

TOWN OF CAREFREE, ARIZONA
ORDINANCE NO. 85 -- 22

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, GRANTING A SPECIAL USE PERMIT TO WOODSON K. WOODS TO USE CERTAIN REAL PROPERTY AS A PRIVATE AIRPORT; TO CONSTRUCT CERTAIN IMPROVEMENTS THEREON; AND IMPOSING CERTAIN CONDITIONS ON SUCH USES.

WHEREAS, the Common Council of the Town of Carefree, Maricopa County, Arizona, finds that the issuance of a Special Use Permit to Woodson K. Woods for the operation of a private airport and the construction of certain improvements on the real property described in the attached Exhibit "A", a copy of which is incorporated herein by this reference, will, subject to the conditions set forth herein, serve and not adversely affect the public health, safety and general welfare of the Town, that ample off-street parking facilities will be provided if such Special Use Permit is granted, and that necessary safeguards for the protection of adjacent property and the permitted uses thereof will be provided if such Special Use Permit is granted;

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. Pursuant to Section 1601 of the 1985 Zoning Ordinance for the Town of Carefree, a Special Use Permit shall be and hereby is granted to Woodson K. Woods to use the real property described in the attached Exhibit "A", which is incorporated herein by this reference, for an airport, as disclosed by the application filed with the Town in Zoning Case Z 85-08 and the site plan accompanying such application.

Section 2. The Special Use Permit shall be and is subject to the following stipulated conditions:

a) That all driveways off the north side of Autoplane Drive be eliminated, except those leading to homes or lots in Carefree Airpark Estates;

b) That the clearing and grading of a 10 foot strip of the north taxiway (also used as Autoplane Drive) be accomplished;

c) That a realistic timetable be established, approved by the Zoning Administrator, and met for the

construction of all hangars, shades, the new terminal building, the taxiway widening, the entrance driveways at the terminal, the glider office, glider storage, and the prop wash. The timetable shall provide for the commencement of construction of all such improvements within two years of the date hereof.

d) That the developer install the turn-out acceleration and deceleration lanes at the project's entrance on Cave Creek Road within six months of all approvals required from Maricopa County or, if no such approvals are required, within six months of the date hereof;

e) That final grading, drainage and retention area plans be submitted to, and approved by, the Town Engineer;

f) That the project be completed in full conformance with the site plan layout, and hangar and terminal specification and uses specified in the application in Zoning Case Z 85-08, and approved by the Common Council at this meeting;

g) That a berm of some 6 to 8 feet be created along the Cave Creek Road side of the two 300 foot long hangars to better screen and conceal the hangars from the road;

h) That the developer adopt as a rule of the airport that landings and take-offs shall be permitted only during a period beginning at 6:00 a.m. and ending at 11:00 p.m. of each day, except emergencies;

i) That the airport shall be operated solely as a private airport for use by a private club consisting of not more than 150 motorized aircraft members and fifteen glider members, for the guests of such members, for transient aircraft landing with the express prior permission of the airport manager and for emergencies. Such prior permission shall be granted only to persons having a bona fide reason for landing at the airport, such as persons staying overnight or longer with Carefree residents and persons staying at resorts in the Carefree area. No person other than those defined herein shall be permitted use of the airport, including by way of example and not limitation, those persons visiting for the sole purpose of refueling.

j) The airport shall adopt, and shall enforce by means of effective sanctions, rules prohibiting (except where violations are necessary for safety reasons) "touch and goes," flight outside of the established take-off and landing patterns, and flight at altitudes less than 500 feet above ground level except upon landing or take-off within the established take-off and landing patterns in accordance with reason-

able, prudent and customary flying standards and safety considerations. Applicant agrees to incorporate into the rules and regulations of the airport the applicable United States Federal Aviation Regulations (either literally or in substance) entitled "Acrobatic Flight," "Minimum Safe Altitudes" and "Operating On or In the Vicinity of an Airport," that is, §§ 91.71, 91.79 and 91.85 respectively, of such Regulations, copies of which are attached hereto, as such Regulations now exist or may be amended from time to time.

k) That no restaurants open to the public, flight training, regular charter service, charter service based at the airport, aircraft sales, fixed base operators, or helicopter service (except in case of emergency) shall be permitted at any time. No alcoholic beverages shall be served at any time.

l) That the airport manager shall maintain a telephone service for the purpose of receiving complaints from persons in the Carefree area with respect to the operation of the airport and to flight operations in or out of the airport. An operator shall be available to answer the telephone and receive such complaints during the hours of 9:00 a.m. until 5:00 p.m. of each day beginning six months from the date hereof. During times that an operator is not on duty, the telephone shall be connected to an answering machine with taped instructions directing complainants to state their complaints to the machine or to call back during the hours of 9:00 a.m. to 5:00 p.m. The airport manager shall take all reasonable steps to investigate all complaints and to respond to all complainants.

m) Except with the prior written permission of the Subdivision Committee, no rotating beacon shall be placed at the airport at an elevation above sea level higher than the elevation above sea level of the rotating beacon located at the airport as of the date hereof.

n) Except to the extent inconsistent with this Ordinance, all improvements at the airport shall be subject to the rules and regulations applicable to Zoning District Rural 43 under the 1985 Zoning Ordinance for the Town of Carefree, except that antennas and other appurtenances may exceed the height requirement for such zoning district with the prior written consent to the Subdivision Committee.

o) From and after such time as 75 memberships of the airport have been sold or six months from the date hereof, whichever comes first, the management of the airport shall establish an advisory committee for the purposes of, among other things, advising the airport with respect to the

operation of the airport and its impact on and relationship with the Town of Carefree, and acting as a liaison between the Town and the airport. The advisory committee shall consist of at least three (3) persons to be appointed by, and from, among the members of the airport, and of two (2) persons appointed by the Common Council. The advisory committee shall meet at least quarterly with the management of the airport.

p) That the Special Use Permit shall be subject to revocation by the Common Council, after notice and hearing, if any of the foregoing stipulations are knowingly violated or breached.

Section 3. The Town of Carefree Zoning Map is hereby amended to reflect the issuance of the Special Use Permit granted hereunder.


PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Arizona, the 15th day of October, 1985.

Ayes 5 Noes 1 Abstentions 1 Absent 0


Merritt A. Bigelow, Mayor

ATTEST:

By:


Diane Threadgill,
Town Clerk

APPROVED AS TO FORM:


David M. Bixby,
Town Attorney