

TOWN OF CAREFREE, ARIZONA

ORDINANCE NO. 99-03

AN ORDINANCE AMENDING ORDINANCE 85-22, AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, GRANTING A SPECIAL USE PERMIT TO SKYRANCH FLIGHT ASSOCIATION, INC., AN ARIZONA CORPORATION, AND SKYRANCH AIRCRAFT STORAGE CONDOMINIUM ASSOCIATION, AN ARIZONA CORPORATION (COLLECTIVELY "SKYRANCH") 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, Arizona, finds that the issuance of a Special Use Permit to Skyranch, successor 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 1998 Town of Carefree Planning and Zoning Ordinance, a Special Use Permit shall be and hereby is granted to Skyranch 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 Cases Z85-08 and Z99-03 and the site plans accompanying such applications.

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

1. That all driveways off the north side of Auto Plane Drive be eliminated, except those leading to homes or lots in Carefree Airpark Estates;
2. That the final site plan shall be approved and the construction work on the facility shall be commenced within twenty-four (24) months after the effective date of approval of this Special Use Permit by the Town Council, and that construction work on the first phase shall be completed within four (4) months after such construction commences.

3. 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 Z99-03, and the Conditions of Approval as approved by the Common Council as follows;
- a. That all buildings, structures and other improvements upon the project site shall be constructed, erected, installed, maintained and used in accordance with a final site plan and application narrative to be submitted for zoning case number Z99-03, with such building and other improvement siting variations as the Planning and Zoning Commission and Town Council may approve upon submission of the final site plan.
 - b. That, if at any time, construction, the buildings, structures, improvements or use of the project site are not in compliance with these stipulations or the Town of Carefree Zoning Ordinance, including the timing contained in paragraph 2, the Town Council, after notification by certified mail to the owner and applicant who requested the special use, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
 - c. The building height for the hangars shall not exceed 17 feet and the building height for the terminal shall not exceed 24 feet.
 - d. The final site plan shall be referred to Rural Metro for review and approval prior to submittal to the Planning and Zoning Commission. All requirements as may be made by Rural Metro including fire sprinkler systems and fire hydrant spacing shall be complied with.
 - e. Eliminate hangar P and relocate to Q, except up to two maintenance bays may be located within any hangar building.
 - f. Move hangar B to the east to establish a minimum setback of 20 feet.
 - g. Add a wall (maximum height of eight feet) / landscape berm with mature trees from the front of hangar B to the west to include screening along the west side of the western most hangar building.
 - h. The total aircraft storage units shall not exceed 146 including all tie-downs.
 - i. The existing airport operations and safety regulations dated November 1, 1998 are hereby added by reference. The airport management shall inform the Town in writing of all changes a minimum of 30 days prior to the effective date of the change.

- j. The applicant shall provide a new exterior painting plan for the southeast and west building elevations for all existing and proposed hangar buildings for review by the Planning and Zoning Commission as part of the final site plan approval.
 - k. Eliminate hangar O.
 - l. That Sky ranch is encouraged to adopt rules prohibiting rental of the hangars for storage to second parties.
4. That Sky ranch 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 for emergencies;
 5. That the airport shall be operated solely as a private airport for use by a private club consisting of not more than one hundred fifty (150) motorized aircraft members and fifteen (15) glider members, for the guests of such members not to exceed twelve guest aircraft at one time, 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.
 6. 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 five hundred (500) feet above ground level except upon landing or take-off within the established take-off and landing patterns in accordance with reasonable, 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, 91.85 respectively of such regulations, copies of which are attached hereto, as such regulations existed in 1985 and amended from time to time.
 7. 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 an emergency) shall be permitted at any time. No alcoholic beverages shall be served at any time. Maintenance of member aircraft by mechanics located at the airport is allowed.
 8. 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. to 5:00 p.m. each day. The airport manager shall take all reasonable steps to investigate all complaints and to respond to all complainants.

9. 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.
10. 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 Town of Carefree 1998 Zoning Ordinance, except that antennas and other appurtenances may exceed the height requirement for such zoning district with the prior written consent of the Subdivision Committee.
11. The Common Council and Skyranch 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 Skyranch who shall be members, and of two (2) persons appointed by the Common Council. The advisory committee shall meet at least quarterly with the management of the airport.
12. That the Special Use Permit may 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 on the 4th day of May, 1999.


Ayes 5 Noes Abstentions 2 Absent

TOWN OF CAREFREE

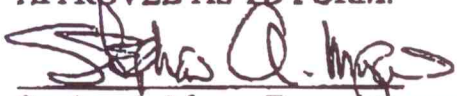
By: 

Hugh S. Stevens, Mayor

ATTEST:


Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read "Stephen A. Myers", written over a horizontal line.

