
CHAPTER 5 - DEVELOPMENT STANDARDS

SECTION 5.0 GENERAL:

- A. Purpose: The regulations in this Chapter qualify or supplement the specific zone regulations related to private property appearing elsewhere within this Ordinance.

SECTION 5.1 ACCESS:

- A. The purpose of this Ordinance is to require environmentally sensitive planning of access to properties and to insure the health, welfare and safety of the community.
- B. Implementation:
 - 1. No *Zoning Clearance* or *Building Permit* will be issued for any building or structure on any lot or parcel unless that lot or parcel has permanent legal and physical access to a dedicated Town right-of-way. Said access shall not be less than twenty feet (20') in width throughout its entire length and shall adjoin the subject lot or parcel for a minimum distance of twenty feet (20').
 - 2. For properties accessed through Bureau of Land Management (BLM) *Patent Reservations* (easements), a dedication to the Town of the BLM *Patent Reservation(s)* may be required prior to the issuance of a *Building Permit* from the Town.
 - 3. Prior to issuance of any *Building Permit*, right-of-way dedication may be required by the Town Engineer. This requirement applies when the property for which the *Building Permit* is requested contains areas that will be needed for the future extension of the Town's rights-of-way as shown on long-range transportation corridor plans as adopted or amended by the Town from time to time. A dedication requirement pursuant to this *Ordinance* may be appealed as provided for within the *Arizona State Revised Statutes*.
 - 4. The route of legal and physical access shall be one and the same.
 - 5. No *Building Permit* will be issued for any property, which is not accessible for fire protection, police protection and ambulance service.

6. The access route design shall be approved in writing by the local emergency services provider. The written emergency services provider approval shall be included as an element of a *Building Permit* application submittal.
7. All driveways shall be considered an accessory use to the principal building or use. All construction related to driveways shall be required to obtain a *Building Permit* from the Town prior to commencement.
8. A form of *Financial Assurance Agreement* shall be approved by the Town prior to the issuance of a *Building Permit* for any driveway located on a hill side lot. The *Financial Assurance Agreement* shall provide that if the *Building Permit* expires or the driveway is not constructed in conformance with the approved design, the funding provided within the *Financial Assurance Agreement* shall be used by the Town for the restoration to original condition, or re-vegetation of any unimproved or unacceptable driveway.
9. Notwithstanding any other provisions of this Ordinance or any other codes adopted by the Town, no *Building Permit* for routine road maintenance shall be required by any parcel owner whose residence is accessed by a previously improved access easement or driveway.

SECTION 5.2 ROADWAYS:

- A. Buildings, fences, walls, signs, gateways, ornamental structures, hedges, shrubbery and any other structures or landscape planting shall not encroach into any of the Town's rights-of-way or medians.
- B. Buildings, fences, walls, signs, gateways, ornamental structures, hedges, shrubbery and all other structures and landscaping planting on corner lots in all zones shall be limited as follows:
 1. A sight triangle shall be established by measuring along both the front and side lot lines paralleling the adjacent roadways a distance of twenty-five feet (25') from their point of intersection and by connecting the ends of the respective twenty-five feet (25') distances to form a triangle.

2. Buildings, fences, walls, gateways, ornamental structures, hedges, shrubbery and all other structures and landscaping planting located within a sight triangle shall be limited to a maximum height of two feet (2') above the established roadway centerline elevation at the intersection of the subject roadways.
3. Within the sight triangle, when front yards are terraced, the ground elevation of such front yards shall be limited to a maximum height of two feet (2') above the established roadway centerline elevation at the intersection of the subject roadways.

SECTION 5.3 UNDERGROUNDING OF UTILITIES:

The following regulations are applicable to service lines located on-site only:

- A. The property owner shall not erect any new utility poles or wires above the surface of the ground.
- B. The following utility poles and wires located above the surface of the ground are exempt from the aforementioned requirement:
 1. New utility poles and wires erected for temporary use for periods not exceeding twelve (12) 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.
 3. The erection of wires above ground when underground wire installation is not feasible due to special features of the terrain.
 4. The practicality and feasibility of alternative or other routes, in the event such poles and wires are for the sole purpose of carrying electricity or communication through or beyond the Town's boundaries, or from one major facility to another.
 5. Utility poles and wires erected on or prior to the effective date of this Ordinance.

SECTION 5.4 ON-SITE WASTE WATER TREATMENT TEST HOLES:

- A. Overall safety of a parcel that contains exposed on-site waste water treatment test holes is the responsibility of the owner of the property. Open test holes must be protected to ensure that an accidental fall does not occur.
 - 1. Acceptable methods of securing open test holes include the following:
 - a. Refilling the test hole with spoil material.
 - b. Temporary construction fencing.
 - c. A temporary protective covering (sheathing) constructed of a material capable of supporting a minimum of three hundred pounds (300 lbs.).

SECTION 5.5 RETAINING-WALL REQUIREMENTS:

- A. Retaining-walls located within the Town of Cave Creek shall be constructed in compliance with the requirements as contained within the Town of Cave Creek *Technical Design Guideline Number 1 – Grading and Drainage* whether located on hillside areas or not.

SECTION 5.6 ALLOWABLE PROJECTIONS INTO YARDS

- A. Eaves, awnings, overhangs, cornices or other similar architectural features May project into a required yard a maximum of two (2) feet.