



**NOTICE OF A REGULAR MEETING OF THE ZONING CODE UPDATE CITIZEN ADVISORY
COMMITTEE
OF THE TOWN OF CLARKDALE
THURSDAY, DECEMBER 18, 2025 AT 4:30 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ
OR
Join Zoom Meeting
<https://zoom.us/j/83116437164>
Meeting ID:831 1643 7164

Unless otherwise stated, the public will have physical access to the meeting place 15 minutes prior to the start of the meeting.

Town of Clarkdale Vision

The Town of Clarkdale connects our unique history, proximity to the Verde River, and small-town charm to a future with a vibrant economy.
We cultivate an environment where residents and businesses can thrive; providing services and jobs for our residents and capitalizing upon tourism.
We sustainably enhance our infrastructure, support the arts and education, and develop recreational opportunities to create a bright future for our entire community.

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN that the Zoning Code Update Citizen Advisory Committee will hold a Regular Meeting open to the public on Thursday, December 18, 2025, at 4:30 PM at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. A quorum of Town Council members may be present at this meeting; however, they will not deliberate or take action on any items. All members of the public are welcome to attend.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

The Zoning Code Update Citizen Advisory Committee invites the public to provide comments at this time. Members of the Zoning Code Update Citizen Advisory Committee may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01, action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Persons interested in making comments on a specific agenda item are asked to complete a brief form and submit it to the Clerk or liaison during the meeting. Each speaker is

asked to limit their comments to three minutes unless a different amount of time is noted on the agenda or is determined by the Presiding Officer or by a majority vote of the Council, Commission or Committee.

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the regular meeting on Dec. 4, 2025.

5. NEW BUSINESS

A. Chapter 9 - Landscape Design Standards

Discuss, consider and act upon the Zoning Code update to Chapter 9 - Landscape Design Standards.

6. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Zoning Code Update to Chapter 13 - Enforcement, Amendments, and Penalties

Discussion only regarding the Zoning Code updates to Chapter 13 - Enforcement, Amendments, and Penalties.

7. FUTURE AGENDA ITEMS

Zoning Code Update Citizen Advisory Committee may propose items to be placed on a future agenda. This item is for discussion only.

8. ADJOURNMENT

Values

Values are the guiding principles that provide an organization with purpose and direction. The Town of Clarkdale’s organizational values are:

COPPER

Customer focused

Open, transparent and equitable

Preserving our history, charm, and environment

Planning for a sustainable future

Economic and social resiliency

Resourceful and innovative

Mission

The Town of Clarkdale serves the community by providing amenities, infrastructure, services, and public safety to enhance quality of life. We are stewards of our history while we sustainably and resiliently plan for the future with an emphasis on community engagement and transparency.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



Staff Report

Item Number: 4.A.

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- Agenda Item:** **Approval of Minutes**
Discuss, consider and act upon the draft minutes from the regular meeting on Dec. 4, 2025.
- Staff Contact:** Scott Ellis, Community Development Director
- Meeting Date:** December 18, 2025
- Strategic Goal:** Not applicable.
- Background:** Review of the draft minutes from the regular meeting on Dec. 4, 2025.
- Budget Impact:** No budget impact.
- Recommendation:** Staff recommends that the Citizens Advisory Committee approve the draft minutes of the regular meeting held on Dec. 4, 2025.



**SUMMARIZED MINUTES OF A REGULAR MEETING OF THE ZONING CODE UPDATE CITIZEN
ADVISORY COMMITTEE
OF THE TOWN OF CLARKDALE
THURSDAY, DECEMBER 4, 2025 AT 4:30 PM**
(To listen to the full audio/video of the meeting,
please visit www.clarkdale.az.gov – agendas & minutes)

Members Present: *Allen Spence, Joe Conk, Kerrie Snyder, Robyn Prud'homme-Bauer, Selena Pao.*

Members Absent: *Craig Backus, Ray Selna, Laura Jones, Virginia Smith.*

Other Municipal Officials Present: *Community Development Director Ruth Mayday, Community Development Senior Planner Clover Pinion.*

Audience: *Zero members of the public were present.*

Zoom: *No members of the public were present.*

1. CALL TO ORDER – *Chair Spence called the meeting to order at 4:32 p.m.*

2. ROLL CALL

Present: *Allen Spence, Joe Conk, Kerrie Snyder, Robyn Prud'homme-Bauer, Selena Pao.*

Absent: *Craig Backus, Ray Selna, Laura Jones, Virginia Smith.*

3. PUBLIC COMMENT

No public comment.

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the meeting held on Nov. 06, 2025.

Motion: Approve the draft minutes from the meeting held on Nov. 6, 2025.

by Snyder, second by Prud'homme-Bauer.

Vote: - 5-0

Advisory Member	Aye/Nay
Selena Pao	Aye
Ray Selna	Absent
Virginia Smith	Absent

Laura Jones	Absent
Joe Conk	Aye
Craig Backus	Aye
Robyn Prud'homme-Bauer	Absent
Kerrie Snyder	Aye
Allen Spence (Chair)	Aye

5. NEW BUSINESS

A. Selection of Vice Chair

Discuss, consider and act upon the selection of the Vice Chair.

Motion: *Nominate Joe Conk as Vice Chair, he does an excellent job.*
by Snyder, second by Prud'homme-Bauer.

Vote: - 5-0

Advisory Member	Aye/Nay
Selena Pao	Aye
Ray Selna	Absent
Virginia Smith	Absent
Laura Jones	Absent
Joe Conk	Aye
Craig Backus	Absent
Robyn Prud'homme-Bauer	Aye
Kerrie Snyder	Aye
Allen Spence (Chair)	Aye

B. Zoning Code Updates to Chapter 7 – Signs

Discuss, consider and act upon the Zoning Code update to Chapter 7 - Signs.

Motion: *Motioned to approve the update to chapter 7.*
by Snyder, second by Conk

Vote: - 5-0

Advisory Member	Aye/Nay
Selena Pao	Aye
Ray Selna	Absent
Virginia Smith	Absent
Laura Jones	Absent
Joe Conk	Aye
Craig Backus	Absent
Robyn Prud'homme-Bauer	Aye
Kerrie Snyder	Aye
Allen Spence (Chair)	Aye

C. Zoning Code Updates to Chapter 8 – Outdoor Lighting

Discuss, consider and act upon the Zoning Code updates to Chapter 8 — Outdoor Lighting.

Motion: *Motioned to approve the update to chapter 8.*

by Snyder, second by Prud'homme-Bauer.
Vote: - 5-0

Advisory Member	Aye/Nay
Selena Pao	Aye
Ray Selna	Absent
Virginia Smith	Absent
Laura Jones	Absent
Joe Conk	Aye
Craig Backus	Absent
Robyn Prud'homme-Bauer	Aye
Kerrie Snyder	Aye
Allen Spence (Chair)	Aye

6. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Zoning Code Update to Chapter 9 - Landscape Design Standards

Discussion only regarding the Zoning Code updates to Chapter 9 — Landscape Design Standards.

7. FUTURE AGENDA ITEMS

Zoning Code Update Citizen Advisory Committee did not propose items to be placed on a future agenda. - Continue discussion of zoning update.

8. ADJOURNMENT

Motion: *Motion to adjourn.*

by Snyder, second by Prud'homme-Bauer.

Vote: - 5-0

Advisory Member	Aye/Nay
Selena Pao	Aye
Ray Selna	Absent
Virginia Smith	Absent
Laura Jones	Absent
Joe Conk	Aye
Craig Backus	Absent
Robyn Prud'homme-Bauer	Aye
Kerrie Snyder	Aye
Allen Spence (Chair)	Aye

Chair Spence adjourned the meeting without objection at 5:25 p.m.

Chairperson Spence
Zoning Code Advisory Committee

Scott Ellis
Community Development Director



Staff Report

Item Number: 5.A.

