**NOTICE OF A REGULAR MEETING OF THE TOWN COUNCIL**
**OF THE TOWN OF CLARKDALE**
**TUESDAY, MAY 12, 2026 AT 6:00 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ
OR
Join Zoom Meeting
https://us02web.zoom.us/j/88268309680
Meeting ID: 882 6830 9680

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

AMENDED
(Item 7f removed)

***Town of Clarkdale Vision***

The Town of Clarkdale capitalizes on our unique history, proximity to the Verde River, and small-town charm. We cultivate an environment where residents and businesses can thrive.
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 to the members of the Common Council of the Town of Clarkdale and to the general public that the Town of Clarkdale Town Council will hold a Regular Meeting open to the public on Tuesday, May 12, 2026, at 6:00 PM in a hybrid meeting via Zoom Video Conference or in person at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. Members of the Clarkdale Common Council will attend either in person or by telephone, video or internet conferencing. Pursuant to A.R.S. §38-431.03, the Council may vote to recess the meeting and move into Executive Session on any item, which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda.
Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at www.clarkdale.az.gov and the Town Clerk's Office.

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

1. **CALL TO ORDER**

2. **ROLL CALL**

## 3. CALL TO THE PUBLIC

The Town Council invites the public to provide comments at this time. Members of the Town Council 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. REPORTS

### A. Current Events – (submitted electronically)

A brief summary of current events. The Council will not propose, discuss, deliberate, or take legal action on any matter in the summary. Reports submitted electronically:

- Mayor's Report
- Vice-Mayor's Report
- Councilmembers' Reports

### B. Organizational Reports – (submitted electronically)

Reports regarding regional organizations submitted electronically:

- VVTPO – Verde Valley Transportation Planning Organization
- NACOG - Northern Arizona Council of Governments
- NAMWUA - Northern Arizona Municipal Water Users Association
- TPAC – Transportation Policy Advisory Council
- VFLC – Verde Front Leadership Council
- Sustaining Flows Committee
- Yavapai Communities for Young Children
- Vulnerable Road Users SHSP Emphasis Area Team
- NACOG Community Action Board (CAB)
- Yavapai County Water Resource/Open Space Committee

## 5. STAFF INTRODUCTIONS

### A. Leeanne Gardener - Parks and Public Relations Specialist

### B. Juan Munoz - Public Works Operations Specialist

### C. Angelica Nimmich - Finance/Administrative Specialist

## 6. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the Town Council at a work session or during a New Business discussion. They are intended to be acted

upon in one motion. Council members may pull items from consent if they would like them considered separately.

**A. Approval of Minutes**

Consider and act upon the draft minutes from the regular meeting held on April 28, 2026.

**B. Taawaki Inn Liquor License Application - Series 11 - Hotel/Motel**

Consider and act upon an application submitted by Lauren Kay Merrett on behalf of Taawaki Inn for a Series 11 - Hotel/Motel liquor license.

## 7. NEW BUSINESS

**A. Proclamation - Bike Month**

Discuss, consider and act upon a proclamation declaring May 2026 as Bike Month.

**B. PUBLIC HEARING: Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code**

The Town Council will hold a public hearing to take public comments on Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code.

**C. Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code**

Discuss, review and act upon Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code.
Attachments can be found under item 6.A.

**D. Resolution 1761 - Adopting the New Position of Deputy Town Manager**

Discuss, consider and act upon Resolution 1761, adopting the new position of Deputy Town Manager and updating the salary range table.

**E. Budget Proposal Presenation for the Fiscal Year Ending June 30, 2027.**

The Council will receive a Budget Proposal Presentation for the fiscal year ending June 30, 2027.

## 8. FUTURE AGENDA ITEMS

Town Council may propose items to be placed on a future agenda. This item is for discussion only.

## 9. 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.*

From the office of Mayor Prud'homme-Bauer

# April 2026 Report

Regularly Held Monthly Meetings:

- Regular weekly one-on-one meetings with the Town Manager on Wednesdays.
- Agenda review meetings on Monday afternoon before the Town Council meeting.
- Host twice monthly Verde Valley Mayors/Managers Zoom meetings.
- Monday morning LACT Legislative call (when they are scheduled).

Other Meetings, Events, Emails and Phone Calls:

- Attended retirement lunch for Terry Norman.
- Attended a special meeting for the Verde Front Leadership Council.
- Attended retirement event for Town Manager Susan Guthrie.
- Meeting with Town Manager Lou Andersen and Scott Buckley regarding the Clarkdale Classic Station.
- Virtual planning meeting with Verde Valley mayors for meeting with David Schweikert.
- Attended Verde Valley mayors meeting with David Schweikert.
- Meeting with Town Manager Andersen and Councilmember Jones regarding airplane noise issue.
- Quarterly lunch with Yavapai College leadership, Vice Mayor Hunseder, and Town Manager Andersen.
- Responded to emails from Clarkdale residents on: airplane noise, Wecom fiber, and U-Haul.
- Accepted invitation to attend Jerome's 150th Celebration on May 23.

Out of town for the rest of the month on a lovely river cruise on the Douro River in Portugal!

# From the office of Vice Mayor Hunseder

## April 2026 Report

04/01/26 – Attended Terry Norman retirement luncheon.

04/06/26 – Attended all day Budget Work Session.

04/06/26 – Attended Guthrie retirement party.

04/07/26 – Attended CDBA Meeting.

04/13/26 – Meeting one-on-one with Town Manager Andersen.

04/14/26 – Town of Clarkdale Council meeting.

04/16/26 – Attended Yavapai College Quarterly Leadership luncheon.

04/22/26 – Met with DK Green and USFS Team members for fire prevention meeting.

04/23/26 – NACOG Executive Committee meeting.

04/23/26 – NACOG Regional Council meeting.

04/27/26 – Meeting one-on-one with Town Manager Andersen.

04/28/26 – Attended Budget Work Session.

04/28/26 – Town of Clarkdale Council meeting.

From the office of Council Member O'Neill

# April Report

4-6 Budget session; Susan Guthrie send-off party. Thanks for the soup, Joni!

4-14 One-on-one with Town Manager Andersen; Council meeting.

4-17 Attended NAMWUA meetings in Chino Valley. Interesting discussion on data centers.

4-28 One-on-one with Town Manager Andersen; Budget meeting; Council meeting. Thanks for the spaghetti, Charity!

From the office of Council Member Babbitt-Pierce

# April Report

April 6 – All-day Budget Work Session.

April 14 - Meeting with Town Manager Andersen.

April 15 - Town Council Meeting.

April 22 – VVTPO.

April 28 - Budget Session, Town Council Meeting.

From the office of Council Member Jones

# February Report

4/01 Attended Terry Norman's retirement gathering.

Attended Cottonwood Airport Commission meeting.

4/03 Participated with Friends of the Verde River, River Friendly Living Grant Review.

4/06 Attended Council Budget Work Session.

Attended Susan Guthrie retirement gathering.

4/11 Volunteered with Clarkdale Historical Society and Museum Plant Sale.

4/13 Met with Town Manager Lou Andersen.

4/14 Town Council Meeting.

4/15 Met with Town Manager, Lou Andersen and Mayor to discuss Cottonwood Airport Noise issues.

4/27 Met with Town Manager, Lou Andersen.

4/28 Attended Budget Workshop.

Attended Town Council Meeting.

# Staff Report

Item Number: 6.A.

**Agenda Item:** **Approval of Minutes**
Consider and act upon the draft minutes from the regular meeting held on April 28, 2026.

**Staff Contact:** Charity Brooks, Town Clerk

**Meeting Date:** May 12, 2026

**Strategic Goal:** Not applicable.

**Background:** Review of the draft minutes from the regular meeting held on April 28, 2026.

**Budget Impact:** No budget impact.

**Recommendation:** Staff recommends that the Council approve the draft minutes from the regular meeting held on April 28, 2026.

**SUMMARIZED MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CLARKDALE TUESDAY, APRIL 28, 2026 AT 3:00 PM**

(To listen to the full audio of the meeting, please visit www.clarkdale.az.gov – agendas & minutes)

**Members Present:** Vice Mayor Debbie Hunseder, and Council Members, Lisa O'Neill, Marney Babbitt-Pierce, and Laura Jones

**Members Absent:** Mayor Prud'homme-Bauer

**Other Municipal Officials Present:** Lou Andersen, Town Manager; Charity Brooks, Town Clerk; Joni Westcott, Parks and Recreation Director; Chell Smart, Parks and Communications Manager; Brittany Earles, Finance Director; Scott Ellis, Community Development Director; Clover Pinion, Senior Planner; Bob Pipkin, Building Official; Leeanne Gardner, Parks and Recreation Relations Specialist; Randy Taylor, Police Chief

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

**Audience:** Approximately six members of the public were present.

1. **CALL TO ORDER** – Vice Mayor Hunseder called the meeting to order at 3 p.m.

2. **ROLL CALL –** Present: Vice Mayor Debbie Hunseder, and Council Members, Lisa O'Neill, Marney Babbitt-Pierce, and Laura Jones

   Absent – Mayor Prud'homme-Bauer

3. **CALL TO THE PUBLIC** –
   Karla Erickson – Clarkdale resident. Dissappointed about the illegal dumping at the recycling center. Would like to see curbside recycling again. Thanked Council Member Jones for attending the airport meeting.

4. **REPORTS**

   **Departmental Reports** (submitted with Council packet) –
   Summary of written reports from Town Departments and other agencies:

   - Building Permit Report
   - Grants Report
   - Human Resources Report
   - Magistrate Court Report

- Parks and Recreation Report
- Police Department Report
- Verde Valley Humane Society
- Water and Wastewater Report
- Finance Report

*Council Member Jones shared that the Airport Commission made some recommendations to the City of Cottonwood regarding the Cottonwood Airport. The recommendations are:*

1. *Remove the recommendation that planes need to fly to 1000 feet before turning.*
2. *Reinforce the flight altitude pattern is at 800 feet.*
3. *No more than three planes in pattern at a time instead of four.*

*Cottonwood City Council approved all three recommendations at their Council meeting.*

## 5. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the Town Council at a work session or during a New Business discussion. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

### A. Approval of Minutes

Consider and act upon the draft minutes from the regular meeting held on April 14, 2026.

### B. Resolution No. 1760 - Making Appointments to the Public Safety Personnel Retirement System (PSPRS) Local Pension Board

Consider and act upon Resolution No. 1760, making appointments to the Public Safety Personnel Retirement System (PSPRS) Local Pension Board.

### C. Prosecuting Attorney Services for the Town of Clarkdale

Consider and act upon the renewal of the Professional Services Agreement with Musgrove Drutz Butner & Gautreaux, PC to provide prosecuting attorney services for the Town of Clarkdale.

**Action: Approve consent agenda item A thru C presented:**
**Motion:** Council Member Babbitt-Pierce
**Second**: Council Member O'Neill
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

## 6. NEW BUSINESS

### A. Proclamation – Proclaiming May as Historic Preservation Month

Discuss, consider and act upon a proclamation declaring May as Historic Preservation Month in the Town of Clarkdale.

**Action: Approve a proclamation declaring May as Historic Preservation Month in the Town of Clarkdale and authorize the Mayor and Town Clerk to execute the proclamation:**
**Motion:** Council Member Babbitt-Pierce
**Second**: Council Member Jones
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

### B. Resolution No. 1759 - Declaring December 31 (New Year's Eve) as an Observed Town Holiday

Discuss, consider and act upon Resolution No. 1759, declaring December 31 (New Year's Eve) as an observed Town holiday.

