

## CHAPTER 5 - DEVELOPMENT STANDARDS

### SEC. 5.0 GENERAL DEVELOPMENT REGULATIONS

- A. Purpose: The regulations in this Section qualify or supplement the zoning district regulations appearing elsewhere in this ordinance.

### SEC. 5.1 ACCESS

- A. Purpose: The purpose of this Chapter is to require environmentally sensitive planning of access to properties. The instrument (e.g., deed of dedication or easement) creating the physical access, to which a legal description is attached, shall be reviewed by the town staff and recorded, prior to issuance of the building permit.

- B. Definitions:

1. Legal access is defined as a continuous easement and/or dedicated right-of-way (adjoining the subject property) with a minimum width of twenty (20) feet throughout the length of the access to public right-of-way.
2. Physical access is defined as the path of travel from public right-of-way to the subject property that would least disturb the natural environment, as determined through engineering analysis.

- C. Implementation:

1. No zoning clearance will be issued for any building or structure on any lot or parcel unless that lot or parcel has permanent legal access to a dedicated street. Said access shall not be less than twenty (20) feet in width throughout its entire length and shall adjoin the lot for a minimum distance of twenty (20) feet.
2. For properties accessed through Bureau of Land Management (BLM) patent reservation easements, a dedication to the Town of the (BLM) easement will be required prior to the issuance of a zoning clearance.

3. The route of legal and physical access shall be the same and shall be approved by the Town and the local fire service agency as part of the building permit application.
4. No Zoning Clearance will be issued for a property, which is not accessible for fire protection, police protection and ambulance service.
5. Prior to issuance of any zoning clearance, right-of-way dedication may be required if the property for which the clearance is requested contains areas that will be needed for the future extension of Town streets as shown on long-range transportation corridor plans as adopted by the Town from time to time. A dedication requirement pursuant to this Section may be appealed as provided in ARS § 9-500.12.
6. Any private access easement road or driveway shall be considered an accessory use to a principal building or use.
7. A performance bond shall be posted before a building permit is issued for any private access easement road or driveway. The bond shall provide that if the building permit expires or the road/driveway is not constructed in conformance with the approved design, the performance bond will be used for the restoration to original condition, or re-vegetation of, the improved road/driveway.
8. No non-public way or driveway shall provide access to more than three (3) residential lots.
9. Notwithstanding any other provisions of this Ordinance or any other Codes adopted by the Town, no permit for road maintenance or road grading will be required by any lot owner whose residence accesses a dedicated public road by means of an existing non-public easement or driveway.

## **SEC. 5.2 ACCESSORY BUILDINGS AND USES**

### **A. General:**

1. Construction of private access easement roads or driveways shall not be commenced on a lot until a building permit or zoning clearance for the principal use has been issued.

2. Construction of accessory buildings, accessory quarters or uses, excluding private access roads or driveways, shall not be commenced on a lot until construction on the principal building has been substantially commenced. "Substantially commenced" for purposes of this Chapter shall mean that the building has been sealed from the elements.
3. Accessory buildings, accessory living quarters, accessory uses, satellite dishes five (5) feet and greater in diameter, tennis courts, shall require zoning clearance.
4. Desert Rural accessory buildings or uses may include accessory living quarters, corrals, barns, horse shades, swimming pools, garages, satellite dishes, tennis courts, or other uses incidental to the principal residential use.
5. Residential accessory buildings or uses may include swimming pools, garages, satellite dishes, tennis courts, or other uses incidental to the principal residential use.
6. All accessory buildings or uses, except for wells and related well equipment shall have the same electrical meter as the principal building or use.

B. Accessory Buildings:

1. Accessory buildings shall not be used for dwelling purposes, except if approved for occupancy pursuant to a temporary use permit as provided for in this Ordinance.
2. Accessory buildings and accessory living quarters shall occupy the same lot as the principal use or building and shall be located within the buildable area.
3. Detached accessory buildings or accessory living quarters shall not occupy more than thirty (30) percent of the yard area in which they are located.