Agenda Item: **Chapter 9 - Landscape Design Standards**
Discuss, consider and act upon the Zoning Code update to Chapter 9 - Landscape Design Standards.

Staff Contact: Scott Ellis, Community Development Director

Meeting Date: December 18, 2025

Strategic Goal: This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 3 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

Background: The Citizens Advisory Committee (CAC) has been reviewing draft text amendments to the Town of Clarkdale's Zoning Code. The purpose of this item is to finalize and approve the chapter listed above.
Stipulations: None

Budget Impact: No budget impact.

Recommendation: Staff recommend that the CAC approve the Zoning Code updates to Chapter 9 - Landscape Design Standards and forward it to Town Council with a recommendation of the same.
Suggested Motion: "I move to recommend approval of the updates to Chapter 9 - Landscape Design Standards of the Town of Clarkdale's Zoning Code to Town Council, subject to the stipulations indicated in the staff report."

CHAPTER 9 LANDSCAPE DESIGN STANDARDS

ArticlesSections:

9-010	Intent
9-020	Applicability
9-030	Basic Requirements
9-040	Sustainable Design
9-050	Techniques-Shading Techniques
9-060	Buffering
9-070	Irrigation and Maintenance
9-080—070	Minimum Plant Size
9-090—080	Restricted Planting Areas
9-100—090	Parking LotsAreas
9-110—100	Minimum Landscaping as a Percentage of Lot Area for New Construction
9-120	Compliance Regulations
9-130—110	Director VariancesDiscretion
9-140—120	Approved Plant List

Section 9-010 Purpose and Intent

The intent of this Ordinance is to set forth landscape design requirements that promote and preserve the use of native vegetation and conserve water through low-water usage plantings. Town of Clarkdale encourages an integrated approach to landscape design. The following standards provide direction towards the production of a viable, attractive landscape design developed in consideration of the existing environment and climatic challenges of our unique area.

The purpose of the Principles of landscape design standards is to:

- A. A.—Preserve and enhance the natural beauty and environment.;
- B. B.—Mitigate the impacts of parking and other vehicular areas.;

- ~~C. C.~~—Ensure safety.;
- ~~D. D.~~—Minimize the effects of temperature extremes, noise, pollution, wind and glare.;
- ~~E. E.~~—Promote water and energy conservation.;
- ~~F. F.~~—Provide a buffer between land uses.;
- ~~G. G.~~—Soften and complement new and existing structures.;
- ~~H. EH.~~—Enhance quality of life.

Landscaping may include a mix of vegetation (trees, shrubs and decorative accent plants) and surface treatments such as permeable surfaces, boulders and hardscape. ~~(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; Revised by Resolution #1599 on 4/9/19; effective 5/10/19; Revised by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-1)~~

Section 9-020 Applicability

- ~~A. A.~~—Landscaping is required for all new buildings and uses of land, redevelopment of a building ~~ors~~ and land; ~~including, and single-family residential dwelling units., except for single-family residences or accessory structures for residential use and residential development under a unified/master development plan.~~

~~This chapter may be applied, in whole or part, to planned area development projects.~~

- ~~A. Per 11-020A1-A~~ landscape plan shall be provided for all projects subject to design review requirements.

~~B.~~

- ~~C.~~—Alterations to existing multi-family, commercial and industrial sites and buildings will ~~be required to conform to the standards herein if the value of improvements exceeds 50% of the assessed value of the subject property. require a review regarding compliance with this code. If there are deficiencies, staff will work with the applicant to bring properties into compliance. (Revised by Resolution #1599 on 4/9/19; effective 5/10/19;~~

~~Revised by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-2)~~

~~C.~~

Section 9-030 Basic Requirements

~~A. A.~~—Surface areas of a project not used for buildings, drives, parking or permitted outside uses shall be either landscaped, retained in their natural state or revegetated.

~~B. B.~~—Any portions of a site disturbed by site preparation and/or construction, especially cut or fill slopes, shall be landscaped or revegetated. A minimum of ~~four~~ ~~four~~ (4) inches of topsoil ~~shallis to~~ be placed on the disturbed area ~~and erosion of the topsoil shall be mitigated.~~

~~C. C.~~—Landscape areas may include organic and inorganic materials ~~as approved through the design review process (or committee?) and/or Community Development Director.~~

~~D. D.~~—Preservation and reuse of viable native vegetation existing on the site is strongly encouraged.

~~E. E.~~—Plant materials used shall be primarily native or drought tolerant.

~~F. F.~~—The majority of each design plan should incorporate xeriscape concepts, including:

- ~~1. Use of mulch or landscape rock.~~
- ~~2. Installation of a drip system.~~
- ~~3. Use of drought tolerant plants.~~
- ~~4. Use of permeable ground cover.~~
- ~~5. Incorporation of shade.~~
- ~~6. Incorporation of passive drainage into parking lot landscaping.~~
 - ~~1.—Use of mulch or landscape rock;~~
 - ~~2.—Installation of a drip system;~~

- ~~3.—Use of drought tolerant plants;~~
- ~~4.—Use of permeable ground cover;~~
- ~~5.—Incorporation of shade;~~
- ~~6.—Incorporation of passive drainage into parking lot landscaping.~~

~~G. G.—Landscape must be suitable tofor the terrain.~~

~~H. H.—The landscape design-plan must account for site drainage and retention.~~

~~I. I.—The landscape plan dDesign should promote pedestrian/ bicycle traffic where applicable.~~

~~J. J.—The Landscape design-plan must incorporate energy and water conservation concepts.~~

~~K. K.—Landscaping must be installed prior to issuance of a Certificate of Occupancy or receiving a final inspection from the Town of Clarkdale, or the owner shall provide the Town with financial assurances, or other legal instrument acceptable to the Community Development Director, in an amount sufficient amountto complete 100% of the landscaping, as evidenced by a written estimate from a licensed landscape architect or contractor, to complete one hundred percent (100%) of the landscaping.~~

~~L. —All landscaping, irrigation and other site work shall be installed as shown on the approved landscape and irrigation plans.~~

~~M. L.—Front yard residential landscaping in a unified/master plan development shall be installed prior to the issuance of the Certificate of OccupancyC-of-O.~~

~~N. LM.—All landscaping, irrigation and other site work shall be installed as shown on the approved landscape and irrigation plans. (Revised by Ordinance #438 on 12/10/24; effective 1/10/25; Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; Revised by Resolution #1599 on 4/9/19; effective 5/10/19; Revised by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-3)~~

~~O. N.—An irrigation plan shall be submitted with the landscape plan and shall include a weather-based irrigation controller with rain sensors and automatic shut-off valves during rain events.~~

- ~~P. Q.~~—The developer and subsequent owners shall be responsible for maintaining the landscaping as shown on the approved plan. Maintenance shall include regular irrigation, weeding, fertilizing and pruning. This includes maintaining landscaping in the adjacent public right-of-way.
- ~~Q. P.~~—Dead vegetation shall be replaced within ~~60 one hundred eighty (180) days~~ of discovery or by the next planting season, whichever ~~first occurs~~ occurs first.
- ~~R. Q.~~—Areas left in their natural state must be monitored on a regular basis and any trash and debris removed immediately.
- ~~S. R.~~—Failure to properly maintain the property will subject the property owner to the penalties set forth in Town Code.

Section 9-040 Sustainable Design

Sustainable design ~~aspects including but not limited to~~ concepts such as the following ~~are desirable and~~ should be incorporated into the landscape plan as much as possible:

- ~~A. A.~~—Good soil preparation ~~and depth~~;
- ~~B. B.~~—Use of mulch and ~~/ or landscape rock~~;
- ~~C. C.~~—Use of sunken tree basins;
- ~~D. D.~~—Use of low water-use drought tolerant plants ~~/ trees~~;
- ~~E. E.~~—Use of efficient irrigation ~~design~~;
- ~~F. F.~~—~~Active il~~ incorporation of passive water harvesting ~~shall be encouraged and reduce the parking required by 10% concepts~~;
- ~~G. G.~~—Planting of symbiotic groupings of native species;
- ~~H. H.~~—Incorporation of shade techniques over public areas such as sidewalks, trails, bikeways and parking lots;

- ~~I. I.~~ Use of shade [structures and plants/ trees](#) to mitigate the impact of sun and wind on structures and public areas.