**Action: Approve Resolution No. 1759, declaring December 31 (New Year's Eve) as an observed Town holiday and authorize the Mayor and Town Clerk to execute all documents:**
**Motion:** Council Member Jones
**Second**: Council Member Babbitt-Pierce
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |

| | |
|---|---|
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

**C. PUBLIC HEARING:**

**Ordinance No. 448 - Amending Chapter 7 - Building, Article 7-1 Building Code of the Town Code in its entirety and providing for the adoption of the 2024 International Building Code (IBC) as amended.**

**Ordinance No. 449 - Amending Chapter 7 - Building, Article 7-2 International Residential Code for One- and Two- Family Dwellings (IRC) of the Town Code in its entirety and providing for the adoption of the 2024 International Residential Code (IRC) as amended.**

**Ordinance No. 450 - Amending Chapter 7 - Building, Articles 7-3 Plumbing Code, 7-4 Mechanical Code, 7-5 Electrical Code, 7-6 Fuel Gas Code, and 7-9 Energy Conservation Code of the Town Code in their entirety and providing for the adoption of the 2024 International Plumbing Code (IPC) as amended , the 2024 International Mechanical Code (IMC) as amended, the 2023 National Electrical Code (NEC) as amended , the 2024 International Fuel Gas Code (IFGC) as amended, and the 2018 International Energy Conservation Code (IECC) as amended.**

**Ordinance No. 451 - Amending Chapter 7 - Building, Articles 7-8 Existing Building Code, and 7-20 International Property Maintenance Code of the Town Code in their entirety and providing for the adoption of the 2024 International Existing Building Code (IEBC) as amended, and the 2024 International Property Maintenance Code (IPMC) as amended.**

**Ordinance No. 452 - Amending Chapter 7 – Building of the Town Code by adding Article 7-22 International Swimming Pool and Spa Code (ISPSC) and providing for the adoption of the 2024 International Swimming Pool and Spa Code (ISPSC) as amended.**

**Ordinance No. 453 - Amending Chapter 7 - Building, Article 7-7 International Fire Code (IFC) of the Town Code in its entirety and providing for the adoption of the 2024 International Fire Code (IFC) as amended.**

*The Council held a public hearing to take public comments on Ordinance No. 448, Ordinance No. 449, Ordinance No. 450, Ordinance No. 451, Ordinance No. 452, and Ordinance No. 453.*

Vice Mayor Hunseder opened up the public hearing. Each Ordinance description was read aloud and the Vice Mayor asked for comments on each Ordinance. There were no comments on each Ordinance.

Vice Mayor closed the public hearing.

**D. Ordinance No. 448 - Amending Chapter 7 - Building, Article 7-1 Building Code**

Discuss, consider, and act upon Ordinance No. 448, amending Chapter 7 - Building, Article 7-1 Building Code of the Town Code in its entirety and providing for the adoption of the 2024 International Building Code (IBC) as amended.

**Action: Approve Ordinance No. 448, amending Chapter 7 - Building, Article 7-1 Building Code of the Town Code in its entirety and providing for the adoption of the 2024 International Building Code (IBC) as amended and authorize the Mayor, Town Attorney and Town Clerk to execute all documents:**
**Motion:** Council Member Babbitt-Pierce
**Second**: Council Member O'Neill
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

**E. Ordinance No. 449 - Amending Chapter 7 - Building, Article 7-2 International Residential Code for One- and Two- Family Dwellings**

Discuss, consider, and act upon Ordinance No. 449,(IRC) of the Town Code in its entirety and providing for the adoption of the 2024 International Residential Code (IRC) as amended.

**Action: Approve Ordinance No. 449,(IRC) of the Town Code in its entirety and providing for the adoption of the 2024 International Residential Code (IRC) as amended and authorize the Mayor, Town Attorney and Town Clerk to execute all documents:**
**Motion:** Council Member O'Neill
**Second**: Council Member Babbitt-Pierce
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |

| | |
|---|---|
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

**F. Ordinance No. 450 - Amending Chapter 7 - Building, Articles 7-3 Plumbing Code, 7-4 Mechanical Code, 7-5 Electrical Code, 7-6 Fuel Gas Code, and 7-9 Energy Conservation Code**

Discuss, consider, and act upon Ordinance No. 450, amending Chapter 7 - Building, Articles 7-3 Plumbing Code, 7-4 Mechanical Code, 7-5 Electrical Code, 7-6 Fuel Gas Code, and 7-9 Energy Conservation Code of the Town Code in their entirety and providing for the adoption of the 2024 International Plumbing Code (IPC) as amended, the 2024 International Mechanical Code (IMC) as amended, the 2023 National Electrical Code (NEC) as amended, the 2024 International Fuel Gas Code (IFGC) as amended, and the 2018 International Energy Conservation Code (IECC) as amended.

**Action: Approve Ordinance No. 450, amending Chapter 7 - Building, Articles 7-3 Plumbing Code, 7-4 Mechanical Code, 7-5 Electrical Code, 7-6 Fuel Gas Code, and 7-9 Energy Conservation Code of the Town Code in their entirety and providing for the adoption of the 2024 International Plumbing Code (IPC) as amended, the 2024 International Mechanical Code (IMC) as amended, the 2023 National Electrical Code (NEC) as amended, the 2024 International Fuel Gas Code (IFGC) as amended, and the 2018 International Energy Conservation Code (IECC) as amended and authorize the Mayor, Town Attorney and Town Clerk to execute all documents:**
**Motion:** Council Member O'Neill
**Second**: Council Member Babbitt-Pierce
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

**G. Ordinance No. 451 - Amending Chapter 7 - Building, Articles 7-8 Existing Building Code, and 7-20 International Property Maintenance Code**

Discuss, consider, and act upon Ordinance No. 451, amending Chapter 7 - Building, Articles 7-8 Existing Building Code, and 7-20 International Property Maintenance Code of the Town Code in their entirety and providing for the adoption of the 2024 International Existing Building Code (IEBC) as amended, and the 2024 International Property Maintenance Code (IPMC) as amended.

**Action: Approve Ordinance No. 451, amending Chapter 7 - Building, Articles 7-8 Existing Building Code, and 7-20 International Property Maintenance Code of the Town Code in their entirety and providing for the adoption of the 2024 International Existing Building Code (IEBC) as amended, and the 2024 International Property Maintenance Code (IPMC) as amended and authorize the Mayor, Town Attorney and Town Clerk to execute all documents:**
**Motion:** Council Member Jones
**Second**: Council Member O'Neill
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

**H. Ordinance No. 452 - amending Chapter 7 – Building of the Town Code by adding Article 7-22 International Swimming Pool and Spa Code**

Discuss, consider, and act upon Ordinance No. 452, amending Chapter 7 – Building of the Town Code by adding Article 7-22 International Swimming Pool and Spa Code (ISPSC) and providing for the adoption of the 2024 International Swimming Pool and Spa Code (ISPSC) as amended.

**Action: Approve Ordinance No. 452, amending Chapter 7 – Building of the Town Code by adding Article 7-22 International Swimming Pool and Spa Code (ISPSC) and providing for the adoption of the 2024 International Swimming Pool and Spa Code (ISPSC) as amended and authorize the Mayor, Town Attorney and Town Clerk to execute all documents:**
**Motion:** Council Member Jones
**Second**: Council Member Babbitt-Pierce
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |

| | |
|---|---|
| Council Member Laura Jones | Aye |

**I. Ordinance No. 453 - Amending Chapter 7 - Building, Article 7-7 International Fire Code**

Discuss, consider, and act upon Ordinance No. 453, amending Chapter 7 - Building, Article 7-7 International Fire Code (IFC) of the Town Code in its entirety and providing for the adoption of the 2024 International Fire Code (IFC) as amended.

**Action: Approve Ordinance No. 453, amending Chapter 7 - Building, Article 7-7 International Fire Code (IFC) of the Town Code in its entirety and providing for the adoption of the 2024 International Fire Code (IFC) as amended and authorize the Mayor, Town Attorney and Town Clerk to execute all documents:**
**Motion:** Council Member Babbitt-Pierce
**Second**: Council Member Jones
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

## 7. FUTURE AGENDA ITEMS

*Town Council did not propose items to be placed on a future agenda.*

## 8. ADJOURNMENT

**Action: Motion to Adjourn:**
**Motion:** Council Member Babbitt-Pierce
**Second**: Council Member O'Neill
**Vote:** Approved 4-0

| Voting Member | Aye/Nay |
|---|---|
| Mayor Robyn Prud'homme-Bauer | Absent |
| Vice Mayor Debbie Hunseder | Aye |
| Council Member Lisa O'Neill | Aye |

| | |
|---|---|
| Council Member Marney Babbitt-Pierce | Aye |
| Council Member Laura Jones | Aye |

*Vice Mayor Hunseder adjourned the meeting without objection at 3:36 p.m.*

APPROVED: ATTESTED/SUBMITTED:

_____ _____

Robyn Prud'homme-Bauer, Mayor Charity Brooks, Town Clerk

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 28th day of April 2026. I further certify that the meeting was duly called and held and that a quorum was present.

Date approved by Town Council: May 12, 2026

_____

Charity Brooks, Town Clerk

# Staff Report

Item Number: 6.B.

**Agenda Item:** **Taawaki Inn Liquor License Application - Series 11 - Hotel/Motel**
Consider and act upon an application submitted by Lauren Kay Merrett on behalf of Taawaki Inn for a Series 11 - Hotel/Motel liquor license.

**Staff Contact:** Charity Brooks, Town Clerk

**Meeting Date:** May 12, 2026

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

- Goal Area 1 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.
- Goal Area 3 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

**Background:** Lauren Kay Merret, on behalf of Taawaki Inn, has applied for a Series 11 - Hotel/Motel liquor license. Taawaki Inn is located at 441 S. Broadway in Clarkdale.

The Series 11 Hotel/Motel license is a specialized on-sale license in Arizona, designed for hotels and motels that wish to provide spirituous liquor service to their registered guests and to the general public within designated areas of the hotel premises. This license allows for the sale of all types of spirituous liquor (beer, wine, and distilled spirits) for consumption on the premises. It offers flexibility for various service points within the hotel, such as:

- Sell All Spirituous Liquor: Offer and sell beer, wine, and distilled spirits.
- On-Premises Consumption Only: All sales must be for consumption directly on the licensed hotel/motel premises.
- Guest Rooms: Service of alcohol to registered guests within their individual rooms (e.g., mini-bars, room service).
- Hotel Bars/Restaurants: Operation of one or more bars or restaurants located within the hotel premises.

- Conference/Banquet Facilities: Service of alcohol during events, conferences, or private functions held within the hotel's designated event spaces.
- Poolside/Lounge Areas: Service in common areas frequented by guests.
- Food Sales: The licensee is required to derive at least 40% of the gross revenue from food sales.

The Arizona Department of Liquor has accepted the application as complete. The Police, Fire, Community Development and Public Works Departments have reviewed the application and are recommending approval. Their comments are attached.

As required by State law, the application was posted for the required time period at 911 N Main Street, beginning on April 16, 2026.

**Budget Impact:** The application fee of $100 has been paid in full.

**Recommendation:** Staff recommends that the Council approve the application submitted by Lauren Kay Merrett on behalf of Taawaki Inn for a Series 11 - Hotel/Motel liquor license and authorize the Town Clerk to submit the required documents to the Department of Liquor.