**SEC. 5.3 ADULT USES**

- A. All adult use businesses require prior approval of a Special Use Permit.
- B. An adult-use business may be permitted only in the Commercial Core zone.
- C. No adult-use business may be located within:
  - 1. Two thousand (2,000) feet of a park, school, day care center, library or religious or cultural activity; or
  - 2. Two thousand (2,000) feet of any other adult use business or any Desert Rural or any Residential zone boundary.
  - 3. Such distances shall be measured between subject lot lines at their closest proximity on an aerial view without regard to intervening structures or topography.
- D. This Section shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

**SEC. 5.4 ALLOWABLE PROJECTIONS INTO YARDS**

- A. General: Eaves, cornices or other similar architectural features may project into a required yard a maximum of two (2) feet. Chimneys may project no more than two (2) feet, provided the width of any side yard is not reduced to less than thirty (30) inches.
- B. Ramps: Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, may extend no more than six (6) feet into the required yard provided such porch does not extend above the first level and is no more than six (6) feet above grade at any point.
- C. Bay windows: Bay and bow windows may project into a required rear yard no more than one foot.

## **SEC. 5.5 COMMERCIAL RANCH**

- A. All livestock structures, containment areas of facilities used for the stabling, storing, showing or training of livestock and for temporary manure storage shall be set back a minimum of seventy-five (75) feet from any property line. Normal setbacks apply to all other structures and uses. An attendant must be a resident on the property of any Commercial Ranch.
- B. No shows or other activities that would generate more vehicular traffic than is normal to an area with single-family residences are permitted unless the site has immediate access to a major town street. Occasional small shows may be allowed by temporary use permit. Adequate parking for daily activities and additional parking, as determined by the zoning administrator, must be provided for shows or other special events.
- C. All livestock turnout areas and pens shall be enclosed with fences at least five (5) feet in height. The design of these enclosures shall be shown on drawings submitted with the special use permit application.
- D. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and fly impacts on adjacent parcels must be provided. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered manure disposal.
- E. The applicant must provide a specific program for fly control in barn and stable areas, which minimizes the attraction to and successful breeding of flies.
- F. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled organic soil mix for dust suppression.
- G. With the exception of principal residence and its accessory structures, upon revocation of the Commercial Ranch special use permit or abandonment of the operation, all structures shall be removed.
- H. Failure to maintain any of the standards described above is grounds for revocation of the special use permit.

## **SEC. 5.6 COMMERCIAL ZONE SCREENING**

- A. A solid wall not less than six (6) feet in height, shall be required along and adjacent to any side or rear property line abutting any Desert Rural, Mountain Preservation or Residential zone, or any alley abutting such zone at the time of development of the commercial property. Any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.
- B. The perimeter of any portion of a site not adjacent to a Desert Rural, Mountain Preservation or Residential zone upon which any outdoor use of a commercial nature is developed shall be enclosed to a height of not less than six (6) feet by building walls, walls, or fences of view-obscuring material. 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 prior zoning clearance.

## **SEC. 5.7 CORNERS**

- A. Buildings, fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, and construction and planting on corner lots in all zoning districts where front yards are required shall be limited as follows:
  - 1. Within the isosceles triangle formed by measuring along both the front and side lot lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet distances, such barriers shall be limited to a height of not over two (2) feet above the elevation of the said street line level.
  - 2. Within the said triangle, when front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at said intersecting streets.

## **SEC. 5.8 FENCES AND WALLS**

### **A. General**

1. Neither fences nor walls shall be constructed without prior zoning clearance.
2. It is not required that fences and walls be set back from the property line except as otherwise specified in this ordinance.
3. Unless specified otherwise in this Ordinance, fences and walls outside the buildable area shall not exceed six (6) feet in height. Erection or construction of fences or walls exceeding four (4) feet in height require a building permit.

**B. Corral fences:** Corral fences must be set back a minimum of twelve (12) feet from any property line.

**C. Retaining Walls:** Construction of any retaining wall four (4) feet or greater in height will require a building permit.