In addition, projects ~~are urged to consider implementing~~ [should include](#) active water harvesting and storage as an offset to groundwater pumping. ~~General design information and site-specific design guidelines are available from the Community Development Department at the Town.~~ (Created by Resolution #1599 on 4/9/19; effective 5/10/19; Created by Ordinance #396 on 4/9/19; effective 5/10/19)

Section 9-050 Shading Techniques

A. Purpose

~~A. Purpose~~

[To promote safe, comfortable pedestrian environments in residential and commercial areas, reduce urban heat impacts, and improve access to the community's trail network by integrating shading and connectivity into site design.](#)

~~B. B.~~ Applicability

[This section applies to:](#)

- ~~1. Any residential development or commercial property that directly abuts or shares a property line with a designated public trail, bike path or multi-use corridor.~~
- ~~2. Any residential development or commercial property that provides direct access to a designated public trail, bike path or multi-use corridor, whether through a dedicated easement, shared-use path or access point.~~
- ~~3. Any new development, redevelopment or major site improvement on a residential development or commercial property that results in improvements valued at more than 50% of the property's assessed value.~~
- ~~4. Any project that proposes new pedestrian connections, public access or site circulation that interfaces with a designated public trail, bike path or multi-use~~

corridor.

~~1. Any residential or commercial property within 1,000 feet calculated from a designated public trail, bike path, or multi-use corridor.~~

~~2. Any redevelopment or major site improvements exceeding 50% of the property's assessed value.~~

C. ~~C.~~ Sidewalk Shading Requirements

1. ~~1.~~ Shade Coverage Standard

All public-facing sidewalks and pedestrian walkways within or adjacent to the development should aim to achieve minimum 75% shade coverage at solar noon on June 21st (measured over the sidewalk area).

2. ~~2.~~ Shade Elements

Shade may be provided through:

a. ~~a.~~ Desert-adapted shade trees spaced no more than 20-25 feet apart, such as but not limited to: Desert Willow, Velvet Mesquite, Arizona Ash, or similar.

b. ~~b.~~ Architectural or structural elements including but not limited to: awnings, arcades, or solar shade panels.

c. ~~c.~~ Landscape-integrated solutions such as vine-covered trellises or living walls.

3. ~~3.~~ Building Orientation Incentive

Developments oriented to maximize natural building shade on pedestrian areas may count built shadow toward the total shade coverage requirement.

D. ~~D.~~ Trail Access Requirements

1. ~~1.~~ Connectivity

Residential or commercial developments located within ~~500~~1,000 feet of an existing or planned trail, multi-use path, or bike corridor should provide:

a. ~~a.~~ A direct, pedestrian and bicycle connection to the trail system, unless

Commented [CP1]: This is my take, I researched the "500 ft" and there is no standard for shading techniques. And I added "development" to residential.

topography or physical barriers prevent it.

a.

b. ~~b.~~—Wayfinding signage placed at visible points (e.g., storefronts, parking areas) to indicate trail direction and distance.

1. ~~2.~~—Trailhead Enhancements (if applicable)

2.

3. Where a development borders a trail, it must provide a “soft” trailhead or access node including:

a. —A shaded seating/rest area.

b. —Trash/recycling receptacles.

c. —Bicycle parking or racks.

d. —Lighting if within 100 feet of a public entrance.

E. ~~E.~~Maintenance

1. ~~a.~~—All shade-providing trees and structures must be maintained to provide effective shading throughout the year.

1.

2. ~~b.~~—Trees must be irrigated for the first ~~two two (2)~~ years to become established.

2.

3. ~~b.~~—Dead trees must be replaced within ~~690~~ days of discovery or by the next planting season, whichever occurs first with species of similar canopy potential.

3.

4. ~~c.~~—Structural shading elements must be maintained for safety, usability, and aesthetic quality.

4.

Section 9-060 Buffering

A. Buffering is required when nonresidential uses are proposed adjacent to existing or proposed residential uses, and between proposed or existing multifamily and single-family uses, or where there is a transition from one type of land use or density to another land use and for the screening of mechanical equipment, service or storage areas. Landscape buffers shall be placed between adjacent Land Uses and Zoning Districts as described in the following table:

Perimeter Landscape Borders						
	Adjacent Streets/Zoning Districts/Land Use					
Districts/Land Uses	Residential	Office	Commercial	Industrial	Multi-Family	Mobile Home Park
<u>Residential Subdivision*</u>	X	X	X	X	X	X
<u>Office</u>	X	=	X	X	X	X
<u>Commercial</u>	X	X	=	X	X	X
<u>Industrial</u>	X	X	X	=	X	X
<u>Multifamily</u>	X	X	X	X	=	X
<u>Mobile Home Park</u>	X	X	X	X	X	=

*Four Lots or more.

B. The buffering may consist of landscape screening, berming, solid walls, or a combination thereof and the depth shall be the equivalent of the required setback.

1. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, block, evergreens, berms, rocks, boulders, grade changes or a combination thereof.

2. Sufficient buffering shall be provided when topographical or other barriers do not provide reasonable screening and where there is a need to shield neighboring properties from any adverse visual or other effects of the development.

C. The width of the landscape buffer between two incompatible uses shall increase with the setback of the building as follows:

1. Less than 50 feet: 10 feet wide landscape buffer.
2. Fifty to 74 feet: 15 feet wide landscape buffer.
3. Seventy-five to 99 feet: 20 feet wide landscape buffer.
4. One hundred feet or more: 25 feet wide landscape buffer.

D. Averaging of the buffer area is permitted as long as a minimum of one half of the required buffer is maintained.

~~A. Buffering is required between when nonresidential uses are proposed adjacent to existing and/or proposed zoned residential uses, and between proposed/ or existing multifamily or alternative living facilities and existing single-family uses/ zoning, or where there is a transition from one (1) type of land use or density to another land use and for the screening of mechanical equipment, service or storage areas.~~

~~Landscape Borders shall be placed between adjacent Land Uses and Zoning Districts as described in the following table:~~

Perimeter Landscape Borders						
Districts/Land Uses	Adjacent Streets/Zoning Districts/Land Use					
	Residential	Office	Commercial	Industrial	Multi-Family	Mobile Home Park
Residential-Subdivision*	✗	✗	✗	✗	✗	✗
Office	✗	=	✗	✗	✗	✗
Commercial	✗	✗	=	✗	✗	✗
Industrial	✗	✗	✗	=	✗	✗
Multifamily	✗	✗	✗	✗	=	✗
Mobile Home Park	✗	✗	✗	✗	✗	=
*Four Lots or more.						