# State of Arizona
# Department of Liquor Licenses and Control

Created 04/09/2026 @ 02:55:00 PM

Local Governing Body Report

## LICENSE

| | | | |
|---|---|---|---|
| Number: | | Type: | 011 HOTEL / MOTEL |
| Name: | TAAWAKI INN | | |
| State: | Pending | | |
| Issue Date: | | Expiration Date: | |
| Original Issue Date: | | | |
| Location: | 441 S BROADWAY<br>CLARKDALE, AZ 86324<br>USA | | |
| Mailing Address: | 441 S BROADWAY<br>CLARKDALE, AZ 86324<br>USA | | |
| Phone: | (602)738-1421 | | |
| Alt. Phone: | | | |
| Email: | MERECOINC@GMAIL.COM | | |

## AGENT

| | |
|---|---|
| Name: | LAUREN KAY MERRETT |
| Gender: | Female |
| Correspondence Address: | 736 S LONGMORE STREET<br>CHANDLER, AZ 85224<br>USA |
| Phone: | (602)738-1421 |
| Alt. Phone: | |
| Email: | MERECOINC@GMAIL.COM |

## OWNER

| | | | |
|---|---|---|---|
| Name: | TAAWAKI INN LLC | | |
| Contact Name: | LAUREN KAY MERRETT | | |
| Type: | LIMITED LIABILITY COMPANY | | |
| AZ CC File Number: | 25005533 | State of Incorporation: | AZ |
| Incorporation Date: | 01/20/2026 | | |
| Correspondence Address: | 736 S LONGMORE STREET<br>CHANDLER, AZ 85224<br>USA | | |
| Phone: | (602)738-1421 | | |
| Alt. Phone: | | | |
| Email: | MERECOINC@GMAIL.COM | | |

**Officers / Stockholders**

60th Day
6-8-2026

| Name: | Title: | % Interest: |
|---|---|---|
| DURBANO FAMILY IRREVOCABLE TRUST | Member | 99.00 |

## TAAWAKI INN LLC - Member

| | |
|---|---|
| Name: | DURBANO FAMILY IRREVOCABLE TRUST |
| Contact Name: | LAUREN KAY MERRETT |
| Type: | TRUST |
| AZ CC File Number: | State of Incorporation: |
| Incorporation Date: | |
| Correspondence Address: | 736 S LONGMORE STREET<br>CHANDLER, AZ 85224<br>USA |
| Phone: | (602)738-1421 |
| Alt. Phone: | |
| Email: | MERECOINC@GMAIL.COM |

## DURBANO FAMILY IRREVOCABLE TRUST - Trustee

| | |
|---|---|
| Name: | DAVID LOUIS DURBANO |
| Gender: | Male |
| Correspondence Address: | 736 S LONGMORE STREET<br>CHANDLER, AZ 85224<br>USA |
| Phone: | (801)597-9711 |
| Alt. Phone: | |
| Email: | MERECOINC@GMAIL.COM |

## DURBANO FAMILY IRREVOCABLE TRUST - Trustee

| | |
|---|---|
| Name: | LINDA CHRISTINE DURBANO |
| Gender: | Female |
| Correspondence Address: | 441 S BROADWAY<br>CLARKDALE, AZ 86324<br>USA |
| Phone: | (801)597-9711 |
| Alt. Phone: | |
| Email: | MERECOINC@GMAIL.COM |

## MANAGERS

| | |
|---|---|
| Name: | MEGAN MARIE MELTON |
| Gender: | Female |
| Correspondence Address: | 736 S LONGMORE STREET<br>CHANDLER, AZ 85224<br>USA |
| Phone: | (928)301-8035 |
| Alt. Phone: | |
| Email: | MERECOINC@GMAIL.COM |

**********

| | |
|---|---|
| Name: | LINDA CHRISTINE DURBANO |
| Gender: | Female |
| Correspondence Address: | 441 S BROADWAY<br>CLARKDALE, AZ 86324<br>USA |
| Phone: | (801)597-9711 |
| Alt. Phone: | |
| Email: | MERECOINC@GMAIL.COM |

# APPLICATION INFORMATION

Application Number: 387276
Application Type: New Application
Created Date: 03/04/2026

# QUESTIONS & ANSWERS

**011 Hotel / Motel**

1) Are you applying for an Interim Permit (INP)?
   No
2) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   Property owner
3) Is there a penalty if lease is not fulfilled?
   No
4) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
5) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   0 personal funding
6) Are there walk-up or drive-through windows on the premises?
   No
7) Does the establishment have a patio?
   Yes
   Is the patio contiguous or non-contiguous (within 30 feet)?
   Contiguous
8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No

# DOCUMENTS

| DOCUMENT TYPE | FILE NAME | UPLOADED DATE |
|---|---|---|
| ALIEN STATUS | Alien_Status_2025 copy copy.pdf | 03/04/2026 |
| DIAGRAM/FLOOR PLAN | Footprint 2.pdf | 03/04/2026 |
| ORGANIZATIONAL DOCUMENTS | Flow chart w ammended articles.pdf | 03/04/2026 |
| QUESTIONNAIRE | All Qs (Merged).pdf.pdf | 03/04/2026 |
| RECORDS REQUIRED FOR AUDIT | Audit_record.pdf | 03/04/2026 |
| RESTAURANT OPERATION PLAN | Rest op plan.pdf | 03/04/2026 |
| MISCELLANEOUS | Menu.pdf | 03/04/2026 |

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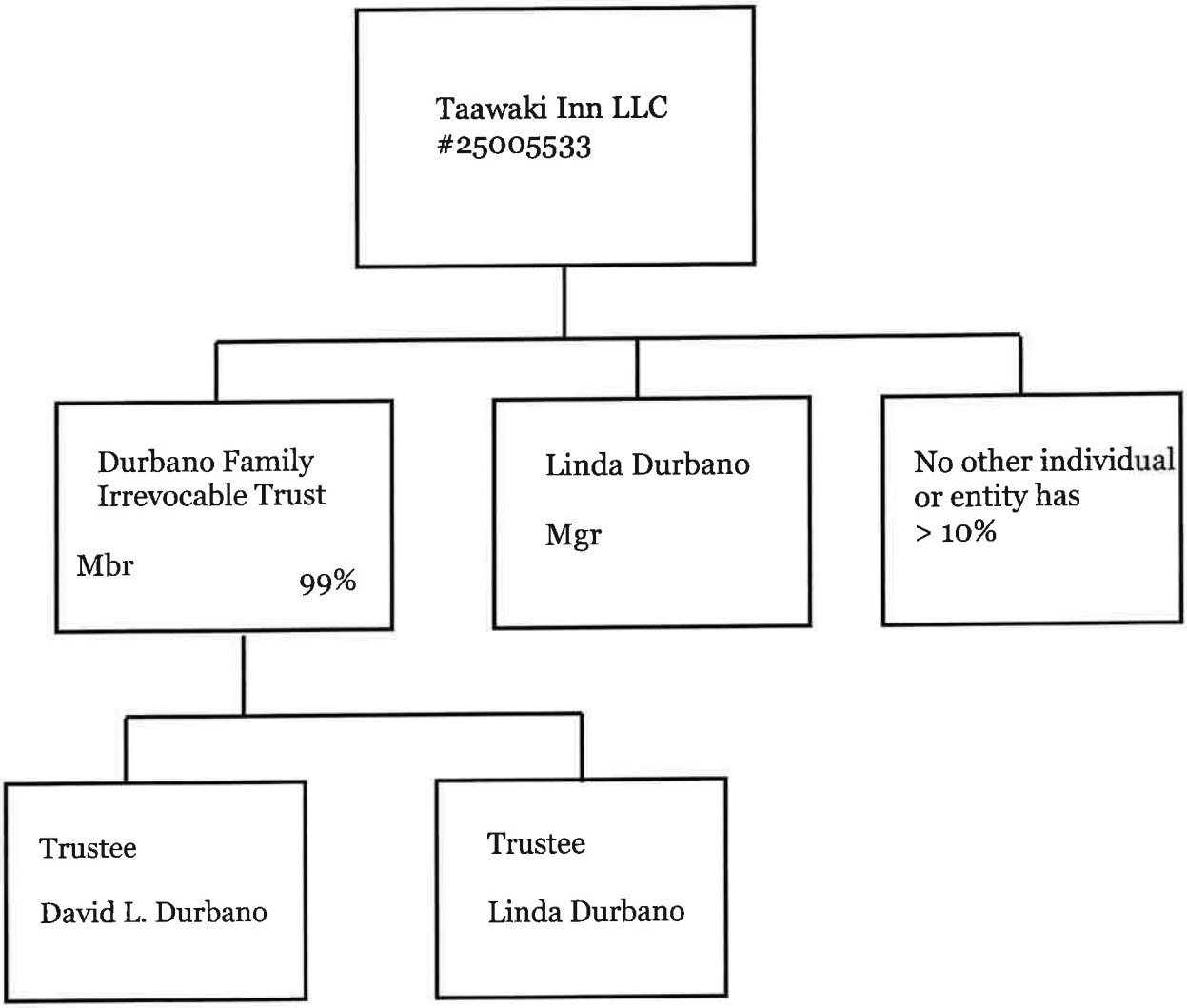

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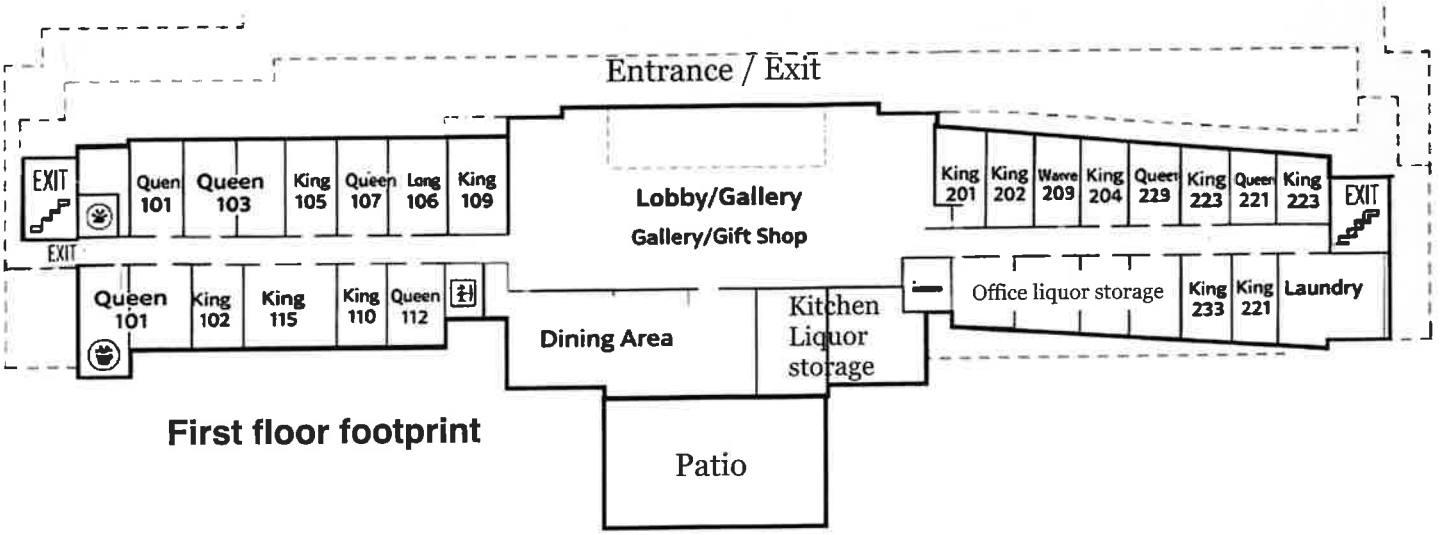
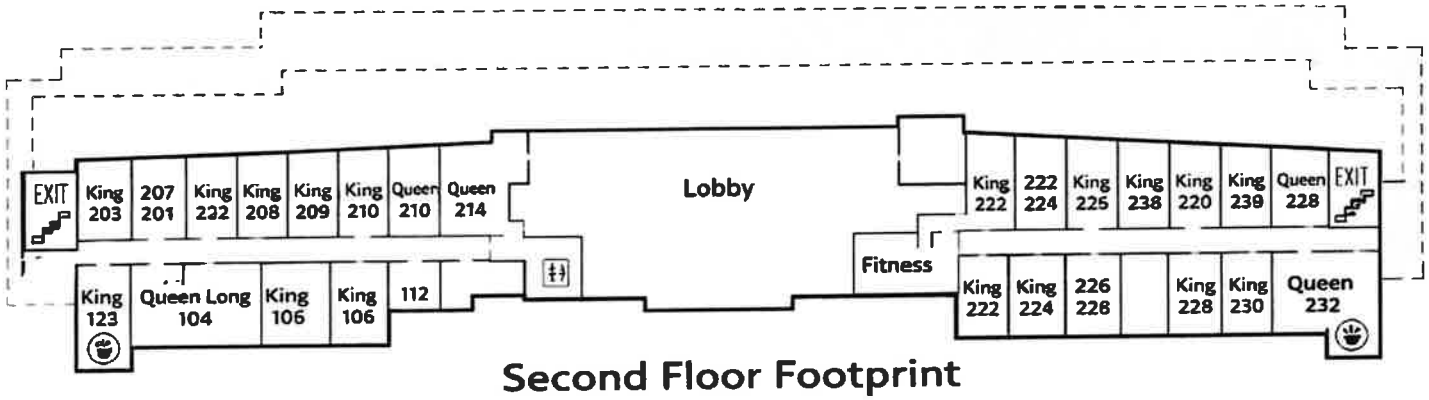
441 S. Broadway St
Clarkdale, Arizona 86324

