

CHAPTER 1 - TITLE, PURPOSE AND SCOPE

SEC. 1.0 SHORT TITLE. These regulations shall be known as the “Cave Creek Zoning Ordinance”, may be cited as such and will be referred to herein as “this code”, or “this Ordinance”. All appendices, exhibits and/or maps attached to this Ordinance are hereby adopted and shall be incorporated herein as a part of this ordinance.

SEC. 1.1 PURPOSE and SCOPE.

- A. The purpose of this Ordinance is to provide the minimum requirements for the implementation of the General Plan, to promote the public health, safety, and general welfare of the citizens of the Town of Cave Creek by guiding, controlling, and regulating the future growth and development of the Town in a manner that protects the character and the stability of the Town and is compatible with the low density, desert environment of the community. This Ordinance shall provide for the preservation of open space, protection of natural habitats, scenic vistas, riparian areas, and hillsides, while providing for adequate light and air, avoidance of overcrowding of land and excessive concentration of population by establishing land use classifications and by imposing regulations on the use of land, on the location, height and bulk of buildings and structures and by establishing standards for design and development.
- B. This Ordinance shall incorporate all Town adopted codes and ordinances as they relate to the development, construction, alteration, moving, repair and use of any building, parcel of land or sign within the town, public and private utility towers and poles, and public utilities, except work located primarily in a public way, unless specifically mentioned in this ordinance.
- C. Where, in any specific case, different sections of this Ordinance or any other town ordinance or code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall apply. This Ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Any benefits and detriments to specific individuals or properties resulting from the implementation, administration and enforcement of this Ordinance are incidental to the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of

administration and enforcement imposed on the Town of Cave Creek shall not be enforceable in tort.

- D. This Zoning Ordinance establishes procedures, offices, boards, and commissions for the enforcement, interpretation, and processing of amendments, variances, conditional use permits, and appeals and for violations and penalties for infractions of these zoning regulations.
- E. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, change of outside storage, or other features, occurring to existing properties after the effective date of this Ordinance shall be subject to all provisions of this Ordinance. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended, or maintained.

SEC. 1.2 FILING FEES.

- A. Fees for services shall be charged. All fees shall be set by Resolution of the Town Council and schedules shall be available at the Town Hall. The developer/applicant shall, at the time of filing, pay to the Town those established fees. These fees shall be non-refundable unless otherwise specifically provided herein.

SEC. 1.3 INTERPRETATION.

- A. The standards and restrictions established by this Ordinance shall be held to be the minimum requirements for the promotion of the General Plan, and for the interpretation and administration of the zoning regulations, standards, restrictions, uses, procedures, enforcement, fees, administration, and all other areas addressed herein.
- B. This Ordinance is not intended to interfere with, abrogate, or annul any existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by this Ordinance, and providing that they are not in conflict with this Ordinance. In the event of a conflict, the provisions of this Ordinance shall govern. This Ordinance is not intended to interfere with, abrogate, or annul any private agreements between persons, such as easements, deeds, covenants, except that if this Ordinance imposes higher standards or a greater restriction on land, buildings or structures than an otherwise applicable provision of a law,

ordinance, or a private agreement, the provisions of this Ordinance shall prevail.

- C. This Ordinance amends the text of all other Zoning Ordinances previously adopted by the Town of Cave Creek, Arizona.

SEC. 1.4 APPLICABILITY.

- A. This Ordinance shall govern the development and or the use of land and structures within the corporate limits of the Town of Cave Creek. All departments, officials and employees charged with the duty or authority to issue permits or licenses shall refuse to issue permits or licenses for uses or purposes where the same would conflict with any applicable provision of this ordinance. Any permit issued in conflict with the terms or provisions of this Ordinance shall be void.
- B. All special uses which have been approved by the Town Council shall be permitted to proceed under such approvals provided that a complete application for building permit is submitted to the Town within six (6) months after the effective date of this Ordinance and provided further that all construction is completed within twelve (12) months after the Town Council approval or by such time specified by the Council at the time of approval.
- C. No building permit or other permit required by this Ordinance shall be issued unless a site plan and zoning clearance have been submitted and approved by the Town. Except as specifically provided to the contrary in this Ordinance, each review and approval required by this Ordinance shall be independent of every other review and approval, and no review or approval shall be deemed to waive or satisfy any other requirement set forth herein.

SEC. 1.5 ENFORCEMENT.

- A. The Zoning Administrator shall interpret, apply and enforce the provisions of this Ordinance to further the promotion of the public health, safety, and general welfare.
- B. The Zoning Administrator shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement or use of any building, structure, lot, or parcel if the Zoning Administrator determines that the building, structure, lot or parcel as proposed to be constructed, reconstructed, altered, used, or moved, would be in violation of any of the provisions of this Ordinance, unless directed to issue such permit by the Board of Adjustment after interpretation of the Ordinance or the granting of a variance.

SEC. 1.6 LIABILITY.

- A. This Ordinance shall not be construed to relieve from liability or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects or other conditions on or arising from said building or parcel of land, nor does the Town of Cave Creek assume any such liability by virtue of the reviews or permits issued under this Ordinance.

SEC. 1.7 VIOLATIONS and PENALTIES.

- A. Any person who violates any provision of this Ordinance, and any amendments thereto, shall be responsible for a Civil Code infraction, punishable as provided in the Cave Creek Town Code, Section 10.99 (A). Each day of continued violation shall be a separate offense, punishable as described.
- B. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or land or cause or permit the same to be done in violation of this Ordinance. It shall also be unlawful for any person to violate any provision designated as a condition of approval either by the plan review process or through an amendment, special use permit, temporary use permit, variance, site plan, or appeal by an office, board, commission, or the Town Council as established by this Ordinance.
- C. When any building or parcel of land regulated by this Ordinance is being used contrary to this Ordinance, the Zoning Administrator shall order such use discontinued and the structure, parcel of land,

or portion thereof vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Zoning Administrator after receipt of such notice. The use or occupation of said structure, parcel of land, or portion thereof, shall conform to the requirements of this Ordinance.

SEC. 1.8 SEVERABILITY.

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.