**D. Swimming pool fences:** See SWIMMING POOL REGULATIONS

**E. Tennis court fences:** Fences surrounding a tennis court may not exceed twelve (12) feet in height and must be set within the buildable area of a lot.

## **SEC. 5.9 GRADING**

**A.** Zoning clearance is required prior to the grading and/or grubbing of any area more than five hundred (500) square feet in size. The area within twelve (12) feet of any property line in Desert Rural or Mountain Preservation zones shall be left in a natural state, except for driveway access.

1. The removal or relocation of Saguaro cactus within the Town shall require a grading permit if the Saguaro cactus exceeds four (4) feet in height due to the average disturbance in removing such plants.
2. No Saguaro cactus shall be removed or relocated within the area within twelve (12) feet of any property line in the Desert Rural or Mountain Preservation Zones, except for driveway access, subject to prior approval of the Town.

3. The following protected native plants shall require a grading permit for the removal or relocation of the native plants, due to the average disturbance in removing such plants: Barrel, Cholla, Hedgehog, Night-Blooming Cereus, Saguaro Cactus more than four (4) feet in height, Pincushion and Prickly Pear. In the Desert Rural or Mountain Preservation zones, none of the aforementioned native plants, within twelve (12) feet of any property line, shall be removed or relocated, except for driveway access.

B. Grading Responsibilities:

1. Protection of utilities: Developers shall be responsible for the prevention of damage to any public utilities or services.
2. Protection of adjacent property: Developers shall be responsible for the prevention of damage to adjacent property. No excavating shall be permitted on land sufficiently close to a property line to endanger any adjoining public street, sidewalk, alley or other public or private property, without supporting and protecting such property from any damage that might result.
3. Inspection notice: Developers shall notify the Building Department at least forty-eight (48) hours prior to the start of grading or grubbing work and shall post their grading permit at least forty-eight (48) hours prior to the start of grading or grubbing work in a conspicuous place that can be viewed from the right-of-way.
4. Temporary erosion control: Developers shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site. Precautionary measures must include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.
5. Traffic control and protection of streets: Developers shall provide flags, signs, barricades, etc., to ensure adequate safety when working in or near public streets.

6. Hazard from existing grading: If any existing excavation, embankment or fill which has become a hazard to life or limb, or endangers structures, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment, or fill is located, or other person or agent in control of said property shall, upon receipt of notice in writing from the Town, within the period specified therein, repair, reconstruct or remove such excavations, embankment or fill to eliminate the hazard.
  7. Tracking dirt onto public streets and control of dust: Developers shall provide for adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets, and adequate treatment of soils to control dust from being carried off- site.
  8. Maintenance of waterways: Developers shall take all precautionary measures to protect and maintain the flow of waterways.
  9. Revegetation: The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected from damage by erosion by application of ground-cover plants and/or trees. Such planting shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a landscape architect may be required.
- C. Design standards: The grading design standards contained in the Uniform Building Code shall apply to all grading projects.

## **SEC. 5.10 HEIGHT LIMITS**

- A. Chimneys, church steeples, ornamental towers or spires, outdoor light stanchions, wireless or amateur towers and mechanical appurtenances necessary to operate and maintain the building, may be erected to a height not exceeding thirty (30) feet, if such structure is set back from each lot line a minimum of five (5) feet for each foot of additional height above twenty-five (25) feet. The above setbacks are measured from the lot line to the closest point (including overhangs or other projections) on the structures.