33,000 ft.²



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# RESTAURANT OPERATION PLAN

**RESTAURANT SERIES 12 AND HOTEL/MOTEL SERIES 11 ONLY**

**DLLC USE ONLY**

| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-4-2026 |
| LC: | Clayr |
| License #: | |

1. Name of restaurant (Please print): Taawaki Inn

2. Must indicate the equipment below by Make, Model, and Capacity:

| LIST ONLY THE FOLLOWING - NO ATTACHMENTS | |
|---|---|
| Grill | Vulcan VCRG36-T36" gas countertop griddle |
| Oven | Blodgett DFG-100-ES (Gas) |
| Freezer | True T-23F-HC 1-section reach-in freezer |
| Refrigerator | True T-23-HC 1-section reach-in refrigerator |
| Sink | Advance Tabco DTS-63-33 compartments |
| Dish Washing Facilities | Hobart LXeH-2 (High-Temp) |
| Food Preparation Counter (Dimensions) | True TSSU-48-12-HC 48" sandwich/salad prep table |
| Other | |

3. Attach a copy of your FULL menu with pricing **INCLUDING NON-ALCOHOLIC BEVERAGES**

4. What percentage of your public premises is used primarily for restaurant dining?

(**Do not include kitchen, bar, hi-top tables, or game area.**) 80 %

5. Does your restaurant have a bar area that is distinct and separate from the dining area? ☒ YES ☐ No

(**If yes, what percentage of the public floor space does this area cover?**) 10 %

6. List the **seating capacity** for:

a) Restaurant dining area of your premises: [ 60 ]
**(DO NOT INCLUDE PATIO SEATING)**

b) Bar area [ + 16 ]

**TOTAL** [ = 76 ]

7. What type of dinnerware is primarily used in your restaurant? ☐ Reusable ☒ Disposable ☒ Both

8. Does your restaurant contain any **games, televisions**, or **any other entertainment**? ☒ Yes ☐ No
**If yes, specify what types and how many** (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

7-flatscreen TVs in communal area

9. Do you have live entertainment or dancing? ☐ Yes ☒ No
**If yes, what type and how often** (example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. List number of employees for each position:

| Position | How many |
|---|---|
| Cooks | 2 |
| Bartenders | 1 |
| Hostesses | 0 |
| Managers | 1 |
| Servers | 3 |
| Other ( ) | |
| Other ( ) | |
| Other ( ) | |

**I, (Print Full Name)** Lauren Kay Merrett **, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.**

**Applicant Signature:** [redacted]

Breakfast Menu:

All breakfast items served with a side of potatoes and seasonal fruit cup

Breakfast Burrito:
Meat: $16 scrambled eggs, sausage, bacon, and cheddar cheese wrapped in a flour tortilla
Veggie: $16 scrambled eggs, spinach, tomatoes, and cheddar cheese wrapped in a flour tortilla

Breakfast Sandwich: $16 2 eggs, sausage patty or bacon, melted cheddar on an english muffin

Yogurt Parfait: $6 layers of vanilla yogurt, granola and fresh berries

French Toast Sticks: $16 served warm syrup

Fruit Cup: $6 seasonal fresh fruit

Assorted muffins $3

Assorted Danish $3

Side Breakfast Potatoes $4

Lunch:

Bacon Cheeseburger: $20 American cheeseburger topped with lettuce, tomato, pickles, onion, and bacon. *Substitute for veggie patty + $2*

Chicken Sandwich: $19 choice of Grilled or Crispy Chicken topped with provolone cheese, lettuce, tomato, onion, and chipotle mayo on a brioche bun

Chicken Bacon Wrap: $19 Chicken, lettuce, onion, cheddar cheese, tomatoes, and Ranch dressing in a flour tortilla

Chicken Tenders: $19 Five chicken tenders served with choice of side and Ranch, BBQ, or Buffalo sauce

Pulled Pork Sandwich: $19 BBQ pulled pork with chipotle mayo slaw on a brioche bun

Turkey Sandwich: $19 turkey breast topped with provolone cheese, lettuce, tomato, onion, bacon, avocado and micro-greens on multi-grain bread.

Cafe Salad: $19 Fresh mixed greens, tomatoes, cucumbers, dried cranberries, avocado, and cheddar cheese topped with turkey or chicken with your choice of ranch or vinaigrette dressing

Sides: french fries, potato chips, gluten free pasta

Coffee/Tea $5
Soda $5
Beer $5-$15
Wine $8-$20 per glass
Cocktails $10- $25

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| DLLC USE ONLY | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-4-2026 |
| LC: | Dawn |
| License #: | |

# RECORDS REQUIRED FOR AUDIT
## RESTAURANT/HOTEL/MOTEL

**In the event of an audit, you will be asked to provide to the Department any documents necessary to determine Compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:**

1. Name of restaurant (Please print): Taawaki Inn
2. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
3. A list of ***all*** food and liquor vendors
4. The restaurant menu used during the audit period
5. A price list for alcoholic beverages during the audit period
6. Mark-up figures on food and alcoholic products during the audit period
7. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
8. Monthly Inventory Figures - beginning and ending figures for food and liquor
9. Chart of accounts (copy)
10. Financial Statements-Income Statements-Balance Sheets
11. **General Ledger**
    - A. Sales Journals/Monthly Sales Schedules
        1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
        2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
        3) Dated Guest Checks
        4) Coupons/Specials/Discounts
        5) Any other evidence to support income from food and liquor sales
    - B. Cash Receipts/Disbursement Journals
        1) Daily Bank Deposit Slips
        2) Bank Statements and canceled checks
12. **Tax Records**
    - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    - B. Income Tax Return - city, state and federal (copies)
    - C. Any supporting books, records, schedules or documents used in preparation of tax returns

13. **Payroll Records**

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A. Copies of all reports required by the State and Federal Government

B. Employee Log (A.R.S. §4-119)

C. Employee time cards (actual document used to sign in and out each workday)

D. Payroll records for all employees showing hours worked each week and hourly wages

14. **Off-site Catering Records** (must be complete and separate from restaurant records)

A. All documents that support the income derived from the sale of food off the license premises.

B. All documents which support purchases made for food to be sold off the licensed premises.

C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

**REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).**

**A.R.S. §4-210(A) 7**
The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

**A.R.S. §4-205.02(M)**
For the purpose of this section:

Restaurant: an establishment that derives **at least forty percent (40%)** of its gross revenue from the sale of food

Gross revenue: the revenue derived from all sales of food and spirituous liquor on the licensed premises regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

**Declaration:**

I, (Print Name) Lauren Merrett, declare under penalty of perjury that I am authorized to submit this application. I have read the contents and to the best of my knowledge believe all statements made on this application to be true, correct, and complete.

**Signature:** [redacted]

***MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE***

Arizona Department of Liquor Licenses and Control
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DLLC USE ONLY

| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | Clerk |
| LC: | Clerk |
| License # | |

# Personal Information Questionnaire

RP current 3-2026

**ATTENTION APPLICANT**: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

**THE COMPLETED QUESTIONNAIRE NEEDS TO BE SUBMITTED TO THE DEPARTMENT ALONG WITH A $22. FEE, AND FD-258 FINGERPRINT CARD, THAT HAS BEEN SEALED IN AN ENVELOPE, AND SIGNED OR INITIALED BY THE FINGERPRINT TECHNICIAN, MUST INCLUDE THE FINGERPRINT VERIFICATION FORM. MUST BE COMPLETED BY A RECOGNIZED FINGERPRINT SERVICE OR LAW ENFORCEMENT AGENCY.**

**Agent:** a person who is designated by an applicant or licensee to receive communications from the department and to file and sign documents submitted to the department on behalf of the applicant or licensee. An agent is not a manager.

*A.R.S. §4-202(A).*

**Controlling Person:** person directly or indirectly possessing control of an applicant or licensee.

*A.R.S. §4-101(10).*

**Manager:** An individual (not an entity) approved by the Department of Liquor who has the authority to organize, direct, carry out, control or to otherwise operate the day-to-day operations of a liquor-licensed business.

*A.R.S. §4-101(22) and A.R.S. §4-202(C)*

## SECTION - 1 INDIVIDUAL INFORMATION

☒ AGENT ☐ CONTROLLING PERSON ☐ MANAGER

1. Name: Merrett, Lauren Kay
   (Last / First / Middle)
2. Social Security #: [redacted] (NOT a public record) Birth Date: [redacted] (NOT a public record)
3. Driver's License #: [redacted] (NOT a public record) State Issued: AZ
5. Are you a resident of Arizona? ☒ Yes ☐ No Date of residency: 12/19/1958
6. Email address: Merecoinc@gmail.com
7. Home Address: [redacted]
8. Daytime phone #: 602/738/1421 Alternative phone #: [redacted]

## SECTION 2 – LICENSED BUSINESS INFORMATION

1. License Number: Pending
2. Business Name (doing business as): Taawaki Inn
3. Business Address: 441 S Broadway, Clarkdale, AZ 86324

## SECTION 3 – DAY TO DAY OPERATION OF BUSINESS

Must attach copies of Basic and Management Title 4 training certificates for person managing the day to day operation of the licensed business.

Who is managing the day to day operations? ☐ Agent ☐ Controlling Person ☒ Manager

Name of persons who will be handling the day to day operations: Megan Marie Melton

## SECTION 4 – BACKGROUND

**If you answer "YES" to any Question 1 through 5 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 1-5 MAY NOT BE ACCEPTED**

1. Have you owned, or been a controlling person of any entities that held a liquor license in Arizona, or any jurisdiction, in the past 5 years? Yes ☐ No ☒
2. Have you been cited, arrested, indicted, convicted, or required to appear in court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past 5 years? Yes ☐ No ☒
3. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last 5 years? *A.R.S.§4-202(D* Yes ☐ No ☒
4. Have you had ANY administrative law citations, compliance actions, or consents, in any jurisdiction in the past 5 years? (Do not include civil traffic tickets) Yes ☐ No ☒
   *A.R.S.§4-202,4-210*
   **Administrative Law Violations are any civil penalties, fines, suspension, or revocations of your liquor license.*
5. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes ☐ No ☒

## SIGNATURE

**I,** (Print Full Name) Lauren Kay Merrett hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

**Signature:** [redacted] **Date:** 02/15/2026

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| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-9-2026 |
| LC: | Maya |
| License #: | |

# ALIEN STATUS

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

**Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.**

**Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.**

## SECTION I – APPLICANT INFORMATION

**APPLICANT NAME** (Print or type) Lauren Kay Merrett

## SECTION II – CITIZENSHIP OR NATIONAL STATUS

Are you a citizen or national of the United States? ☒ Yes ☐ No - If **yes**, indicate place of birth:

City Phoenix State AZ **COUNTRY** USA

If you answered **Yes, 1)** Attach a legible copy of a document from the list below.