~~B. The buffering may consist of landscape screening, berming, solid walls, or a combination thereof and the depth shall be the equivalent of the required setback. —~~

~~1. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, block, evergreens, berms, rocks, boulders, grade changes or a combination thereof.~~

~~2. A development must provide sufficient buffering shall be provided when topographical or other barriers do not provide reasonable screening and where there is a need to:~~

~~a. Shield neighboring properties from any adverse visual or other effects of the development;~~

~~or~~

~~b. Shield the development from the negative impacts of adjacent uses.~~

~~c. The buffer shall soften the appearance of the site from the road and highlight/—create defined access and egress points.~~

~~C. The width of the landscape buffer between two (2) incompatible uses strip must shall increase with the setback of the building as follows:~~

~~1. Less than 50 feet: 10 feet wide landscape buffer.~~

~~2. Fifty to 74 feet: 15 feet wide landscape buffer.~~

~~3. Seventy-five to 99 feet: 20 feet wide landscape buffer.~~

~~4. One hundred feet or more: 25 feet wide landscape buffer.~~

~~D.—Where the buffer cannot be achieved, a low wall, fence, or hedge may be used to create the buffer. Averaging of the buffer area is permitted as long as the a minimum of 10 feet one half of the required buffer is achieved maintained. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; Renumbered by Resolution #1599 on 4/9/19; effective 5/10/19; Renumbered by Ordinance #396 on 4/9/19; effective 5/10/19; prior code 5-9-4. Formerly 9-040)~~

Section 9-070— Irrigation and Maintenance

~~A.—An irrigation system plan shall be submitted as part of a building permit. The plan shall incorporate WaterSense (an EPA program) best management practices, such as including a weather-based irrigation controller with rain sensors and automatic shut-off valves during rain events. The plan shall also include an estimated shut-off date after the native landscaping has been established to be inscribed in the irrigation system control panel.~~

~~B.—The developer and subsequent owners shall be responsible for maintaining the landscaping as shown on the approved plan. Maintenance shall include regular irrigation, weeding, fertilizing and pruning. This includes maintaining landscaping in a public right-of-way.~~

~~C.—Dead plants shall be replaced within one hundred eighty (180) days of discovery or by the next planting season during the two (2) year period after issuance of a certificate of occupancy or final approval of a project.—(this implies after 2 years the lot does not need to be revegetated after dead plants?)—After 2 years, modifications to fit the mature landscaping for replanting options can be requested for modification to the Community Development Director.~~

~~D. Areas left in their natural state must be monitored on a regular basis and any trash and debris removed immediately.~~

Section 9-080070 — Minimum Plant Size and Spacing Requirements

Minimum Planting Size				
	<u>Minimum caliper size</u>	<u>Minimum box size</u>	<u>Minimum height at Planting</u>	<u>Maximum distance between trees on center</u>
Residential	2"	15 gallons	6'	20'
Commercial	3"	24" - 50% 36" - 50%	8'	20'
Industrial	4"	36"	8'	20'
Mixed Use	3"	24"	8'	20'

Tree Planting Separation Requirements		
	<u>Minimum distance between trees on center</u>	<u>Maximum distance between trees on center</u>
Residential	15'	20'
Commercial	15'	30'
Industrial	15'	30'
Mixed Use	15'	20'

~~Trees shall be a minimum of a fifteen (15) gallon size and/or three (3) feet minimum in height and 3" in caliper. Deciduous trees used to fulfill screening requirements shall be a minimum of six (6) feet in height. Evergreen trees used to fulfill screening requirements shall be a minimum of four (4) feet in height.~~
~~(Created by Resolution #1599 on 4/9/19; effective 5/10/19; Created by Ordinance #396 on 4/9/19; effective 5/10/19)~~

~~Section 9-09080 Restricted Planting Areas~~

Section 9-080 Restricted Planting Areas

~~A. Sight Distance-Visibility Triangles:~~

- ~~1. 1.—At the intersection of two (2) arterial and/or collector streets, or at the intersection of a street and an alley, a triangle measuring 30 thirty (30) feet in length along the curb lines or edge of roadway or alley from the point of intersections shall be left unobstructed 36" or above grade.~~
- ~~2. 2.—At the intersection of a street and a driveway a triangle measuring 20 twenty (20) feet along the curb line or roadway edge and the edge of the driveway from the point of intersection, and connecting diagonally, shall be left unobstructed 36" or above grade.~~
- ~~3. 3.—Specific visibility triangle requirements for the intersections shall be determined through application of the Manual on Uniform Traffic Control Devices Standards or by the Town Engineer by the Town Engineer as per the Town Engineering Standards.~~

4. ~~4.~~ Landscape materials shall not exceed a height of ~~thirty-six~~ 18 eighteen (3618) inches above the grade of the roadway or driveway within the sight ~~distance~~ visibility triangle.
5. ~~Trees in the sight visibility triangle shall have a minimum 8 eight (8) feet of clearance between the lowest limbs of the tree and the roadway. (Renumbered by Resolution #1599 on 4/9/19; effective 5/10/19; Renumbered by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-6. Formerly 9-060)~~
5.

Section 9-~~1000~~90 Parking AreasLots

- A. Parking lot landscaping shall be included as part of the overall landscape plan.
- B. An area or combination of areas equal to no less than 10% of the total parking lot area shall be landscaped.
- C. All applicable developments that have five or more vehicle parking spaces shall provide landscaping in their parking areas as follows:
 1. Canopy trees: Within a parking area, one canopy tree is required for each eight vehicle parking spaces or fraction thereof, as follows:
 - a. Canopy trees shall be evenly distributed throughout the vehicle use area and have a minimum of 8 feet of vehicle clearance.
 - b. Canopy trees shall be placed and distributed in a way to encourage the optimum shade level for parking stalls based on the stall alignment.
 2. Planter area: Each canopy tree required by this Section shall have a planter area with a minimum unpaved area of 7 feet by 18 feet with 1,000 cubic feet of soil to provide successful tree growth.
 3. Plant protection: Areas where plants are susceptible to injury by vehicular or pedestrian traffic shall be protected by appropriate means, such as curbs, bollards, or low walls.

a. The planter area shall have a raised border 4 inches high to prohibit the tires of a vehicle from encroaching onto the planter. Raised borders may include cuts that allow stormwater to flow into the planter areas for rainwater harvesting purposes.

b. Standard wheel barriers are acceptable but not encouraged, as they can be easily moved and could allow damage to the tree.

4. Exemptions:

a. Any site with six or fewer vehicle parking spaces including ADA required spaces.

b. Home occupations.

c. Vehicle storage.

d. Covered Parking Areas.

e. For expansion of an existing development, the existing parking areas are exempt from the canopy tree standard if the existing parking area is subject to an approved site plan on or before the effective date.

f. In developments where it is necessary to bring the existing parking areas into conformance with these regulations, the tree coverage/distribution requirement may be modified by the Community Development Director or designee.

D. A landscape buffer is required around the perimeter of any parking area adjacent to the street or a residentially zoned property.

E. All landscape areas and parking area planters may also be used as water retention basins. Basins within a landscape buffer shall maintain slopes no steeper than four to one, except as otherwise approved by the Town Engineer.

~~A. A. Parking lot landscaping shall be included as part of the overall landscape design plan.~~

~~B. An area or combination of areas equal to no less than ten percent (10%) of the total parking lot area shall be landscaped.~~

~~C. All islands in parking areas shall include vegetation. Trees in islands shall have a minimum eight (8) feet of clearance from the ground to the canopy.~~

~~C. All applicable development that has five (5) or more Vehicle Parking Spaces shall provide landscaping in its Parking Areas as follows:~~

~~1. Canopy Trees: Within a Parking Area, one Canopy Tree is required for each eight Vehicle Parking Spaces or fraction thereof, as follows:~~

~~a. Canopy Trees shall be evenly distributed throughout the vehicular use area and have a minimum of 8 feet of vehicle clearance,~~

~~b. Canopy Trees shall be placed and distributed in a way to encourage the optimum shade level for parking stalls based on the stall alignment.~~

~~2. In Development where it is necessary to bring the existing Parking Areas into conformance with these regulations, the tree coverage/distribution requirement may be modified by the Community Development Director's decision.~~

~~3. Planter Area: Each Canopy Tree required by this Section shall have a planter area with a minimum unpaved area of 7 feet by 18 feet with 1,000 cubic feet of soil to provide for successful tree growth. — 4. Plant Protection: Areas where plants are susceptible to injury by vehicular or pedestrian traffic shall be protected by appropriate means, such as curbs, bollards, or low walls.~~