## **SEC. 5.11 HILLSIDE**

- A. Purpose: To allow the reasonable use and development of hillside areas while promoting the public health, safety, convenience and general welfare of the citizens of the Town of Cave Creek, and maintaining the character, identity, and image of hillside areas. The primary objectives of the Hillside Regulations are:
1. To minimize the possible loss of life and property through the careful regulation of development;
  2. To protect watershed, natural waterways, and to minimize soil erosion;
  3. To ensure that all new development is free from adverse drainage conditions;
  4. To encourage the preservation of the existing landscape by maximum retention of natural topographic features;
  5. To minimize the visual scarring effects of hillside construction.
- B. General Provisions:
1. All portions of a lot or parcel having a natural slope of fifteen (15) percent or greater shall be subject to the regulations set forth in this Section.
  2. Provisions for adequate fire flow or a draftable water source shall be assured prior to issuance of any building permit for a building accessed by a hillside driveway.
  3. Prior to the issuance of any building or grading permit, site plan approval shall be obtained from the Zoning Administrator.
  4. Any building permit for a structure on a site having a natural slope of fifteen (15) percent or greater will limit the maximum permitted disturbed area of the entire property involved to an amount not to exceed the permitted maximum indicated as follows:

ZONE	MAXIMUM LOT COVERAGE	MAXIMUM DISTURBED AREA
DR-190	5%	5%
DR-89	10%	10%
DR-70	10%	10%
DR-43	15%	15%
R-35	20%	20%
R-18	25%	25%

ZONE	MAXIMUM LOT COVERAGE	MAXIMUM DISTURBED AREA
MR (8/14/21/43)	40%	10%
CB	40%	10%
CC	40%	10%
GC	40%	10%

**TABLE 11**

- C. Height Regulations: The height of all structures on portions of property having a natural slope of fifteen (15) percent or greater shall not exceed twenty-five (25) feet from original natural grade through any building cross section, measured vertically at any point along that cross section from original natural grade. This Section shall not apply to transmission towers higher than twenty-five (25) feet for which special permits have been issued.
- D. Other Regulations: The use, yard, intensity of use, parking, loading and unloading, and additional regulations which apply to property in any zoning district which requires Hillside Regulations shall remain as specified in the primary zoning district unless otherwise specified herein.
- E. Grading and Drainage Requirements: There shall be no grading on or to any site, other than percolation and test boring (one hundred (100) square feet maximum in size), prior to the issuance of a zoning clearance.
  - 1. Raw spill slopes are prohibited.
  - 2. Rock veneered spill slopes may be allowed provided that:
    - (a) The vertical height of the spill slope does not exceed the vertical height of the exposed cut;
    - (b) The spill slope does not exceed a one-to-one slope;

- (c) Retaining walls used to limit the height of the spill slope are color treated or veneered to blend in with the surrounding natural colors;
  - (d) The maximum depth of fill must not exceed eight (8) feet except beneath the footprint of the main residence.
- 3. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.
- 4. When a grading permit is required under this ordinance, developers shall provide the Town with a bond or other acceptable security which places the town in an assured position to do or to contract to do the necessary work to cover, restore and landscape exposed fills and cuts to blend with the surrounding natural terrain. The minimum acceptable bond shall be in a dollar amount equal to the number of total cubic yards of cut and fill multiplied by fifteen (15), or in such greater amount as deemed appropriate by the Town. The bond shall be in such form as deemed appropriate by the Town. In the event that construction has not commenced within six (6) months from the date of issuance of the grading permit or restoration is not complete within twenty-four (24) months from the date of issuance of the grading permit, such bond shall be forfeited to the Town in such amount necessary for restoring the construction site to its original condition and all authorized permits shall be revoked and become void.
- 5. Sewage Disposal System: Grading or disturbance of natural terrain and vegetation for the purpose of installing a sewage disposal system shall be confined to within seven (7) feet of the outside edge of the elements of that system such as the leaching bed or pits, tank and distribution box, and connecting lines as required by Maricopa County Health regulations and will be considered part of the disturbed area.
- 6. Utility lines shall be located underground within the driveway graded area whenever possible. If this location is not possible, then disturbance of natural terrain for these lines shall be confined to within four (4) feet of either side of the lines.

7. Drainage: The entrance and exit points and continuity of all natural drainage channels on hillside sites shall be preserved.
8. All cut and fill slopes shall be completely contained by retaining walls or by substitute materials acceptable under the provisions of the Uniform Building Code (including rip-rap materials) except for:
  - (a) The minimum amount of swale grading necessary for drainage purposes; or
  - (b) The minimum required to establish a driveway with associated parking and turn around areas (see "Driveway Requirements"); or
  - (c) Pursuant to other requirements of this Section.