**2)** Name of document: Drivers License

If you answered **No**, you must complete Sections III.

# EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

**You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.**

**Evidence showing authorized presence in the United State includes the following:**

1. An Arizona driver license issued after 1996 or an Arizona non-operating identificationcard.

2. A driver license issued by a state that verifies lawful presence in the UnitedStates.

3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after Jan. 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)

4. A United States certificate of birth abroad.

5. A United States passport. ***Passport must be signed***

6. A foreign passport with a United States visa.

7. An I-94 form with a photograph.

8. A United States citizenship and immigration services employment authorization document or refugee travel document.

9. A United States certificate of naturalization.

10. A United States certificate of citizenship.

11. A tribal certificate of Indian blood.

12. A tribal or bureau of Indian affairs affidavit of birth.

13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

## SECTION III – QUALIFIED ALIEN

Applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

_____

**Name of document provided**

***Qualified Alien Status*** (8 U.S.C.§§ 1621(a)(1),-1641(b) and (c))

☐ 1.An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)

☐ 2.An alien who is granted asylum under Section 208 of the INA.

☐ 3.A refugee admitted to the United States under Section 207 of the INA.

☐ 4 An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.

☐ 5.An alien whose deportation is being withheld under Section 243(h) of the INA.

☐ 6.An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.

☐ 7.An alien who is a Cuban/Haitian entrant.

☐ 8.An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States

***Nonimmigrant Status*** (8 U.S.C. § 1621(a)(2))

9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non-immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

***Alien Paroled into the United States for Less Than One Year*** (8 U.S.C. § 1621(a)(3))

10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

***Other Persons*** (8 U.S.C § 1621(c)(2)(A) and (C)

11. A nonimmigrant whose visa for entry is related to employment in the United States, or

12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia. 48 U.S.C. § 1901 *etseq*.];

13. A foreign national not physically present in the United States.

14. ***Otherwise Lawfully Present***

15. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

**PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. §**

Lauren Kay Merrett — [redacted] — 12/19/2025

**Print Name** **Date**

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| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-4-2026 |
| LC: | Maya |
| License # | |

FP Current 2-2028

# Personal Information Questionnaire

**ATTENTION APPLICANT**: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

**THE COMPLETED QUESTIONNAIRE NEEDS TO BE SUBMITTED TO THE DEPARTMENT ALONG WITH A $22. FEE, AND FD-258 FINGERPRINT CARD, THAT HAS BEEN SEALED IN AN ENVELOPE, AND SIGNED OR INITIALED BY THE FINGERPRINT TECHNICIAN, MUST INCLUDE THE FINGERPRINT VERIFICATION FORM. MUST BE COMPLETED BY A RECOGNIZED FINGERPRINT SERVICE OR LAW ENFORCEMENT AGENCY.**

**Agent:** a person who is designated by an applicant or licensee to receive communications from the department and to file and sign documents submitted to the department on behalf of the applicant or licensee. An agent is not a manager.

*A.R.S. §4-202(A).*

**Controlling Person:** person directly or indirectly possessing control of an applicant or licensee.

*A.R.S. §4-101(10).*

**Manager:** An individual (not an entity) approved by the Department of Liquor who has the authority to organize, direct, carry out, control or to otherwise operate the day-to-day operations of a liquor-licensed business.

*A.R.S. §4-101(22) and A.R.S. §4-202(C)*

## SECTION - 1 INDIVIDUAL INFORMATION

☐ AGENT ☒ CONTROLLING PERSON ☐ MANAGER

1. Name: Durbano, Linda Christine
   (Last / First / Middle)
2. Social Security #: [redacted] (NOT a public record) Birth Date: [redacted] (NOT a public record)
3. Driver's License #: [redacted] (NOT a public record) State Issued: WY
5. Are you a resident of Arizona? ☐ Yes ☒ No Date of residency: ____/____/____
6. Email address: Merecoinc@gmail.com
7. Home Address: [redacted]
8. Daytime phone #: 801/597/9711 Alternative phone #: [redacted]

## SECTION 2 – LICENSED BUSINESS INFORMATION

1. License Number: Pending
2. Business Name (doing business as): Taawaki Inn
3. Business Address: 441 S Broadway, Clarkdale, AZ 86324

## SECTION 3 – DAY TO DAY OPERATION OF BUSINESS

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Must attach copies of Basic and Management Title 4 training certificates for person managing the day to day operation of the licensed business.

Who is managing the day to day operations? ☐ Agent ☐ Controlling Person ☒ Manager

Name of persons who will be handling the day to day operations: Megan Marie Melton

## SECTION 4 – BACKGROUND

**If you answer "YES" to any Question 1 through 5 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 1-5 MAY NOT BE ACCEPTED**

1. Have you owned, or been a controlling person of any entities that held a liquor license in Arizona, or any jurisdiction, in the past 5 years? Yes ☒ No ☐
2. Have you been cited, arrested, indicted, convicted, or required to appear in court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past 5 years? Yes ☐ No ☒
3. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last 5 years? *A.R.S.§4-202(D* Yes ☐ No ☒
4. Have you had ANY administrative law citations, compliance actions, or consents, in any jurisdiction in the past 5 years? (Do not include civil traffic tickets)
   *A.R.S.§4-202,4-210*
   **Administrative Law Violations are any civil penalties, fines, suspension, or revocations of your liquor license.* Yes ☐ No ☒
5. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes ☐ No ☒

## SIGNATURE

**I, (Print Full Name)** Linda Christine Durbano **hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.**

**Signature:** [redacted] **Date:** 02/05/2026

'25 3 10 Liqr. Dept AM 8:47

I have ownership in three additional licenses at Verde Canyon Railroad railroad:
#08133000
#10133239
#12133099

[redacted]

Linda Christine Durbano

Arizona Department of Liquor Licenses and Control
https://www.azliquor.gov
(602) 542-5141

26 3 10 L34. Dept AM 8:47

# Personal Information Questionnaire

DLLC USE ONLY

| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-4-2026 |
| LC: | Maya |
| License # | 805-809 |

**ATTENTION APPLICANT**: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

**THE COMPLETED QUESTIONNAIRE NEEDS TO BE SUBMITTED TO THE DEPARTMENT ALONG WITH A $22. FEE, AND FD-258 FINGERPRINT CARD, THAT HAS BEEN SEALED IN AN ENVELOPE, AND SIGNED OR INITIALED BY THE FINGERPRINT TECHNICIAN, MUST INCLUDE THE FINGERPRINT VERIFICATION FORM. MUST BE COMPLETED BY A RECOGNIZED FINGERPRINT SERVICE OR LAW ENFORCEMENT AGENCY.**

**Agent:** a person who is designated by an applicant or licensee to receive communications from the department and to file and sign documents submitted to the department on behalf of the applicant or licensee. An agent is not a manager.

*A.R.S. §4-202(A).*

**Controlling Person:** person directly or indirectly possessing control of an applicant or licensee.

*A.R.S. §4-101(10).*

**Manager:** An individual (not an entity) approved by the Department of Liquor who has the authority to organize, direct, carry out, control or to otherwise operate the day-to-day operations of a liquor-licensed business.

*A.R.S. §4-101(22) and A.R.S. §4-202(C)*

## SECTION - 1 INDIVIDUAL INFORMATION

☐ AGENT ☒ CONTROLLING PERSON ☐ MANAGER

1. Name: Durbano, David Louis
   (Last) (First) (Middle)
2. Social Security #: [redacted] (NOT a public record) Birth Date: [redacted] (NOT a public record)
3. Driver's License #: [redacted] (NOT a public record) State Issued: WY
5. Are you a resident of Arizona? ☐ Yes ☒ No Date of residency: ____/____/____
6. Email address: Merecoinc@gmail.com
7. Home Address: [redacted]
8. Daytime phone #: 801/597/9711 Alternative phone #: [redacted]

## SECTION 2 – LICENSED BUSINESS INFORMATION

1. License Number: Pending
2. Business Name (doing business as): Taawaki Inn
3. Business Address: 441 S Broadway, Clarkdale, AZ 86324

## SECTION 3 – DAY TO DAY OPERATION OF BUSINESS

Must attach copies of Basic and Management Title 4 training certificates for person managing the day to day operation of the licensed business.

Who is managing the day to day operations? ☐ Agent ☐ Controlling Person ☒ Manager

Name of persons who will be handling the day to day operations: Megan Marie Melton

## SECTION 4 – BACKGROUND

**If you answer "YES" to any Question 1 through 5 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 1-5 MAY NOT BE ACCEPTED**

1. Have you owned, or been a controlling person of any entities that held a liquor license in Arizona, or any jurisdiction, in the past 5 years? Yes ☒ No ☐
2. Have you been cited, arrested, indicted, convicted, or required to appear in court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past 5 years? Yes ☐ No ☒
3. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last 5 years? *A.R.S.§4-202(D* Yes ☐ No ☒
4. Have you had ANY administrative law citations, compliance actions, or consents, in any jurisdiction in the past 5 years? (Do not include civil traffic tickets)
   *A.R.S.§4-202,4-210*
   **Administrative Law Violations are any civil penalties, fines, suspension, or revocations of your liquor license.*
   Yes ☐ No ☒
5. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes ☐ No ☒

## SIGNATURE

**I,** (Print Full Name) David Louis Durbano hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

**Signature:** [redacted] **Date:** 02/05/2026

'26 3 10 Liq. Dept AM 8:47

I have ownership in three additional licenses at Verde Canyon Railroad railroad:
#08133000
#10133239
#12133099

[redacted]
David Louis Durbano

'25 3 30 Liq. Dept AM 9:21

Arizona Department of Liquor Licenses and Control
https://www.azliquor.gov
(602) 542-5141

DLLC USE ONLY

| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-4-2026 |
| LC: | Clayton |
| License #: | |

# FINGERPRINT VERIFICATION

**ATTENTION FINGERPRINT TECHNICIAN:**

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.
2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.
3. Fill out the information in the boxes below. **Please print clearly**.
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
5. **Write applicants name on front of sealed envelope.**

***Do not give the applicant the fingerprint card without first sealing it inside the envelope.***

***DO NOT FOLD FINGERPRINT CARDS***

**Please print in the following fields:**

| | |
|---|---|
| **Date**<br>3/27/26 | **Name of Applicant:**<br>David Louis Durbano |
| **Name of Fingerprint Technician:**<br>Tyler Reid | |
| **Fingerprint technician's Signature:**<br>[redacted] | |
| **Fingerprint technician's Agency/company Name:**<br>YUP Fingerprinting | **Phone Number:**<br>435 359 6668 |

**Type of Photo ID Provided (check one):**

☒ **Driver's License** ☐ **Passport** ☐ **Other (Please specify)**

Arizona Department of Liquor Licenses and Control
https://www.azliquor.gov
(602) 542-5141

AZ Liquor. Dept 8:47

DLLC USE ONLY

| | |
|---|---|
| Job #: | 387276 |
| Date Accepted: | 3-4-2026 |
| LC: | |
| License # | |

# Personal Information Questionnaire

**ATTENTION APPLICANT**: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

**THE COMPLETED QUESTIONNAIRE NEEDS TO BE SUBMITTED TO THE DEPARTMENT ALONG WITH A $22. FEE, AND FD-258 FINGERPRINT CARD, THAT HAS BEEN SEALED IN AN ENVELOPE, AND SIGNED OR INITIALED BY THE FINGERPRINT TECHNICIAN, MUST INCLUDE THE FINGERPRINT VERIFICATION FORM. MUST BE COMPLETED BY A RECOGNIZED FINGERPRINT SERVICE OR LAW ENFORCEMENT AGENCY.**

**Agent:** a person who is designated by an applicant or licensee to receive communications from the department and to file and sign documents submitted to the department on behalf of the applicant or licensee. An agent is not a manager.

