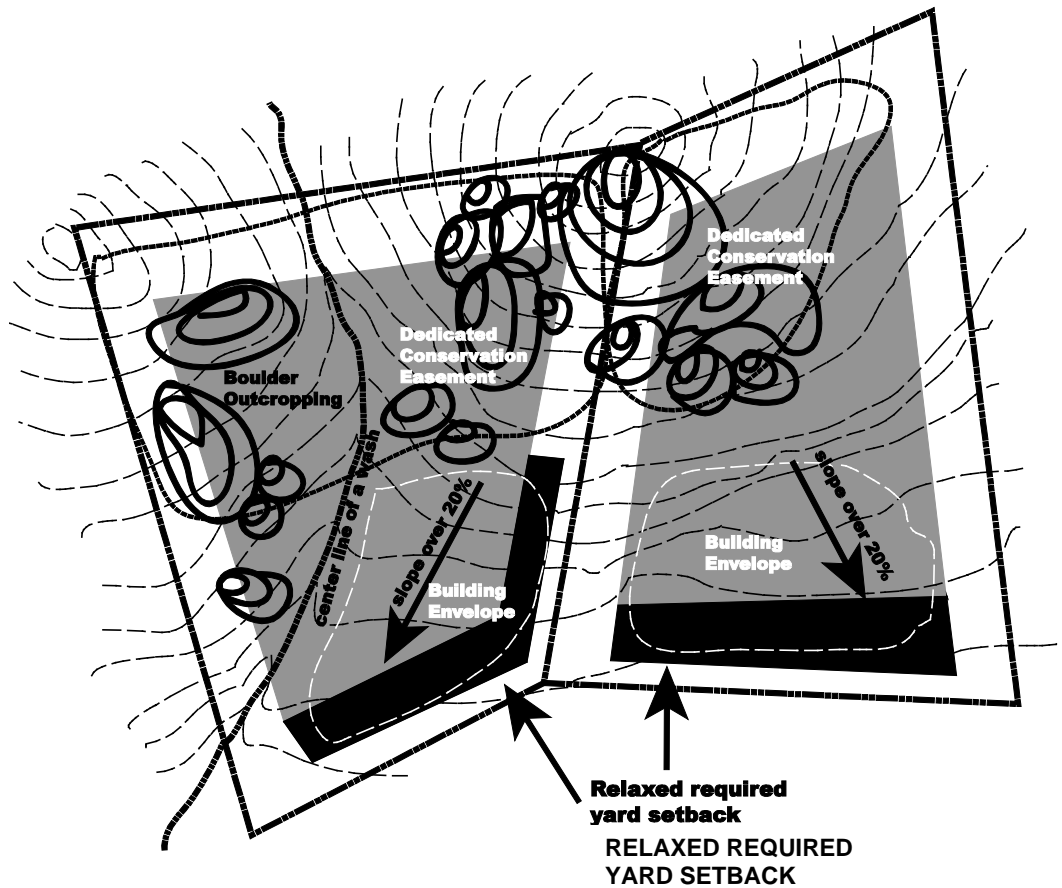


Figure 10.4: Example of conservation easement placed adjacent to one another and preserving natural features on-site.

- (3) Minimum lot width to be applied for new subdivisions and lot splits in Rural-190 and Rural-70 zoning districts:
- (A) The minimum lot width shall be consistent with standards established in Article VI; except, if one of the following conditions is met, the minimum lot width may be reduced by:
- 1) Forty (40) feet if five percent (5%) or more of the lot is preserved as a conservation easement.
 - 2) Fifty (50) feet if ten percent (10%) or more of the lot is preserved as a conservation easement.
 - 3) Sixty (60) feet if fifteen percent (15%) or more of the lot is preserved as a conservation easement.

	RURAL-190 (minimum 190,000 sq. ft.)	RURAL-70 (minimum 70,000 sq. ft.)
CURRENT STANDARD	300 feet	230 feet
40 FOOT RELAXATION	260 feet	190 feet
50 FOOT RELAXATION	250 feet	180 feet
60 FOOT RELAXATION	240 feet	170 feet

Table 10.3: Minimum lot width for Rural-190 and Rural-70 based upon the above schedule in Section 10.04 (3) (A).