~~a. — The planter area shall have a raised border four inches high to prohibit the tires of the vehicle from encroaching onto the planter. — Raised borders may include cuts that allow stormwater to flow into the planter areas for rainwater harvesting purposes. —~~

~~b. — Standard wheel barriers are acceptable but not encouraged, as they can be easily moved and could allow damage to the tree.~~

~~B. — Exemptions~~

~~1. — Any Site with six or fewer Vehicle Parking Spaces including ADA required space;~~

~~2. — Home Occupations;~~

~~3. — Vehicle Storage;~~

~~4. — Covered Parking Areas; or~~

~~5. — For expansion of an existing Development, the existing Parking Areas are exempt from the Canopy Tree standard if the existing Parking Area is subject to an approved Site Plan on or before the Effective Date.~~

~~D. — A landscape buffer is required around the perimeter of any parking area adjacent to the street or a residentially zoned property. (Renumbered by Resolution #1599 on 4/9/19; effective 5/10/19; Renumbered by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-7- Formerly 9-070)~~

Section 9-110100 Minimum Landscaping as a Percentage of Lot Area for

Multi-Family, Commercial and Industrial New Construction

A. Multi-Family Projects

1. A minimum of 30% of the total lot area shall be landscaped.
2. A minimum 15-foot-wide strip of land area adjacent to the street right-of-way shall be landscaped.
3. Averaging of the street landscaping strip area is permitted if a minimum of one half of the required setback is maintained.

B. Commercial Projects

1. A minimum of 30% of total lot area shall be landscaped.
2. A minimum 15-foot-wide strip of land area adjacent to the street right-of-way shall be landscaped.
3. Averaging of the street landscaping strip area is permitted if a minimum of one half of the required setback is maintained.

C. Industrial Projects

1. A minimum of 15% of the total lot area.
2. A minimum 15-foot-wide strip of land adjacent to the street right-of-way shall be landscaped.
3. Averaging of the street landscaping strip area is permitted if a minimum of one half of the required setback is maintained.

~~A. Multi-Family Projects.~~

- ~~1. A minimum of thirty percent (30%) of the total lot area shall be landscaped.~~

~~2.—A minimum fifteen (15) foot wide strip of land area adjacent to the street right-of-way shall be landscaped.~~

~~3.—Averaging of the street landscaping strip area is permitted if a minimum of one half of the required setback is maintained.~~

~~B.—Commercial Projects—~~

~~1.—A minimum of thirty percent (30%) of total lot area shall be landscaped.~~

~~2.—A minimum fifteen (15) foot wide strip of land area adjacent to the street right-of-way shall be landscaped.~~

~~3.—Averaging of the street landscaping strip area is permitted if a minimum of one half of the required setback is maintained.~~

~~C.—Industrial Projects—~~

~~1.—A minimum of fifteen percent (15%) of total lot—area or a minimum fifteen (15) foot wide strip of land adjacent to the street right-of-way shall be landscaped, as determined during application review with staff and during design review.~~

~~2.—Averaging of the street landscaping strip area is permitted as long as a minimum of one half of the required setback is maintained.~~

~~(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; Revised by Ordinance #427 on 8/13/24; effective 9/14/24; Renumbered by Resolution #1599 on 4/9/19; effective 5/10/19; Renumbered by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-9. Formerly 9-090)~~

Section 9-120 — Compliance Regulations

- A. ~~The Town reserves the right to conduct compliance inspections.~~
- B. ~~All landscaping, irrigation and other site work shall be installed as shown on the approved landscape and irrigation plans.~~
- C. ~~Replacement of dead materials is required within one hundred eighty (180) days of discovery or by the next planting season. —(needs to match page-67)~~
- D. ~~Regular maintenance of all landscape areas is required. Failure to properly maintain the property is subject to the penalties outlined in the Town Code.~~

Section 9-130110 — Director Discretion Variances

- A. ~~1.~~ The Community Development Director may recommend a waiver or modification to the Landscape Design ~~Standards~~ Code that supports sustainable development prior to the application moving forward to the Design Review ~~Board (or process?process)~~. The ~~Director's recommendation may be accepted, rejected, or modified during the Design Review process~~ sign ~~Review Board may accept, reject or modify the Director's recommendation.~~
- A. ~~2.~~ Modifications to an approved landscape design plan determined to be minor ~~(10% or less of a change in area, number of plantings, or type of plantings)~~ may be allowed by the Community Development Director through an administrative process.
- B. ~~_____~~

~~The Community Development Director has the discretion to waive the application of this chapter upon a finding that implementation of the requirements would reduce the fair market value or developability of the property.~~
~~3. The Community Development Director has the discretion to waive the application of this chapter upon a finding that application of the requirements would reduce the fair market value or developability of the property.~~
 (Created by Resolution #1599 on 4/9/19; effective 5/10/19; Created by Ordinance #396 on 4/9/19; effective 5/10/19)

C.

~~Section 9-140120 Approved Plant List~~

Section 9-120 Approved Plant List

A. Approved Plant Materials

All landscaping plans shall include plant varieties selected from the approved plant list provided in this section.

B. Use of Unlisted Plant Materials

If a plant, shrub, bush or tree proposed on a landscaping plan is not included on the approved plant list, the Community Development Director, or designee, may authorize its use upon submission of documentation demonstrating that the species is:

1. Noninvasive; and
2. Drought-tolerant; and
3. Classified as having very low to moderate water demand.

Native Shrubs and Bushes

Common Name (Botanical Name)	Size	Water Demand	Notes
Barberry (Algerita) (Berberis haematocarpa)	3-10'	Low	

Common Name (Botanical Name)	Size	Water Demand	Notes
Catclaw Acacia (Senegalia greggii)	4-10'	Very low	Common shrub or small tree
Beargrass (Nolina microcarpa)	4-6'	Very low	Agave family, high stalks, high slopes
Cliffrose (Purshia subintegra)	3-6'	Very low	Dry, rocky steep slopes
Creosote Bush (Larrea tridentata)	4-8'	Very low	Roots emit repellents
Feather Dalea (Dalea formosa)	1-2'	Very low	Dry, rocky slopes
Graythorn (Ziziphus obtusifolia)	6-10'	Very low	Riparian edge, grasslands, bird habitat
Manzanita (Pointleaf) (Arctostaphylos pungens)	4-6'	Very low	Dry hillsides above 4,000'
Mesquite (Velvet) (Prosopis velutina)	10-25'	Low	Washes, riparian edges below 4,000'
Mountain Mahogany (Cercocarpus montanus)	15'	Very low	High slopes
Mormon Tea (Ephedra viridis)	2-6'	Very low	Dry soil
Ocotillo (Fouquieria splendens)	8-15'	Very low	Steep hillsides, needs drainage
Shrub Live Oak (Scrub) (Quercus turbinella)	6-10'	Very low	High slopes, dry washes

Common Name (Botanical Name)	Size	Water Demand	Notes
Four-Wing Salt Bush (Atriplex canescens)	4-6'	Very low	Common wildlife habitat
Broom Snakeweed (Gutierrezia sarothrae)	2-4'	Very low	Common. Over-grazed areas
Sugar Sumac (Rhus avata)	2-15'	Very low	Part shade, dry slopes
Winter Fat (Krascheninnikovia)	2-3'	Very low	Open rangeland

Adaptive Shrubs and Bushes

Common Name (Botanical Name)	Size	Water Demand	Notes
Angel's Hair (Artemisia schmidtiana)	2"	Very low	Fine silver leaves
Arizona Rosewood (Vauquelinia californica)	8'	Low once when -est.	Evergreen
Australian Laurel (Pittosporum tobira)	6-15'	Low	
Autumn Sage (Salvia greggii)	2x2'	Low-mod	Water demand is dependent on sun exposure
Bird of Paradise Bush (Erythrostemon gilliesii)	4-6'	Low	Tree variant, 12' - aka Caesalpinia gilliesii
Butterfly (Fountain) Bush (Buddleja alternifolia)	8-12'	Low	Long flower clusters