*A.R.S. §4-202(A).*

**Controlling Person:** person directly or indirectly possessing control of an applicant or licensee.

*A.R.S. §4-101(10).*

**Manager:** An individual (not an entity) approved by the Department of Liquor who has the authority to organize, direct, carry out, control or to otherwise operate the day-to-day operations of a liquor-licensed business.

*A.R.S. §4-101(22) and A.R.S. §4-202(C)*

## SECTION - 1 INDIVIDUAL INFORMATION

☐ AGENT ☐ CONTROLLING PERSON ☒ MANAGER

1. Name: Melton, Megan Marie
   (Last / First / Middle)
2. Social Security #: [redacted] (NOT a public record) Birth Date: [redacted] (NOT a public record)
3. Driver's License #: [redacted] (NOT a public record) State Issued: AZ
5. Are you a resident of Arizona? ☒ Yes ☐ No Date of residency: 04/15/2018
6. Email address: Merecoinc@gmail.com
7. Home Address: [redacted]
8. Daytime phone #: 928/301/8035 Alternative phone #: [redacted]

## SECTION 2 – LICENSED BUSINESS INFORMATION

1. License Number: Pending
2. Business Name (doing business as): Taawaki Inn
3. Business Address: 441 S Broadway, Clarkdale, AZ 86324

## SECTION 3 – DAY TO DAY OPERATION OF BUSINESS

26 3 10 LIQ. DEPT AM 8:47

Must attach copies of Basic and Management Title 4 training certificates for person managing the day to day operation of the licensed business.

Who is managing the day to day operations? ☐ Agent ☐ Controlling Person ☒ Manager

Name of persons who will be handling the day to day operations: Megan Marie Melton

## SECTION 4 – BACKGROUND

**If you answer "YES" to any Question 1 through 5 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 1-5 MAY NOT BE ACCEPTED**

1. Have you owned, or been a controlling person of any entities that held a liquor license in Arizona, or any jurisdiction, in the past 5 years? Yes ☐ No ☒
2. Have you been cited, arrested, indicted, convicted, or required to appear in court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past 5 years? Yes ☒ No ☐
3. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last 5 years? *A.R.S.§4-202(D* Yes ☐ No ☒
4. Have you had ANY administrative law citations, compliance actions, or consents, in any jurisdiction in the past 5 years? (Do not include civil traffic tickets)
   *A.R.S.§4-202,4-210*
   **Administrative Law Violations are any civil penalties, fines, suspension, or revocations of your liquor license.*
   Yes ☐ No ☒
5. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes ☐ No ☒

## SIGNATURE

**I,** (Print Full Name) Megan Marie Melton hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

**Signature** [redacted] **Date:** 01/13/2026

'26 3 10 Liqr. Dept AM 8:47

On March 8, 2023 I was out with my boyfriend when we left to go home he was following me in a separate vehicle. I pulled into my driveway, but I could see that he had been pulled over a few houses back. He was given a field sobriety which he passed. I was sitting in my vehicle waiting for him when I was approached and asked to exit the car. I was also given a field sobriety test, which I did not pass. A blood test was administered at the hospital and to the best of my recollection the blood alcohol level was .10
I was consequently cited for DUI. I spent one night in jail and completed multiple classes paid multiple fines and had a breathalyzer/ignition lock on my car for six months.

[redacted]

Signature Megan Melton 01/13/2026

'26 3 10 Liqr. Dept PM 8:47

Certificate # A 15

☒ On-sale
☒ Off-sale
☒ On- and off-sale

# Certificate of Completion For Title 4 **BASIC** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition o employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two yeas after the training completion date.

## Student Information

Megan Melton
Full Name (please print)

[redacted]
Signature

7 25 2024
Training Completion Date

7/25/2027
Certificate Expiration Date
(three yeas from completion date)

## Training Provider Information

Mereco Inc. - AAEC
Company Name

736 S. Longmore St Chandler AZ 85224
Mailing Address

602-738-1421
Daytime Contact Phone Number

I, Lauren Merrett, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

[redacted]
Instructor Signature

7/25/2024

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

| | | | |
|---|---|---|---|
| In-state Microbrewery (series 3) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7) |
| Conveyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11) |
| Restaurant (series 12) | In-state Farm Winery (series 13) | | Beer & Wine Store (series 10) |

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager for a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

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'26 3 10 Liqr. Dept AM 8:47

Certificate # A15

# Certificate of Completion
## For
## Title 4 MANAGEMENT Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a state-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

### Student Information

Megan Melton
Full Name (please print)

[redacted]
Signature

7/25/2024
Training Completion Date

7/25/2027
Certificate Expiration Date
(three years from completion date)

### Training Provider Information

[redacted] Mereco Inc. - AAEC
Company Name

736 S. Longmore St. Chandler AZ 85224
Mailing Address

602-738-1421
Daytime Contact Phone Number

I, Lauren Merrett, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

[redacted]
Instructor Signature

7/25/2024

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

| | | | |
|---|---|---|---|
| In-state Microbrewery (series 3) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7) |
| Conveyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11) |
| Restaurant (series 12) | In-state Farm Winery (series 13) | | Beer & Wine Store (series 10) |

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor..

July 11, 2013

Scanned with CamScanner

**Town of Clarkdale**

**Liquor License Review Form**

**Police Department**

| | |
|---|---|
| Type of License | Series 11 - Hotel/Motel |
| Applicant's Name | Lauren Kay Merrett |
| Business Name | Taawaki Inn |
| Business Address | 441 S Broadway |

A.R.S 4-203 states that "A spiritous liquor license shall be issued only after **satisfactory showing** of the **capability, qualifications and reliability** of the applicant and, with the exception of wholesaler, producer, government or club licensees, **that the public convenience requires that the best interest of the community will be substantially served** by the issuance."

Please review the application based on the above criteria and answer the questions below:

1. Evidence that all necessary use fees, licenses and permits for which the applicant is eligible at the time of application have been paid, obtained and are in compliance from the state and all other governing bodies:

2. Effect on vehicular traffic within one mile of the proposed premises:

   There is no evidence that vehicular traffic would be affected within the one mile radius.

3. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by Granting a license at the proposed premises:

   There is no evidence that this business would have any negative affect or impact on activities of businesses or the residential neighborhood.

**Town of Clarkdale**

**Liquor License Review Form**

**Police Department**

4. Spillman Background/History review

Please review attached information.

5. Calls and Activities regarding property and/or person(s) in application:

No calls regarding the individuals in the application.

6. Any additional concerns/comments?

N/A

☒ Approved ☐ Denied

E-Signature: [signature] 739

Title: SERGEANT

Name: MIKE BRUNDRIDGE

Date: 4/23/26

This license is scheduled for the Town Council Meeting on: 5/8/2026

Return to Town Clerk by: April 23rd.

**Town of Clarkdale**

**Liquor License Review Form**

**Fire Department**

Send to Nate Bailey: VVFD Fire Inspector
nbailey@verdevalleyfire.org

| | |
|---|---|
| Type of License | Series 11 - Hotel/Motel |
| Applicant's Name | Lauren Kay Merrett |
| Business Name | Taawaki Inn |
| Business Address | 441 S Broadway |

A.R.S 4-203 states that "A spiritous liquor license shall be issued only after **satisfactory showing** of the **capability, qualifications and reliability** of the applicant and, with the exception of wholesaler, producer, government or club licensees**, that the public convenience requires that the best interest of the community will be substantially served** by the issuance."

Please review the application based on the above criteria and answer the questions below:

1. Evidence that all necessary use fees, licenses and permits for which the applicant is eligible at the time of application have been paid, obtained and are in compliance from the state and all other governing bodies:

   Confirmed

2. Effect on vehicular traffic within one mile of the proposed premises:

   None

3. Fire Safety /Compliance with International Fire Code as adopted by the Town of Clarkdale and enforced by Verde Valley Fire District:

   In Compliance-Passed recent inspection

**Town of Clarkdale**

**Liquor License Review Form**

**Fire Department**

4. Calls and Activities regarding property and/or person(s) in application:

Below national averages

5. Any additional concerns/comments?

None

☒ Approved ☐ Denied

Nate Bailey
Digitally signed by Nate Bailey
DN: O=Copper Canyon Fire and Medical Dist/ Verde Valley Fire Dist., CN=Nate Bailey, E=nbailey@ccfmd.az.gov
Reason: I am the author of this document
Location:
Date: 2026.04.16 15:34:01-07'00'
Foxit PDF Editor Version: 13.1.7

E-Signature

Fire Marshal

Title

Nate Bailey

Name

4/16/26

Date

This license is scheduled for the Town Council Meeting on: 5/8/2026

Return to Town Clerk by: April 23rd.

**Town of Clarkdale**

**Liquor License Review Form**

**Utilities/Public Works**

| | |
|---|---|
| Type of License | Series 11 - Hotel/Motel |
| Applicant's Name | Lauren Kay Merrett |
| Business Name | Taawaki Inn |
| Business Address | 441 S Broadway |

A.R.S 4-203 states that "A spiritous liquor license shall be issued only after **satisfactory showing** of the **capability, qualifications and reliability** of the applicant and, with the exception of wholesaler, producer, government or club licensees**, that the public convenience requires that the best interest of the community will be substantially served** by the issuance."

Please review the application based on the above criteria and answer the questions below:

1. Evidence that all necessary use fees, licenses and permits for which the applicant is eligible at the time of application have been paid, obtained and are in compliance from the state and all other governing bodies:

   Account paid in full and in compliance.

2. Effect on vehicular traffic within one mile of the proposed premises:

   No expected effect.

3. Calls and Activities regarding property and/or person(s) in application:

   None.

**Town of Clarkdale**

**Liquor License Review Form**

**Utilities/Public Works**

4. Any additional concerns or comments?

No concerns.

☒ Approved ☐ Denied

Virginia Smith Digitally signed by Virginia Smith Date: 2026.05.06 13:11:52 -07'00'

E-Signature

Title

Name

Date

This license is scheduled for the Town Council Meeting on: 5/8/2026

Return to Town Clerk by: April 23rd.

**Town of Clarkdale**

**Liquor License Review Form**

**Community Development**

| | |
|---|---|
| Type of License | Series 11 - Hotel/Motel |
| Applicant's Name | Lauren Kay Merrett |
| Business Name | Taawaki Inn |
| Business Address | 441 S. Broadway |

A.R.S 4-203 states that "A spiritous liquor license shall be issued only after **satisfactory showing** of the **capability, qualifications and reliability** of the applicant and, with the exception of wholesaler, producer, government or club licensees**, that the public convenience requires that the best interest of the community will be substantially served** by the issuance."

Please review the application based on the above criteria and answer the questions below:

1. Number and types of licenses within one mile of the proposed premises:

   1 series 3
   2 series 6
   1 series 10
   2 series 14

2. Evidence that all necessary use fees, licenses and permits for which the applicant is eligible at the time of application have been paid, obtained and are in compliance from the state and all other governing bodies:

   Existing business with no outstanding fees.

3. Any concerns of the nature of the proposed business, its potential market and its likely customers and zoning:

   No concerns noted.

**Town of Clarkdale**

**Liquor License Review Form**

**Community Development**

4. Compatibility of the proposed business with other activity within one mile of proposed premises:

Hotel use, no compatibility issues noted.

5. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises:

None.

6. Residential and commercial population density within one mile of the proposed premises:

1,384 Parcels within 1 mile of the proposed premises.
Commercial = 14 parcels
Industrial = 24 parcels
Residential = 1, 346 parcels
NOTE: Not all parcels in this list are developed.