	RURAL-190 (minimum 190,000 sq. ft.)	RURAL-70 (minimum 70,000 sq. ft.)
5% DEDICATION	9,500 square feet	3,500 square feet
10% DEDICATION	19,000 square feet	7,000 square feet
15% DEDICATION	28,500 square feet	10,500 square feet

Table 10.4: Square footage of the Conservation Easement per Rural-190 and Rural-70 zoning districts based upon the relaxed minimum lot width specified in Section 10.04 (2)(A).

- (B) The conservation easement prescribed above is in addition to any conservation easement specified in any other part of this Article.

- (C) If practical, the conservation easements shall be contiguous tracts of land and shall:
 - 1) Be placed adjacent to any conservation easements on neighboring parcels or lots.
 - 2) Preserve sensitive rock outcroppings, wildlife habitat, washes, steep mountainsides, and significant desert vegetation such as saguaro cacti and mature desert trees.
 - 3) Conservation easements are not transferable to another property; however, easement boundaries may be adjusted to ensure they align with neighboring easements and protect significant natural features. Such an adjustment may not reduce the area or amount of previously approved conservation easements. Any conservation easement adjustment must be approved by the Development Review Board.

(4) Site disturbance:

- (A) All proposed cuts shall require a seismic refraction survey performed by a registered geologist. If the geological report determines that fractured or unstable rock exists, the proposed location of the building site or appurtenances shall be moved to a stable location unless conditions can be mitigated by an engineered design that creates a stable location. The geological report shall be submitted to the Town with the development application.
- (B) A building envelope shall be delineated on each lot. The building envelope may not exceed the maximum allowed disturbed area as established in Article VI. The building envelope shall include all building pads, accessory structures and buildings, areas enclosed by a solid masonry wall, sewage facilities, and driveway as prescribed in Section 10.06 (5) below.
- (C) Disturbed area in association with a sewage disposal system shall be confined within five (5) feet of the outside edge of leaching bed, pits, tanks, distribution box, and connecting lines as required by the Maricopa County Health Department. Such disturbed area shall be included within the maximum disturbed area prescribed in Article VI.
- (D) All utilities shall be located underground and within the graded areas for the driveway and streets, unless otherwise approved by the Development Review Board. Such approval shall be based on the quality of the revegetation/restoration plan of the disturbed area.

- 1) Utility trenches shall be located within the building envelope.
 - 2) Trenching for utilities shall be confined to three (3) feet on either side of the lines.
- (E) The quantity of fill material shall not exceed the quantity of cut material unless otherwise approved by the Development Review Board. All excess cut material shall be removed from the site.
- (F) Spill slopes are prohibited in the development of building envelopes, building pads, driveways, and streets.
- (G) All fill slopes shall be contained by retaining walls.
- (H) The maximum height of cuts for the building pad(s) shall not exceed twelve (12) feet above natural grade and shall be totally screened by the building.
- (5) Driveways:
- (A) Grading for driveways shall be included in the calculations for total d area prescribed in Article VI and subject to the following exceptions and conditions:
- 1) Driveways constructed at grade and surfaced with pavers or exposed aggregate specifically colored to blend with the adjacent natural desert floor shall not be included in the disturbed area calculations.
 - 2) Driveways with cut or fill in excess of eighteen (18) inches and surfaced with pavers or exposed aggregate specifically colored to blend with the adjacent natural desert floor shall be included in the disturbed area calculations at a ratio of fifty percent (50%) of the total disturbed area of the driveway.
 - 3) Driveways with cut or fill in excess of eighteen (18) inches and surfaced with asphalt or uncolored concrete shall be included in the disturbed area calculations at a ratio of one hundred percent (100%) of the total disturbed area of the driveway.
- (B) A maximum of one-third (1/3) of the driveway cross section may be on fill material. A minimum of two-thirds (2/3) of the cross section width may be on cut material or natural grade.
- (C) Driveways with a ten percent (10%) slope or greater shall have a maximum paved width of twelve (12) feet.