Common Name (Botanical Name)	Size	Water Demand	Notes
Cotoneaster, Spreading (Cotoneaster)	5-6'	Low	Hardy deciduous – aka Cotoneaster divaricatus
Damianita (Chrysactinia mexicana)	2x2'	Very low	Evergreen, yellow flowers spring and fall
Dusty Miller (Artemisia stelleriana)	2-3'	Low	Evergreen shrub
Flame Honeysuckle (Anisacanthus quadrifidus)	3-4'	Low	Deciduous, orange/red flowers late summer/fall
Juniper (Savin) (Juniperus sabina) Heavenly Bamboo (Nandina domestica)	2- 4'2- 15'6- 8'	Very lowLow	EvergreenSome water, shade
Photinia (Chinese) (Photinia serrulata) Juniper- (Chinese) (Juniperus chinensis)	6- 12'2- 4'2- 15'	LowVery low	Water to establishEvergreen
Pyracantha (Firethorn) (Pyracantha coccinea) Juniper (Savin) (Juniperus sabina)	6- 12'6- 12'2- 4'	LowVery low	Trains to fenceEvergreen
Rosemary (Rosemarinus officinalis) Photinia (Chinese) (Photinia serrulata)	2- 6'6- 12'6- 12'	Very lowLow	Needs drainageWater to establish
Santolina	1- 2'2-	Very lowLow	Evergreen, good ground coverTrains- to fence

Common Name (Botanical Name)	Size	Water Demand	Notes
(Santolina virens) Pyracantha (Firethorn) (Pyracantha coccinea)	6'6- 12'		
Texas Sage (Leucophyllum frutescens) Rosemary (Rosmarinus officinalis)	3- 8'1- 2'2- 6'	Very low Very-low	Semi-evergreen, many variations Needs drainage
Turpentine Bush (Ericameria laricifolia) Santolina (Santolina virens)	2- 3'3- 8'1- 2'	Very low Very-low	Evergreen, yellow flowers in fall Evergreen, good ground cover
Viburnum (various) (Viburnum lantana) Texas Sage (Leucophyllum frutescens)	4- 12'2- 3'3- 8'	Low-mod Very-low	Deciduous, partial sun Semi-evergreen, many variations
Xylosma (Xylosma congestum) Turpentine Bush (Ericameria laricifolia)	8- 10'4- 12'2- 3'	Low Very-low	Heat tolerant Evergreen, yellow flowers in fall
Viburnum (various) (Viburnum lantana)	4-12'	Low-mod	Deciduous, partial sun
Xylosma (Xylosma congestum)	8-10'	Low	Heat tolerant

Native Trees

Common Name (Botanical Name)	Size	Water Demand	Notes
Arizona Ash (Velvet) (Fraxinus velutina)	30-40'	Mod	Riparian, aggressive root
Arizona Cypress (Cupressus arizonica)	30-40'	Very low	Evergreen, dry soils
Netleaf Hackberry (Celtis reticulara)	20-30'	Low	Riparian edge
Italian Cypress (Cupressus sempervirens)	40-60'	Low	Evergreen, dry soils
Juniper (One-Seed) (Juniperus monosperma)	15-35'	Very low	Evergreen, dry mesas, hillsides
Juniper (Utah) (Juniperus osteosperma)	15-30'	Very low	Evergreen, one main trunk, dry areas
Mesquite (Velvet) (Prosopis velutina)	10-25'	Low	Washes, riparian edges below 4,000 feet'
Oak (Emory or Live) (Quercus emoryi)	20-50'	Low	Evergreen, lower slopes
Oak (Gambel) (Quercus gambelii)	20-50'	Low	Deciduous, typically above 5,000 feet'
Oak (Sonoran) (Quercus turbinella)	6-10'	Very low	Deciduous, high slopes, dry washes. Aka Shrub Live Oak, others
Willow (Desert) (Chilopsis linearis)	10-25'	Low-mod	Riparian edge, washes

Common Name (Botanical Name)	Size	Water Demand	Notes
Willow (Goodding) (Salix gooddingii)	30-50'	Mod	Deciduous, riparian edge , invasive roots *limited Limited to Pecks Park area
Willow (Globe) (Salix matsudana)	20-30'	Mod	Deciduous

Adaptive Trees

Common Name (Botanical Name)	Size	Water Demand	Notes
Cedar (Deodar) (Cedrus deodara)	60-80'	Very low	Evergreen, check varieties
Chaste Tree (Vitex agnus-castus)	3-16'	Low-mod	Purple flower
Chinaberry (Melia azedarach)	30-50'	Low	Grows in poor soil
Crabapple (Flowering) (Malus)	6-30'	Low-mod	Check available local varieties
Honeylocust (Thornless) (Gleditsia triacanthos)	35-70'	Low	Deciduous, good street trees
Little Leaf Ash (Fraxinus greggii)	8-10'	Mod	Semi-evergreen, slow, prune to tree

Common Name (Botanical Name)	Size	Water Demand	Notes
Locust (Idaho) (Robinia idahoensis)	30-40'	Very low	Deciduous, aggressive roots
Oak (Southern Live) (Quercus virginiana)	40'	Low	Deep rooted
Pine (Aleppo) (Pinus halepensis)	30-60'	Low	Evergreen, hardy to heat, aridity, wind
Pine (Pinion Nut) (Pinus edulis)	10-35'	Very low	Evergreen, hardy in desert mountains
Pine (Afghan) (Pinus eldarica)	30-50'	Low	Evergreen, now " Pinus brutia " – fast growing
Plum (Flowering) (Prunus varieties)	20-30'	Mod	Deciduous, requires maintenance
Raywood Ash (Fraxinus angustifolia)	60-100'	Mod	Fast growing

Commented [JS2]: Need to check with Jacob still ok at the Az cooperative extension

Cacti and Succulents

Common Name (Botanical Name)	Size	Water Demand	Notes
Century Plant (Agave parryi)	3'	Very low	Tall flower stalk
Cholla (Plateau) (Cylindropuntia whipplei)	2-4'	Very low	Long, branching sections

Common Name (Botanical Name)	Size	Water Demand	Notes
Claret Cup (Echinocereus triglochidiatus)	1-2'	Very low	Dense mounds of stems
Fendler Hedgehog (Echinocereus fendleri)	6"-1'	Very low	Small clumps, rocky
Prickly Pear (Desert) (Opuntia phaeacantha)	2-5'	Very low	Dry hillsides
Tonto Basin Agave (<i>Agave delamateri</i>)	2-3'	Very low	Extremely rare plant. Flower spikes may reach 20 feet.
Yucca (Banana) (Yucca baccata)	2-3'	Very low	Dense flower clusters
Yucca (Soaptree) (Yucca elata)	2-15'	Very low	Tall single trunk

Recommended Decorative Plants

Common Name (Botanical Name)	Water Demand	Notes
Desert Marigold (Baileya multiradiata)	Low	Biennial
Tufted Evening Primrose (Oenothera caespitosa)	Low	Perennial - maximum height of 4 inches
Penstemon (Variety of species)	Low	Perennial - may reach 6 feet in height Shades range from light pink to vivid red

Common Name (Botanical Name)	Water Demand	Notes
Angelita Daisy (Hymenoxus acaulis)	Low	
Blue Flax (Linum lewisii)	Low	
Desert Globe Mallow (Sphaeralcea ambigua)	Low	
Blue Gamma Grass (Bouteloua gracilis)	Low	Limited maintenance
Desert Lavender (Hyptis emoryi)	Low	Favored by honeybees



Staff Report

Item Number: 6.A.