7. Any additional concerns/comments?

None.

☒ Approved ☐ Denied

Digitally signed by Scott Ellis
Date: 2026.04.21 08:38:30 -07'00'

E-Signature

Community Development Director

Title

Scott Ellis

Name

04/21/2026

Date

This license is scheduled for the Town Council Meeting on: 5/8/2026

Return to Town Clerk by: April 23rd

# Staff Report

Item Number: 7.A.

**Agenda Item:** **Proclamation - Bike Month**
Discuss, consider and act upon a proclamation declaring May 2026 as Bike Month.

**Staff Contact:** Chell Smart, Manager of Parks and Recreation and Communications/PIO

**Meeting Date:** May 12, 2026

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

- Goal Area 1 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.
- Goal Area 2 - Enhance the quality and availability of parks, recreation and cultural opportunities.

**Background:** The Town of Clarkdale has demonstrated its commitment to active transportation and bicycle-friendly infrastructure through the adoption of the Connect Clarkdale Trails and Active Transportation Plan. This plan prioritizes safe, accessible, and connected routes for cyclists and other non-motorized users.

Creating a bicycle-friendly community provides numerous benefits, including improved public health and wellness, enhanced quality of life, increased economic activity, and greater tourism appeal. Additionally, bicycling contributes to improved traffic safety, reduced congestion, decreased environmental impacts, and supports positive educational outcomes for students who bike to school.

The month of May is recognized nationally as Bike Month, an annual celebration that promotes bicycling as a fun, healthy, and sustainable form of transportation and recreation. This initiative is supported by a wide range of organizations, including Yavapai County Community Health Services, the Bicycle Advisory Committee, the League of American Bicyclists, local schools, parks and recreation departments, law enforcement agencies, public health

districts, hospitals, businesses, and civic groups.

Throughout May, these partners coordinate efforts to encourage bicycling across the Verde Valley and beyond with highlighted events including Clarkdale Bike to School Day and regional events such as the Cottonwood Ride of Silence, which honors cyclists and promotes roadway safety.

**Budget Impact:** No budget impact.

**Recommendation:** Staff recommends that the Council approve the proclamation declaring May 2026 as Bike Month.

# PROCLAMATION

## Bike Month

**WHEREAS**, the bicycle is an economical, healthy, convenient, and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Clarkdale's scenic beauty; and

**WHEREAS**, throughout the month of May, the residents of Clarkdale and its visitors will experience the joys of bicycling through educational programs, races, commuting events, charity events, or by simply getting out and going for a ride; and

**WHEREAS**, Clarkdale's road and trail system attracts bicyclists each year, providing economic, health, transportation, tourism, and scenic benefits; and

**WHEREAS**, creating a bicycling-friendly community has been shown to: improve citizens' health, well-being, and quality of life, grow the economy of Clarkdale, attract tourism dollars, improve traffic safety, support student learning outcomes, and reduce pollution, congestion, and wear and tear on our streets and roads; and

**WHEREAS**, Yavapai County Community Health Services and the Bicycle Advisory Committee, the League of American Bicyclists, schools, parks and recreation departments, police departments, public health districts, hospitals, companies, and civic groups will be promoting bicycling during the month of May 2025, and

**WHEREAS**, these groups are also promoting bicycle tourism year-round to attract more visitors to enjoy our local restaurants, hotels, retail establishments, and cultural and scenic attractions; and

**WHEREAS**, these groups are also promoting greater public awareness of bicycle operation and safety education in an effort to reduce collisions, injuries, and fatalities and improve health and safety for everyone on the road; and

**WHEREAS,** the Town of Clarkdale, upon adopting the Connect Clarkdale Trails and Active Transportation Plan, has made a commitment to prioritizing a safe, bikeable community.

**NOW, THEREFORE** , the Mayor and the Town Council of the Town of Clarkdale do hereby proclaim May 2026 as Bike Month.

Passed and approved by the Town Council at their regular meeting on May 12, 2026.

ATTEST:

_____ _____

Robyn Prud'homme-Bauer – Mayor

Charity Brooks, Town Clerk

# Staff Report

Item Number: 7.B.

**Agenda Item:** **PUBLIC HEARING: Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code**
The Town Council will hold a public hearing to take public comments on Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code.

**Staff Contact:** Scott Ellis, Community Development Director

**Meeting Date:** May 12, 2026

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

- Goal Area 1 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 3 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

**Background:** The Town of Clarkdale's Zoning Code has evolved over many years through incremental amendments. While these updates addressed specific needs at the time, the code structure has become increasingly difficult to administer due to inconsistent formatting, outdated provisions and terminology, and cross-referencing issues.

To address these challenges, the Community Development Department initiated a comprehensive review of the Zoning Code to modernize the document, improve usability, and ensure alignment with current planning practices and Arizona Revised Statutes.

A Citizen Advisory Committee was appointed on Feb. 11, 2025, to provide input and feedback throughout the process. The Committee worked collaboratively with staff to identify areas for improvement and ensure the updated code reflects community priorities while maintaining Clarkdale's character.

The purpose of this update is not to introduce significant policy changes, but

rather to reorganize, clarify, and modernize the existing code so that it is easier for residents, applicants, staff, and decision-makers to understand and administer.

This effort focuses on improving the functionality of the code rather than altering its underlying intent.

The Planning Commission held a public hearing on April 21, 2026, evaluated Ordinance 454, and has forwarded a recommendation of approval to the Town Council for final action.

**Project Description**

The proposed update includes a comprehensive review and reorganization of all 13 chapters of the Clarkdale Zoning Code. Each chapter has been evaluated and revised to ensure consistent formatting, terminology, and structure throughout the document. Overall, the update represents a structural and administrative improvement to the code rather than a substantive policy shift.

**Project Goals**

The primary goals of the zoning code update are to:

- Improve clarity and readability of regulations.
- Standardize formatting across all chapters.
- Correct outdated or inconsistent cross-references.
- Ensure consistency with Arizona law and planning practices.
- Consolidate related regulations into logical chapters.
- Improve administrative efficiency for staff and applicants.
- Maintain Clarkdale's community character and planning goals.

**Summary of Changes by Chapter**

- *Chapter 1 – Zoning Code*
  - General cleanup and reorganization.
  - Removed outdated references to the Zoning Map.
  - Improved clarity of purpose and applicability.
- *Chapter 2 – Definitions*
  - Updated key definitions (e.g., accessory structure, roof, front yard).
  - Added new definitions (e.g., data center, microbrewery, airstrip).
  - Removed outdated or use-specific definitions.
  - Improved consistency and usability of terminology.
- *Chapter 3 – Zoning Districts*
  - Updated permitted and conditional uses.
  - Added purpose and intent statements for each district.
  - Clarified applicability of other chapters.
  - Removed unused zoning districts (Neighborhood Commercial and Highway Commercial).

- Relocated performance standards and agri-tourism to Chapter 4.
- Moved Historic Preservation District to its own chapter, #10.

- *Chapter 4 – General Provisions*

  - Comprehensive reorganization and modernization.
  - Added new standards (e.g., data centers, trash enclosures).
  - Consolidated lot and development standards.
  - Updated walls, fences, parking, and loading requirements.
  - Added bicycle parking and shared parking provisions.
  - Removed or relocated engineering-related provisions.

- *Chapter 5 – Conditional Use Permits*

  - Streamlined application and review procedures.
  - Added pre-application requirement.
  - Extended implementation timeline from six months to one year.
  - Aligned appeals process with Town Code.

- *Chapter 6 – Planned Area Development (PAD)*

  - Introduced a modern, master-planned development framework.
  - Added comprehensive master development plan requirements.
  - Standardized review procedures.
  - Removed PUD standards and outdated PAD structure and tiers.

- *Chapter 7 – Signage*

  - Revised sign area calculations based on building frontage.
  - Established a maximum aggregate sign area of 250 square feet.
  - Converted monument signs to freestanding signs.
  - Shifted commercial sign review to administrative approval.
  - Consolidated temporary signage categories.

- *Chapter 8 – Outdoor Lighting*

  - Updated to align with dark-sky standards.
  - Requires fully shielded fixtures.
  - Limits color temperature to 4000K or less.
  - Establishes maximum lumens per acre.
  - Reduces light trespass through downward-directed fixtures.

- *Chapter 9 – Landscape Design Standards*

  - Added prohibited plant list and shading requirements.
  - Strengthened buffering and parking lot landscaping standards.
  - Clarified maintenance and exception provisions.

- *Chapter 10 – Historic Preservation District*

  - Established as a standalone chapter.

- Improves organization and visibility of preservation standards.

- *Chapter 11 – Design Review*

  - Aligned with state requirements for administrative review.
  - Replaced subjective criteria with objective standards.
  - Standardized submittal requirements.
  - Streamlined appeals process.

- *Chapter 12 – Subdivision Regulations*

  - Updated to reflect administrative plat approval requirements.
  - Removed outdated and engineering-specific provisions.
  - Standardized submittal and review procedures.
  - Clarified subdivision committee membership.
  - Separated minor land divisions and lot line adjustments.

- *Chapter 13 – Amendments*

  - Removed enforcement and penalty provisions (addressed in the Town Code).
  - Standardized application requirements.
  - Aligned appeals process with other review procedures.

**Key Findings**

1. The proposed update represents a comprehensive organizational improvement rather than a policy shift.
2. The revised code improves clarity, consistency, and usability for all users.
3. The update ensures alignment with Arizona Revised Statutes and modern planning practices.
4. Administrative processes have been streamlined, improving efficiency and predictability.
5. The update maintains the Town's existing character and planning framework while making the code easier to implement.

**Next Steps**

- Town Council public hearing and adoption.
- Implementation.

**Budget Impact:** No budget impact.

**Recommendation:** Staff recommends that Town Council approve the proposed Zoning Code update.

# ORDINANCE NO. 454

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, ADOPTING A COMPREHENSIVE UPDATE TO THE CLARKDALE ZONING CODE; PROVIDING FOR CONSISTENCY WITH THE GENERAL PLAN; PROVIDING FOR TRANSITION, SEVERABILITY, AND CODIFICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS** the Town of Clarkdale desires to adopt a comprehensive update to Chapters 1 through 13 of the Town Zoning Code to align with the Town's General Plan; reflect current planning practices; improve clarity, organization, and usability; modernize development standards and procedures; support economic development; and preserve Clarkdale's historic character; and

**WHEREAS,** said comprehensive updates are attached to this Ordinance as Exhibit A through Exhibit M and are fully incorporated into this Ordinance; and

**WHEREAS**, the Town of Clarkdale seeks to protect the public health, safety, and welfare by enacting said amendments within the Town limits;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the Town of Clarkdale, Arizona, as follows:

**SECTION 1. INCORPORATION OF RECITALS**

The recitals set forth above are incorporated herein by this reference and made a part of this Ordinance as if fully set forth.

**SECTION 2. ADOPTION OF AMENDMENTS TO CLARKDALE'S ZONING CODE**

That certain document entitled **"Ordinance No. 454, Adopting a Comprehensive Update to the Clarkdale Zoning Code"** is hereby adopted as an amendment to the Town Zoning Code.

One paper copy and one electronic copy of said document are on file in the office of the Town Clerk and are hereby declared public records, to remain on file for public inspection.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

**SECTION 4. GENERAL PLAN CONSISTENCY**

The Town Council finds that the adopted Zoning Code is consistent with the Clarkdale General Plan.

**SECTION 5. APPLICABILITY**

This ordinance applies to all land within the Town of Clarkdale and governs all new development and modifications to existing development, subject to Section 6 below.

**SECTION 6. TRANSITION PROVISIONS**

A. **Pending Applications**

Complete applications submitted prior to the effective date may be reviewed under prior regulations.