F. Retaining Wall Requirements:

1. The height of a retaining wall is measured from low side natural grade to the top of the wall whether the top is retaining earth or not. Open railings on top of retaining walls are not included in height measurements. The height of a retaining wall shall be counted as part of the building height if the face of the building is within fifteen (15) feet of the retaining wall.
2. The average height of a retaining wall shall be computed by taking the total vertical surface area of the wall above grade and dividing it by its length.
3. The finished surfaces of any retaining wall shall be stucco or other material to match building finish or blend into the natural setting.
4. The maximum height and average height of a retaining wall shall not exceed the following:

<b>AVERAGE SLOPE AT BUILDING*</b>	<b>15%-25%</b>	<b>25%-30%</b>	<b>30%-35%</b>	<b>35% &amp; over</b>
Maximum Height** (feet)	10'	13'	13	18'
Average Height** (feet)	6'	8'	9'	11'

**TABLE 12**

(a) \* Average slope at building is determined by averaging percentage of slopes shown on sections through building on site plan submittal.

(b)\*\* Height shall not exceed eight (8) feet without a minimum four (4) foot wide planter break.

**G. Driveway Requirements:**

1. Driveways exceeding fifteen (15) percent slope shall be no more than sixteen (16) feet wide and shall be paved with asphalt tinted to blend with the surrounding terrain. The paved width of such driveways shall be constructed to anticipate a maximum weight load of twenty (20) tons.
2. The height of cut and fill slopes shall be limited to an average of four (4) feet but may not exceed eight (8) feet, provided the combination does not exceed twelve (12) feet. A maximum of one-third of the cross sectional width of the driveway at any point may be on fill materials and a minimum of two-thirds (2/3) of the cross sectional width shall be on cut material or natural grade.

**H. Slope Stabilization and Restoration:** Vegetation shall be re-established on all exposed fill slopes, cut slopes, and graded areas with a mixture of grasses, shrubs, trees or cacti to provide a basic ground cover which will prevent erosion and permit natural re-vegetation. In lieu of the re-establishment of vegetation, all exposed cut slopes shall be rip-rapped with stone or chemically stain treated with materials which blend with the natural setting.

- I. Special Procedures:
  - 1. Prior to the issuance of a zoning clearance, proposed developments regulated by this Section must be presented to the Zoning Administrator in the form of a site plan. Site plans for single-family residential uses and their accessories may be approved by the Zoning Administrator. All other hillside development site plans must be reviewed and approved by the Town Council after a Planning Commission recommendation.
  - 2. In relation to its approval of any site plan, the Town Council may include reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks, etc., to the extent that the noted purpose and objectives of this Section are maintained and ensured.

**SEC. 5.12 HOME OCCUPATIONS**

- A. General: Home occupations may be approved by the Zoning Administrator for any property, provided the home occupation is conducted by a resident thereof, and is clearly subordinate and incidental to the residential use.
- B. The following and similar home occupations are permitted subject to the provisions of this section:
  - 1. Office, professional or trades business.
  - 2. Service business.
  - 3. Instructional service.
  - 4. Home production or repair service.
  - 5. 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.
- C. Procedure:
  - 1. Conduct of home occupations requires prior approval of a Home Occupation Permit.

D. Standards:

1. Home occupations shall be conducted wholly within a dwelling unit, except that, in the Desert Rural or Single-Family Residential zones, an existing accessory building located within the buildable area of the side or rear yard may be utilized for home occupation purposes.
2. Any exterior change to a residence or site which does not conform to residential appearance is prohibited. This includes but is not limited to signage, lighting, parking, and equipment.
3. Other than the inhabitants of the residence, no more than one full time (40 hours) person may be employed in the operation of a home occupation.
4. Adequate off-street parking must be provided for customers. However, parking or traffic excess, in size or frequency, which disturbs residential tranquility is prohibited.
5. Any activity which produces noise, litter, vibration, glare, fumes, odors, dust or electrical interference noticeable at or beyond the property line is prohibited.