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- Agenda Item:** **Zoning Code Update to Chapter 13 - Enforcement, Amendments, and Penalties**
Discussion only regarding the Zoning Code updates to Chapter 13 - Enforcement, Amendments, and Penalties.
- Staff Contact:** Scott Ellis, Community Development Director
- Meeting Date:** December 18, 2025
- Strategic Goal:** This agenda item supports the following Clarkdale Strategic Goal Area:
- Goal Area 3 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.
- Background:** The Citizens Advisory Committee (CAC) has been reviewing draft text amendments to the Town of Clarkdale’s Zoning Code. The purpose of this item is to review and discuss the chapter listed above.
- Budget Impact:** No budget impact.
- Recommendation:** Discussion only. No recommendation.

CHAPTER 13

~~ENFORCEMENT, AMENDMENTS, AND PENALTIES~~

Articles:

~~13-010~~ — Enforcement

~~13-020~~ ~~010~~ **Procedure for Amendments**

~~13-030~~ — Penalties

~~13-040~~ ~~020~~ **Severability**

~~13-050~~ ~~030~~ **Repeal**

~~Section 13-010~~ — **Enforcement**

~~A. *Building Permits.* No structure shall be erected, added to, or structurally altered, until a permit therefore has been issued by the Building Official, as required by the Building Code of the Town of Clarkdale. All applications for such permits shall be in accordance with the requirements of this Ordinance.~~

~~B. *Certificates of Occupancy, Non-Conforming Use:*~~

~~1. No existing use of land, on the date this Ordinance becomes effective, shall be modified and no structure hereafter erected, altered or extended, shall be used or changed in use, until a Certificate of Occupancy shall have been issued by the Building Official certifying that the land and the structure or proposed use thereof complies with the provisions of this Ordinance.~~

~~2. No non-conforming use shall be maintained, renewed, changed, or extended without a Certificate of Occupancy having first been issued by the Building Official, therefore.~~

~~3. All Certificates of Occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within fifteen (15) days after the erection or alteration shall have been approved.~~

~~4. The Building Official shall maintain a record of all certificates. Copies shall be furnished, upon request and payment of a reasonable fee, to any person having a proprietary or tenancy interest in the structure or land affected.~~

~~5. No permit for excavation, erection, alteration, or repair for any structure shall be issued until an application has been made for a Certificate of Occupancy.~~

~~6. Under such conditions as set by the Board of Adjustment a temporary Certificate of Occupancy for not more than thirty (30) days for structures or land may be issued.~~

~~7. All appropriate certificates of use shall be issued for those uses in existence at the time this Ordinance was adopted or at the time any new use is established under this Ordinance.~~

~~C. Board of Adjustment: The Board of Adjustment shall have all the duties and powers as stated in Article 17-2-2 of the Town Code. (Prior code § 13-1)~~

Section 13-010 Procedure for Amendments

A. Purpose

The Council may, from time to time as public necessity, convenience, general welfare and good zoning practices requires, change the boundaries of zone districts or alter the district category on a parcel, hereinafter referred to as zone changes or re-zoning and may also amend, change, repeal or supplement the regulations herein established. Zone changes or amendments may be initiated by the Town Council or by the Planning Commission on its own motion or by an application of the owner of any property within the area proposed to be changed or a request can be made by a citizen for an amendment.

B. General Plan Conformance.

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the Town of Clarkdale. Any re-zoning ordinance, if adopted, shall further the implementation of, and not be contrary to, the goals, policies, and applicable elements of the General Plan. A re-zoning conforms with the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendment thereto.

C. Application Requirements (Revised by Ordinance No. 366 on 3/10/15; Effective 4/10/15)

Application for change of zone shall be made on an application provided by the Town of Clarkdale. Fees shall be paid for such application according to the adopted schedule for such requests. All applications will be available for public inspection upon submittal to the Community Development Department.

Prior to all rezoning applications, a pre-application review meeting shall be submitted by the applicant so that Town staff may provide addition information and outline the process and requirements for the zone change.

The following information shall be included with all applications for a zone change amendment:

~~1. A detailed description of the proposed development plan for which the zone change is being requested including a specific schedule for proposed improvements. (A.R.S. 9-462.01.12.E). The development plan shall include a statement of intended use and a general layout of the property including proposed building placement, parking lot design and access.~~

~~2. A draft site plan showing proposed building layout, parking and all proposed construction or modifications to an existing structure. Site plan shall include notation for any proposed dedication of public rights-of-way or drainage areas.~~

1. A proposed zoning exhibit for which the zone change is being requested including proposed or existing dedicated rights-of-way and proposed zoning boundaries.

2. A narrative of how the requested zone change complies with the Clarkdale General Plan.

4. Completed application form.

5. Meeting notes from the Pre-Application meeting provided by the Town.

6. Legal description of the property including a Record of Survey and map exhibit.

7. Copy of property title or statement of letter of authorization from the property owner notarized statement or letter of agency.

8. Proposed citizen participation plan to ensure the applicant pursues early and effective participation from the community regarding the proposed zoning amendment change. A summary of the neighborhood input provided in a citizen participation plan report shall be presented by the applicant to the staff prior a minimum of 15 days prior to the Planning Commission.

9. The application shall be accompanied by a vicinity map showing the subject property as well as the surrounding area and a list of names and addresses of abutting property owners.

~~Town initiated zone changes and zone change applications originating from a transfer of development rights application shall be exempt from the requirement of providing a specific development schedule.~~

~~9. The Community Development Director shall determine whether the application is administratively complete within thirty (30) days of submittal.~~

~~a. If the application is not administratively complete, the Town shall follow the procedures set forth in A.R.S. 9-835(e) until the application is administratively complete.~~

~~b. The Community Development Director shall determine whether a resubmitted application is complete within fifteen (15) days after receiving the resubmitted application.~~

~~c. After determining that the application is administratively complete, the Town shall approve or deny the application within one hundred eighty (180) days.~~

~~d. Notwithstanding subsection (C)(9)(c) of this section, the Town may extend the timeline for approval or denial of the application beyond one hundred eighty (180) days for either of the following reasons:~~

~~i. For extenuating circumstances, the Town may grant a one (1) time extension of no more than thirty (30) days.~~

~~ii. If an applicant requests an extension, the Town may grant extensions of thirty (30) days each for each extension granted.~~

~~e. This section does not apply to land that is designated as a district of historical significance pursuant to A.R.S. 9-462.01(a)(10) or an area that is designated as historic on the National Register of Historic Places or planned area developments.~~

10. A preliminary traffic impact statement may be required by the Community Development Director

11. A preliminary drainage report and plan may be required by the Community Development Director

12. Submit a filing fee outlined in the Town of Clarkdale Fee Schedule.

D. Citizen Participation

1. The legislative body of the Town of Clarkdale has adopted the following citizen review and participation process that applies to all re-zoning cases. By law and policy, the re-zoning process is designed to give the greatest opportunity possible for citizen participation in such

a public process. ~~In the event of doubt regarding public participation, more, not less public participation, shall be the standard.~~

The purpose of the citizen participation process is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
 2. Ensure that the citizens and property owners of Clarkdale have an adequate opportunity to learn about the applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
 3. Facilitate ongoing communications between the applicant, interested citizens and property owners, Town staff, and elected officials throughout the application review process.
2. The citizen participation plan is not intended to produce complete consensus on all applications but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

1. A minimum of one (1) ~~public hearing~~ neighborhood meeting be held on all re-zoning cases and proposed text amendments ~~organized and presented by the applicants. The neighborhood meeting shall be completed a minimum of 15 days prior to the Planning and Zoning Commission public hearing and Town staff may attend to observe the meeting. The first hearing will be before the Planning Commission. A second public hearing will be before the Mayor and Council.~~
2. The ~~Town applicant~~ shall notify all affected property owners within ~~three-five~~ hundred (300/500) feet of the subject site by first class mail no less than fifteen (15) days prior to the ~~public hearing~~ neighborhood meeting date.
3. The notification above shall include date, time, and place for the ~~public hearing~~ neighborhood meeting as well as a description of the proposed change in land uses. A map of the location of the zone change shall be included in the notification ~~as well as a description of the proposed changes.~~
4. Reference shall be made as to where comments can be made concerning the proposed zone change ~~and when such comments are due prior to the public hearing including the applicant and Town staff contact information.~~
- e. The affected property shall be posted fifteen (15) days in advance of the ~~public hearing~~ neighborhood meeting date so that the following are visible from a distance of one hundred (100) feet; the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.