- (D) The maximum driveway slope shall not exceed eighteen percent (18%).
 - (E) Driveways over one hundred and fifty (150) feet in length shall receive approval in writing by the Town's fire service provider.
- (6) Streets (public and private):
- (A) A maximum of one-third (1/3) of the street cross section width may be on fill material. A minimum of two-thirds (2/3) of the cross section width may be on cut material or natural grade.
 - (B) No spill slopes are permitted. All fill slopes shall be retained by retaining walls that blend into the surrounding natural environment. If a registered geologist determines that stable rock exists to retain the slope, then no retaining wall may be needed. If rock is disturbed by cutting into the mountainside, desert varnish or similar treatment shall be used to return a natural appearance to the disturbed area(s) .
 - (C) If practical, all utilities shall be installed within the right-of-way street improvements.
 - (D) Mountainside streets shall be designed to AASHTO "Local Service Road" (design speed of fifteen miles per hour, posted maximum speed of ten miles per hour) standards using the following criteria:
 - 1) Maximum grade shall not exceed eighteen (18) percent.
 - 2) Minimum horizontal curve radius shall be thirty-five (35) feet.
 - 3) Minimum width of street shall be eighteen (18) feet back of curb to back of curb. Streets having a minimum width of eighteen (18) feet shall contain pullouts. Each ribbon curb shall be one (1) foot wide consisting of integrated concrete that blends into the surrounding natural environment. Vertical curbing shall only be used where safety and drainage issues necessitate a vertical application.
 - 4) Minimum width of each shoulder shall be one (1) foot.

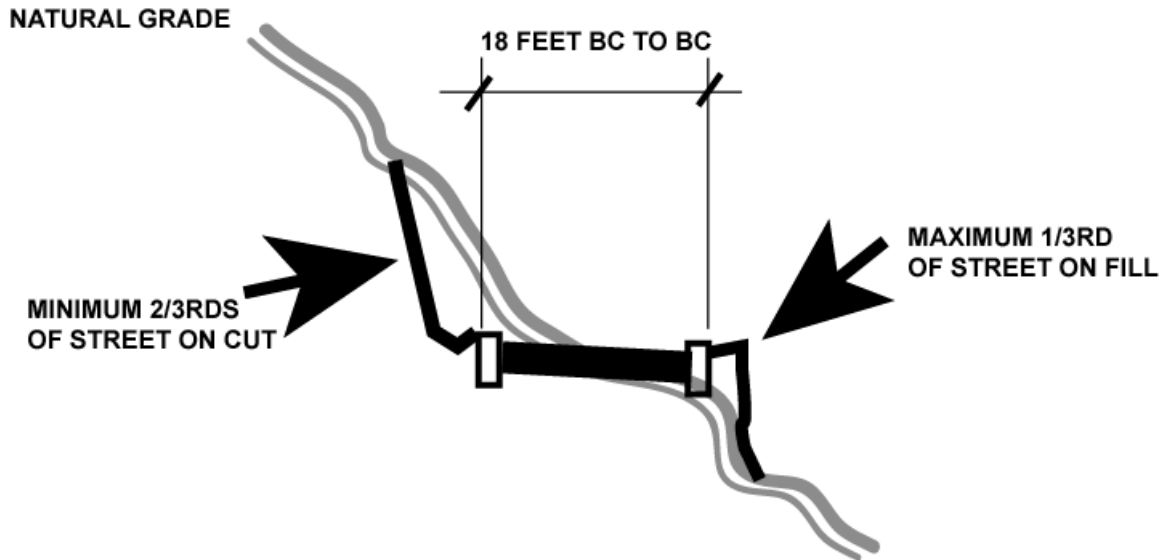


Figure 10.5: Example of Mountainside street cross section.