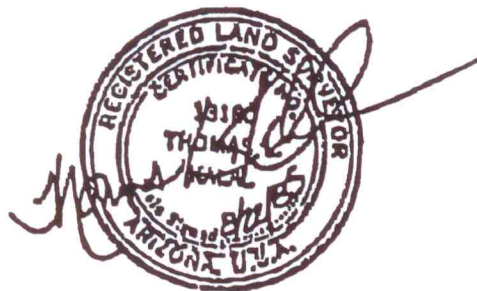
Stephen A. Myers, Town Attorney

LEGAL DESCRIPTION

That part of the South Half of Section 36, Township 6 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the East Quarter corner of said Section 36;
thence South 00 degrees 06 minutes 36 seconds West along the east line of the Southeast Quarter of said Section 36 a distance of 27.75 feet to the POINT OF BEGINNING;
thence continuing South 00 degrees 06 minutes 36 seconds West along said east line a distance of 606.86 feet;
thence North 89 degrees 53 minutes 24 seconds West a distance of 178.00 feet;
thence North 47 degrees 07 minutes 33 seconds West a distance of 229.88 feet;
thence South 71 degrees 55 minutes 28 seconds West a distance of 2,055.00 feet;
thence South 18 degrees 04 minutes 32 seconds East a distance of 429.27 feet to a point on the centerline of the Cave Creek-Bartlett Dam Road as recorded in Book 17 of Road Maps, page 30, records of Maricopa County;
thence South 83 degrees 23 minutes 44 seconds West along said centerline a distance of 211.61 feet to a point of curvature from which the radius bears South 06 degrees 36 minutes 16 seconds East a distance of 716.20 feet;
thence southwesterly along said curve and along said centerline, through a central angle of 28 degrees 28 minutes 15 seconds, a distance of 355.89 feet to a point of tangency;
thence South 54 degrees 55 minutes 29 seconds West along said centerline a distance of 281.30 feet to a point of curvature from which the radius bears North 35 degrees 04 minutes 31 seconds West a distance of 716.20 feet;
thence westerly along said curve and along said centerline, through a central angle of 44 degrees 36 minutes 30 seconds, a distance of 557.61 feet to a point of tangency;
thence North 80 degrees 28 minutes 01 seconds West along said centerline a distance of 903.40 feet to a point of curvature from which the radius bears North 09 degrees 31 minutes 59 seconds East a distance of 5,729.58 feet;
thence northwesterly along said curve and along said centerline, through a central angle of 02 degrees 49 minutes 15 seconds, a distance of 282.08 feet to a point of tangency;
thence North 77 degrees 38 minutes 46 seconds West along said centerline a distance of 396.27 feet;
thence North 71 degrees 55 minutes 28 seconds East along the northwesterly line of Auto Plane Drive, of CAREFREE AIR PARK ESTATES, as recorded in Book 116 of Maps, pages 36 and 37, records of Maricopa County, and the prolongation thereof, a distance of 5,283.51 feet to the POINT OF BEGINNING.

Containing 2,436,810 Square Feet = 55.9414 Acres



91.71 ACROBATIC FLIGHT

No person may operate an aircraft in acrobatic flight --

- (a) Over any congested area of a city, town, or settlement;
- (b) Over an open air assembly of persons;
- (c) Within a control zone or Federal airway;
- (d) Below an altitude of 1,500 feet above the surface; or
- (e) When flight visibility is less than three miles.

For the purposes of this section, acrobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

91.73 MINIMUM SAFE ALTITUDES; GENERAL

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

- (a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
- (b) Over congested areas. Over any congested area of a city, town, or settlement, or over an open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- (c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
- (d) Helicopters. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

91.83 OPERATING ON OR IN THE VICINITY OF AN AIRPORT; GENERAL RULES

- (a) Unless otherwise required by Part 91 of this chapter, each person operating an aircraft on or in the vicinity of an airport shall comply with the requirements of this section and of §§91.87 and 91.89.
- (b) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area except for the purpose of landing at, or taking off from, an airport within that area. ATC authorizations may be given as individual approval of specific operations or may be contained in written agreements between airport users and the tower concerned.
- (c) After March 28, 1977, except when necessary for training or certification, the pilot in command of a civil turbojet-powered airplane shall use, as a final landing flap setting, the minimum certificated landing flap setting set forth in the approved performance information in the Airplane Flight Manual for the applicable conditions. However, each pilot in command has the final authority and responsibility for the safe operation of his airplane, and he may use a different flap setting approved for that airplane if he determines that it is necessary in the interest of safety.