5. In addition the Town always encourages any person proposing a re-zoning to contact surrounding property owners to ascertain and possibly address issues and concerns before the public hearings.

~~— f. A notice shall be published at least once in a newspaper of general circulation at least fifteen (15) days in advance of the public hearing.~~

~~g. In addition to notice by publication, mailed notices, and property postings, the Town of Clarkdale and the Planning and Zoning Commission reserve the right to give notice to the hearing in such other manner as it may be deemed necessary. The Commission always encourages any person proposing a re-zoning to contact surrounding property owners to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of addressing citizen comments.~~

E. Public Hearing Requirements

1. A minimum of two (2) public hearing will be held on all re-zoning cases and proposed text amendments. The first public hearing will be before the Planning and Zoning Commission; the second public hearing will be before the Mayor and Council.

~~a. The Planning and Zoning Commission shall hold a public hearing on any re-zoning or text amendment case and make a recommendation to the Town Council. Notice of the time and place of the hearing including a general explanation of the matter to be considered and a general description of the area affected shall be given at least fifteen (15) days before the hearing in the following manner:~~

~~a. The notice shall be published at least once in a newspaper of general circulation.~~

~~b. In proceedings involving re-zoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency or such governmental unit abutting such land.~~

~~c. In proceedings that are not initiated by the property owner involving re-zoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be re-zoned and all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be re-zoned.~~

~~d. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing Land uses, notice shall be provided in the manner prescribed by Sub-Section e.~~

~~1. A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.~~

~~2. A ten percent (10%) or more increase or reduction in the allowable height of buildings.~~

~~3. An increase or reduction in the allowable number of stories of buildings.~~

~~4. A ten percent (10%) or more increase or decrease in setback or open space requirements.~~

~~5. An increase or reduction in permitted uses.~~

b. The Town Council shall hold a public hearing on any re-zoning or text amendment case and may vote to approve, deny, table or remand back to the Planning Commission for further review and changes.

If the owners of twenty percent (20%) or more either of the area of the parcels included in a proposed change, or of those immediately adjacent in the rear or and side thereof extending one hundred fifty(150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, the proposed re-zoning shall not become effective except by the favorable vote or three-fourths (3/4) of all members of the Council. The written protest shall be filed with the Clarkdale Town Clerk no later than ten (10) working days after the Planning Commission's decision on the amendment. If no written protest is filed, the amendment will be presented to the Town Council at a public meeting with opportunity for public comment.

2. The Town shall notify all affected property owners within three hundred (300) feet of the subject site by first class mail no less than fifteen (15) days prior to the public hearing dates.

- The notification above shall include date, time, and place for the public hearing as well as a description of the proposed change in land uses. A map of the site shall be included in the notification. If there is availability for the public to join remotely, information for that shall be included as well.
- Reference shall be made as to where comments can be made concerning the proposed zone change and when such comments are due prior to the public hearing.

3. The affected property shall be posted by the applicant a minimum of fifteen (15) days in advance of the public hearing date so that the sign is visible from the public right of way and shall include the following: the existing zoning district classification, the proposed zoning

district classification and the date and time of the Planning Commission and Town Council hearings and Town and applicant contact information. If the project abuts to public right of ways, a sign shall be placed on each public roadway frontage.

4. A notice shall be published at least once in a newspaper of general circulation at least fifteen (15) days in advance of the public hearing by the applicant.

5. In proceedings involving re-zoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency or such governmental unit abutting such land.

6. In proceedings that are not initiated by the property owner involving re-zoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be re-zoned and all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be re-zoned.

7. In addition to notice by publication, mailed notices, and property postings, the Town of Clarkdale reserves the right to give notice to the hearing in such other manner as it deems necessary.

~~e. In proceedings governed by Sub-Section d of this section, the Town shall provide notice to real property owners pursuant to at least one (1) of the following notification procedures:~~

~~1. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.~~

~~2. If the Town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the Town shall include notice of such changes with such utility bills or other mailings.~~

~~3. The Town shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.~~

~~f. If notice is provided pursuant to (2) or (3) of sub-section "e" above, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice.~~

~~g. Notwithstanding the notice requirements set forth above, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.~~

F. Procedure for Amendments - Recommendation of the Commission (~~Revised by Ordinance 366 on 3/10/15; effective 4/10/15~~)

~~At the public hearing, the Commission shall make a recommendation to the Town Council. The Commission recommendation shall be presented to the Council by the Community Development Department Staff in a public meeting.~~

The Planning Commission may consider the following when reviewing a zone change amendment request in their decision:

1. The amendment conforms to the Clarkdale General Plan, specifically the Land Use Element.
2. The amendment conforms to any adopted ~~Focus~~-Area plans, if applicable.
3. The proposed development provides buffering to adjacent land uses.
4. The proposed development addresses mitigates traffic impact.
5. The proposed development addresses noise impact to surrounding properties.
6. The proposed development will conform to all existing zoning regulations, ~~including the Outdoor Lighting Code and Landscape Design Standards for that district.~~
7. The proposal may provide community benefits such as:
 - a. Pedestrian connections
 - b. Vehicular connections
 - c. Improvement to public right-of-way
 - d. Installation of utility infrastructure
 - e. Improvement of public space
 - f. Protection of open spaces
8. Funding and installation of all required improvements as specified by the Town shall be the responsibility of the applicant.

~~After a public hearing, the Commission shall make a report and recommendation to the Town Council. This report shall be made by forwarding the application for amendment with the appropriate recommendations, unless the applicant shall request the application be withdrawn. The Commission recommendation shall be presented to the Council by the Community Development Department Staff in a public meeting.~~

~~G. If the owners of twenty percent (20%) or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, excluding government-owned property, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths (3/4) of all members of~~

~~the governing body of the municipality. If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the governing body, if such required number of votes is not less than a majority of the full membership of the legally established governing body. For the purposes of this subsection, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this subsection shall be signed by the property owners, excluding government-owned property, opposing the proposed amendment and filed in the office of the clerk of the municipality not later than noon one (1) business day before the date on which the governing body will vote on the proposed amendment or on an earlier time and date established by the governing body.~~

G. Emergency Measure - Council's Decision.

A decision by the Town Council involving re-zoning of land which is not owned by the Town and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least thirty (30) days after final approval of the change in classification by the Council. ~~(Revised by Ordinance #437 on 12/10/24; effective 1/10/25; prior code § 13-2)~~

Section 13-030 — Penalties

~~(Revised 10/25/16; Resolution 1529; Ordinance 376; Effective 10/26/16)~~

~~Any violation of this Ordinance shall be punishable under Article 1-8 of the Town Code; any civil sanction for a violation (as this term is defined by the Town Code) of this Ordinance shall not exceed three hundred dollars (\$300) and any penalty of imprisonment for a violation of this Ordinance shall not exceed ninety (90) days. (Prior code § 13-3)~~

Section 13-020 Severability Separability

~~It is hereby declared to be the intent of the Town Council that the provisions of this Ordinance shall be severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof. (Prior code § 13-4)~~

Section 13-030 Repeal

Where provisions of this Ordinance or any other law or ordinance recognized and adopted by the Town Council impose more stringent requirements or limitations, then the more stringent requirement, regulation, or limitation shall govern. ~~All Ordinances or part of Ordinances in conflict with provisions of this Ordinance are hereby repealed. (Prior code § 13-5)~~