(7) Building Height:

- (A) No part of any structure may rise more than twenty-four (24) feet above natural and finished grade directly below. Where a building intersects a ridgeline on a mountainside with side slopes of fifteen (15%) or greater, the height of any structure from the highest point of natural grade of the ridgeline (directly below the proposed structure) shall not exceed twelve (12) feet.
- (B) No wall of any principal structure shall exceed a height of eighteen (18) feet without a significant physical, architectural, or visual break of six (6) feet in the horizontal plane.
- (C) The cumulative height shall not exceed forty (40) feet from the lowest natural grade under the structure (except basements) to the highest parapet or roof ridge inclusive of any accessory structure within fifty (50) feet of the principal structure. Accessory structures include cantilevered swimming pools and retaining walls.
- (D) Structures employing the use of a cantilever or a balcony or patio may extend the cantilever a horizontal distance twice the height of the support. The maximum vertical height of the support shall be eight (8) feet from natural grade. If maintained in its natural condition, only fifty percent (50%) of the area beneath the cantilevered element shall be calculated as disturbed area.

- (E) Structures suspended over a wash shall have a maximum building height of twenty-four (24) feet. Height of suspended structures shall be measured from the lowest point of the structure being suspended to the highest point of the roof. Columns or other support structures that are not more than eight (8) feet in depth or width shall not be counted towards the height of the suspended structure.
 - (F) No part of any accessory structure may rise more than sixteen (16) feet above natural and finished grade directly below.
- (8) Distance between buildings:
- (A) The minimum distance between a primary building on the subject lot and a primary building or accessory building on an adjacent parcel or lot shall be fifty (50) feet. This distance may be reduced through the approval of the Development Review Board. Such a reduction may be granted based upon the natural terrain and vegetation that provide a buffer and physical separation between the respective buildings.
- (9) Buildings:
- (A) When a cut is necessary, the angle of inclination of the mountainside at the intersection with the building shall not be changed. Building walls shall be used as retaining wall(s) unless otherwise approved by the Development Review Board.
- (10) Walls and Fences:
- (A) Walls and fences that are otherwise permissible in Article IX, Section 9.09 are prohibited on mountainsides with slopes of twenty percent (20%) or greater unless otherwise specified within this section.
 - (B) Retaining walls, tennis court fences, pool barriers, courtyard enclosures, and walls used to screen mechanical equipment areas are permitted in mountainside areas provided that:
 - 1) Pool barriers shall be five (5) feet tall as measured from finished grade outside of the pool enclosure and shall use materials, colors, and/or forms that blend into the surrounding natural environment. All areas within a pool enclosure shall be included in disturbed area calculations.
 - 2) Tennis court fencing shall not exceed ten (10) feet in height as measured from the playing surface and shall use colors that blend into the surrounding natural environment. All areas

within tennis court fencing shall be included within disturbed area calculations.

- 3) Mechanical screen walls shall not exceed four and one half (4.5) feet in height and shall use materials, colors, and forms that blend into the surrounding natural environment. All areas within mechanical screen walls shall be included the disturbed area calculations.
 - 4) Retaining walls shall not exceed a maximum height of seven (7) feet. However, this height requirement may be waived by the Development Review Board if a creative treatment is considered which utilizes building materials, forms and colors which blend into the surrounding desert landforms and vegetation.
 - a) Any retaining wall of more than seven (7) feet in height (measured from outside finished grade) shall be terraced with the upper section not to exceed four (4) feet in height and a minimum of five (5) feet of level landscaped soil between the sections.
 - b) Retaining walls less than seven (7) feet in height (measured from outside finished grade) may be terraced with the upper section not to exceed three (3) feet in height and a minimum of three (3) feet of level landscaped soil between the sections.
 - 5) Retaining walls shall be used for the purpose of containing fill material or to minimize cut or fill slopes.
 - 6) Courtyard enclosures within the buildable area (outside of the required yards) shall not exceed a height of six (6) feet (measured from outside finished grade). Any associated gate shall not exceed a height of ten (10) feet. All areas within a courtyard enclosure shall be included with the disturbed area calculations.
 - 7) No solid masonry wall is permitted in a required front yard (front yard building setback).
- (11) Exterior lighting shall meet all provisions of Article IX, Section 9.12.
 - (12) Landscaping shall meet all provisions of Article IX, Section 9.13.
 - (13) Drainage parameters shall meet all provisions of Article IX, Section 9.10.