**SEC. 5.13 LOADING SPACES**

- A. General: Loading spaces shall be provided on the same lot for every building in the Core Commercial and General Commercial Zones. No loading space is required if prevented by an existing lawful building.
- B. Size: Each loading space shall have a clear height of fourteen (14) feet and shall be directly accessible through a useable door not less than three (3) feet in width and six (6) feet, eight (8) inches high. Loading spaces shall be at least two hundred (200) square feet in area with minimum dimensions of twenty (20) feet by ten (10) feet.
- C. Commercial: For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one loading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building.

## **SEC. 5.14 MANUFACTURED BUILDINGS**

- A. Mobile Homes: Mobile homes are not allowed in any zoning district except as provided for in this ordinance under the following Sections: Temporary Construction Site Structures or Existing Non-conforming Mobile Home Parks.
- B. Modular Buildings: Modular buildings may be permitted as a special use.
- C. Factory Built Buildings: Factory built buildings are not allowed in any zoning district.

## **SEC. 5.15 OFF-STREET PARKING**

- A. General: 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.
- B. Parking Space Requirements:
  - 1. Required number: 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.
    - (a) Notwithstanding the number of off street parking spaces required by this ordinance, the Zoning Administrator may approve up to ten (10) percent fewer off street parking spaces when the proponent of a use demonstrates that, due to special circumstances involved with a particular use, the off street parking required by this ordinance exceeds any anticipated need.
- C. Combination of uses: Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum required for each use.

<b>USE</b>	<b>NUMBER OF PARKING SPACES REQUIRED</b>
Dwelling Units	2/DU
Office	1/200 gross square feet
Retail	1/200 gross square feet
Restaurant	1/100 gross square feet (including outdoor seating areas)
Assembly	1/300 gross square feet
Schools	1/3.5 seats in assembly plus 1/faculty member
Hotels/Motels, Resorts, Guest Ranches	1/guest room plus 1/500 square feet of public area

**TABLE 14**

- D. Location of lot: 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 not more than five hundred (500) feet measured radially from the subject lot within the same or a less restrictive zoning district.
- E. Parking Stall Dimension:
1. Width:
    - (a) Parallel parking stalls must be at least eight (8) feet wide. All others require a minimum width of nine (9) feet.
    - (b) The width of a parking stall shall be increased ten (10) inches when there are obstructions located on either side of the stall within fourteen (14) feet of the access aisle used to enter the stall.
  2. Length: Parallel parking stalls must be at least twenty-two (22) feet in length. All others require a minimum length of twenty (20) feet.
- F. Handicapped Parking: Must be provided as required by the Americans with Disabilities Act, Public Law 101-336.
- G. Design of Parking Facilities:

1. Driveway width: Every parking facility shall be provided with one (1) or more access driveways, the width of which shall be:
  - (a) Private driveways at least ten (10) feet.
  - (b) Commercial driveways:
    - (1) Twelve (12) feet for one way enter/exit.
    - (2) Twenty four (24) feet for two way enter/exit.
2. Driveway and ramp slopes: The maximum slope of any driveway or ramp shall not exceed twenty (20) percent. Transition slopes in driveways and ramps shall be provided according to Town standards.
3. Stall accessibility:
  - (a) Each required parking stall shall be individually and easily accessible based on good engineering practice.
  - (b) No automobile shall back onto any public street or sidewalk to leave any parking stall when such stall serves more than two (2) dwelling units or other than residential uses.
  - (c) All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.
4. Screening: A buffer at the edge of the public right-of-way and adjacent to rural or residential zoned property shall be provided for all parking areas of ten (10) or more parking spaces.
5. Surfacing: Off-street parking spaces shall be surfaced with concrete, asphalt or with a minimum of three (3) inches of compacted decomposed granite or other dust controlling material approved by the Zoning Administrator.

**SEC. 5.16 SATELLITE DISHES**

- A. Satellite dishes shall:
  - 1. Be located in the buildable area of the rear or side yard.
  - 2. Not exceed eight (8) feet in height above grade.
  - 3. Must be screened from view from adjacent properties at ground level.
  - 4. Be ground mounted.

**SEC. 5.17 SWIMMING POOLS**

- A. General: 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. In the Desert Rural Zoning Districts, swimming pools, including ancillary installations, shall be allowed only within the buildable area of the lot and shall not extend into the required yard setbacks.

In the Single Family Residential Zoning Districts, the interior edge of the swimming pool shall be located no closer than five (5) feet from any property line.

- B. Barrier Details: Refer to the Town of Cave Creek’s Building Code for regulations pertaining to swimming pool barrier details.

**SEC. 5.18 UNDERGROUNDING OF UTILITIES**

- A. It is unlawful to erect, possess, or maintain any utility poles and wires above the surface of the ground except after obtaining a Special Use Permit, except that the issuance of a Special Use Permit for utility poles and wires above the surface of the ground shall be subject to the criteria in subsection 2 of this Section. Notwithstanding the foregoing, a Special Use Permit shall not be required for the following:

1. New utility poles and wires erected for temporary use for periods not exceeding twelve months for purely temporary purposes such as for providing temporary building construction power or for emergency power or telephone services or for the furnishing of power to temporary outdoor activities;
  2. The erection above the ground and flush to the ground of transformers, pull boxes, service terminals, pedestal type on-the-ground facilities normally used with and as a part of an underground distribution system, all of the same to be of size, type, and design approved by the Town Engineer;
  3. The erection above the ground and flush to the ground of wires encased in concrete or in conduit where installed as a part of an underground distribution system where underground wires installation is not feasible due to special features of these terrain; or
  4. Utility poles and wires erected on or prior to the effective date of the Ordinance adopting this Section.
- B. A Special Use Permit for erection of new utility poles and wires will be granted only in the event the applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. The issuance of a Special Use Permit is a legislative matter resting in the judgment of the Town Council, and a refusal to issue a Special Use Permit is not to be deemed the denial of a right, conditional or otherwise. In deciding such matter, however, the Town may, but is not required, to consider the following factors: the location and heights of such poles and wires; their relation to present or potential roads; the crossing of such lines over much traveled highways or streets; the proximity of such lines to schools, churches, or other places where people congregate; the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields; fire or other accident hazards from the presence of such poles and wires, and the effect, if any, of same upon the effectiveness of fire fighting equipment; the aesthetics involved; the availability of suitable right-of-way for the installation; the future conditions that may be reasonably anticipated in the area in view of a normal course of development; the type of terrain; the practicality and feasibility of underground installation of such poles and wires

with due regard for the comparative costs between underground and over-ground installations (provided, however, that a mere showing that an installation shall not, in itself, necessarily justify issuance of a permit); and, in the event such poles and wires are for the sole purpose of carrying electricity or power or communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

## **SEC. 5.19 VEHICLE STORAGE AND PARKING**

### **A. In Commercial zones:**

1. At no time shall a mobile home, recreational vehicle, boat, etc., 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 more than one (1) vehicle may be displayed for sale on any lot.
3. Tractor trailer rigs may not be parked or stored overnight except for a maximum of eighteen (18) hours for loading and unloading purposes.

### **B. In Desert Rural, Mountain Preservation and Single-Family Residential zones:**

1. At no time shall a mobile home be occupied or used for living, sleeping or housekeeping purposes except as provided in this ordinance.
2. 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 lot, and shall not be occupied more than four (4) months out of any twelve (12) month period.
3. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen (17) inches in diameter is prohibited.

C. In all zones:

1. Vacant mobile homes may not be stored on any property.
2. Recreational vehicles or boats may be stored on properties provided they meet the following requirements:
  - (a) If a recreational vehicle or boat 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 lot and screened from view from abutting properties at ground level.
  - (b) Placement 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.
  - (c) No more than one each of recreational vehicles, boats or trailers may be stored on a lot or parcel.