B. **Existing Approvals**

Previously approved entitlements remain valid subject to their conditions.

C. **Nonconformities**

Nonconforming uses and structures shall be regulated under the new Zoning Code.

D. **Vested Rights**

Nothing in this ordinance affects vested rights.

**SECTION 7. INTERPRETATION**

Where conflicts occur, the more restrictive provision shall apply unless otherwise specified.

**SECTION 8. SEVERABILITY**

If any portion of this ordinance is found invalid, the remaining portions shall remain in effect.

**SECTION 9. CODIFICATION**

The Town Clerk shall codify this ordinance into the Town Code.

**SECTION 10. EFFECTIVE DATE**

This ordinance shall become effective 30 days after adoption.

**SECTION 11. PRESERVATION OF RIGHTS**

This Ordinance does not affect any rights or duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

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**PASSED AND ADOPTED by the Common Council of the Town of Clarkdale, Arizona, this 12th day of May 2026.**

**ATTEST:**

| | |
|---|---|
| **Charity Brooks, Town Clerk** | **Robyn Prud'homme-Bauer, Mayor** |

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**APPROVED AS TO FORM:**

**Stephen W. Polk, Town Attorney**

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**CERTIFICATION:**

I, Charity Brooks, Town Clerk, hereby certify that the foregoing is a true and correct copy of Ordinance No. 454, adopted by the Town of Clarkdale on the 12th day of May 2026, and posted in three public places on the ___ day of _____, 2026.

**Town Clerk**

# EXHIBIT A

# CHAPTER 1

## ZONING CODE OF THE TOWN OF CLARKDALE

**~~Articles~~SECTIONS:**

~~1-010 Identity~~1-010 Identity
~~1-020 Purpose and Interpretation~~1-020 Purpose and Intent
~~1-030 Scope~~1-030 Scope
~~1-040 Zoning Map~~
~~1-050 Zoning Districts~~1-040 Zoning Districts
~~1-060 General Provisions of Building and uses~~1-050 General Provisions of Building and Uses

### SECTION 1-010 IDENTITY

This Ordinance shall be known as and may be cited as: "The Zoning Code of the Town of Clarkdale." ~~(Prior code § 1-1)~~

### SECTION 1-020 PURPOSE AND ~~Interpretation~~INTENT

A. ~~A.~~ This ordinance is adopted and enacted under the authority and power of Article 6, Chapter 4, Title ~~9~~9, Arizona Revised Statutes, for every purpose permissible under such statutes, but is not intended to be contradictory thereto or in violation thereof, and every reasonable construction is intended which may be required to avoid any such contradiction or violation.

B. ~~B.~~ The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of the public's health, safety~~, morals~~, and welfare. Such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, ample parking facilities and prevent undue concentration of population. ~~Provide ample parking facilities, and to~~

protect and enhance aesthetic appeal and general betterment of the Town of Clarkdale now and in the future. (Prior code § 1-2)

**SECTION 1-030 SCOPE**

This Ordinance shall not repeal, abrogate, annul, impair, or interfere with existing provisions of other laws or ordinances unless specifically repealed by or in irreconcilable conflict with this Ordinance; or with private restrictions placed upon property by covenant, deed or other private agreement; or with restrictive covenants running with the land. Where this Ordinance imposes greater restrictions upon the use of land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, contract, covenant or deed, the provisions of this Ordinance shall control. (Prior code § 1-3)

**Section 1-040 Zoning Map**

The map attached hereto, dated herewith and entitled "Zoning Map of the Town of Clarkdale" is hereby adopted and made part of this Code and all information thereon is made a part hereof. (Prior code § 1-4)

**SECTION 1-0450 ZONING DISTRICTS**

A. **A. Classifications.:** For the purpose of this Ordinance, the Town of Clarkdale is hereby divided into districts as follows:

1. *1. Single Family Residential (R1) District*Single Family Residential (R1)
2. *2. Single Family Residential (R-1A) District*Single Family Residential Alternate (R-1A)
3. *3. Single Family Residential Limited (R-1L) District*Single Family Residential Limited (R-1L)
4. *4. Suburban Residential (RS3) District*
4. *5. Single Family Residential and Multiple Dwelling Units (R-2) District*Single Family Residential and Multiple Dwelling Units (R-2)
5. *6. Multiple Family Residential (R-3) District*Multiple Family Residential (R-3)

6. ~~*7. Manufactured Home Residential (R-4) District*~~*Manufactured Home Residential (R-4)*
7. ~~*8. Manufactured Home Residential Alternate (R-4A) District*~~*Manufactured Home Residential Alternate (R-4A)*
8. *Suburban Residential (RS3)*
9. *Central Business (CB)*
10. ~~*9. Commercial (C) District*~~*Commercial (C)*

~~*10. Central Business (CB) District*~~

11. ~~*11. Industrial (I) Districts*~~*Industrial (I)*
12. *Open Space (OS)*
13. *Arts and Entertainment Overlay (AE)*

B. ~~**B.**~~ **Boundaries and Aareas.**~~:~~

1. ~~1.~~ The boundaries and areas of these districts are hereby established as indicated by means of lines, symbols, figures expressing distance in feet otherwise on the Zoning Map adopted in Section 44 ~~hereof, and~~hereof and declared to be part of this Ordinance.
2. ~~2.~~ The indicated boundary lines are intended generally to follow existing property lines or street lines or as may be otherwise indicated on the Zoning Map.
3. ~~3.~~ Determination of doubtful lines: In case of doubt or disagreement concerning the exact location of a district boundary line, the determination shall be made by the Board of Adjustment~~, created by Ordinance No. 39, adopted October 6, 1975~~.
4. ~~4.~~ Interpretation of district boundaries: Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning map, the Board of Adjustment shall adopt the following rules in resolving the issue:
    a. ~~a.~~ Where boundaries approximately follow streets, alleys or highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way line of highways, such lines shall be construed to be such district boundaries.

b. ~~b.~~ Where boundaries parallel street lines, alley lines, or highway right-of-way lines. Where district boundaries are so indicated that they are approximately parallel to center lines or street lines of street, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being the center lines of said streets, alleys or highways at the time of the adoption of this Zoning Code. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

c. ~~c.~~ Where boundaries approximately follow lot lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

d. ~~d.~~ Where the boundary follows a railroad line. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the middle of the right-of-way~~R-O-W~~.

e. ~~e.~~ Where the boundary follows a body of water. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be at the limit of the jurisdiction of the Town of Clarkdale, unless otherwise indicated.

f. ~~f.~~ Submerged areas not included in district. All areas within the corporate limits of the Town which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

g. ~~g.~~ District regulations apply to schools, parks, etc. Any areas shown on the Zoning Map as park, playground, school, cemetery, water, streets, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulation of the most restricted adjoining district shall govern.

h. ~~h.~~ Where property has not been included in a district. Where property has not been specifically within a district, or where territory has become a part of the Town by annexation, the same shall be classed as lying and being in a district until such classifications shall have been changed by an amendment to the Zoning Code, as provided by law.

i. ~~i.~~ Vacation of public ways. Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area and that area shall then be subject to all regulations of the extended districts. ~~(Prior code § 1-5)~~

**SECTION 1-05~~6~~0 GENERAL PROVISIONS OF BUILDING AND U~~u~~SES**

A. ~~**A.**~~ **Future C~~c~~hanges.~~:~~** Zoning affects every structure and use. No building, structure, or premises shall be used or occupied, and no building or part thereof of other structures shall be erected, raised, moved, placed, maintained, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district, as shown on the official map, in which it is located.

B. ~~**B.**~~ **Conformity of B~~B~~uildings.~~:~~** No building, structure or premises shall be erected, maintained, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families than~~t~~ prescribed for such building, structure or premises for the district in which it is located.

C. ~~**C.**~~ **Conformity of O~~O~~pen S~~S~~paces.~~:~~** No yard or open space, or part thereof, shall be included as part of the yard or open space similarly required for any other building, structure or dwelling under this Code.

D. ~~**D.**~~ **Ordinance N~~N~~ot R~~R~~etroactive.~~:~~** If at the time of the enactment of this Ordinance any lot, building or structure is being used in the manner or for a purpose which does not conform to the provisions of this Ordinance and which is not prohibited by some other Ordinance, such manner or use or purpose may be continued as provided in ARS ~~9-462~~9-462 (B). Except that any person or corporation who has notice of this Ordinance during the time it is being considered, proceed~~sss~~ thereafter at his own peril if he thereafter proceeds contrary to this Ordinance.

E. ~~E.~~ **Extending EExisting UUses.:** Any existing, legal, nonconforming use may be extended throughout any part of a building which is arranged or designed for such use at the time of the enactment of this Ordinance.

F. ~~F.~~ **Conditions AAffecting NNon-CConforming UUses.:** The lawful use of any ~~structure,~~structure or land existing at the time a provision of this Code becomes effective which provision makes the use or structure unlawful may be continued, although such use or structure does not conform with said provisions provided the following conditions are met:

1. ~~1.~~ *Unsafe structures.:* Nothing in this Code shall prevent requiring the strengthening or restoring to a safe condition of any portions of a structure declared unsafe by a proper authority.
2. ~~2.~~ *Alterations.:* A structure devoted to a non-conforming use may be altered, improved or reconstructed, provided such work does not exceed in aggregate cost 50% ~~fifty percent (50%)~~ of the appraised value of the structure.
3. ~~3.~~ *Changes.:* A nonconforming use may be changed to a no less restrictive nonconforming use~~d~~ provided all other zoning standards are met, including number of parking spaces, sign size, paved parking area, etc.
4. ~~4.~~ *Restoration~~n~~.:* Nothing in this Code shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming structure damaged by fire, collapse, explosion, or a~~A~~cts of God, wherein the expense of such work does not exceed 5~~6~~0% of the value of the structure immediately prior to the occurrence of such damage, provided such reconstruction, or rebuilding is started within six ~~(6)~~ months after damage is diligently pursued to completion.
5. ~~5.~~ *Abandonment.:* A non-conforming use of a structure or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
   a. ~~a.~~ When the intent of the owner to discontinue the use is apparent or non-use has continued for six~~12~~ months, or;
   b. ~~b.~~ When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not

been replaced by similar equipment within ~~seven~~six ~~(7)~~ months unless other facts show intention to resume the non-conforming use, or;

c. ~~c.~~ When it has been replaced by a conforming use, or when it has been replaced by another non-conforming use of a more restrictive zoning district.

6. ~~6.~~ *Certificate of Non-Conforming Use.~~:~~*

a. ~~a.~~ When a provision of this Article makes a legal use non-conforming and when a written application by the property owner is made to the ~~Building Official~~Community Development Department within one ~~(1)~~ year after non-compliance, the ~~Building Official~~Community Development Director or designee shall issue a certificate of non-conforming use to the property owner.

b. ~~b.~~ No use of land, or structures, shall be made other than that specified on the "Certificate of Non-Conforming Use."

c. ~~c.~~ A copy of each "Certificate of Non-Conforming Use" shall be filed with the ~~office of the Town Clerk~~Community Development Department. No building occupation permit or license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued until the certificate is filed and the permit or license has been approved ~~by the Building Official~~.

~~7.~~ *District C~~C~~hange.~~:~~ Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provision shall also apply to any use and structures made non-conforming by such change. ~~(Prior code § 1-6)~~

~~The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.~~

~~Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.~~

~~Town Website: www.clarkdale.az.gov~~

~~Town Telephone: (928) 639-2400~~

7. ~~Hosted by General Code.~~

# EXHIBIT A

# CHAPTER 1

## ZONING CODE OF THE TOWN OF CLARKDALE

**SECTIONS:**

1-010 Identity

1-020 Purpose and Intent

1-030 Scope

1-040 Zoning Districts

1-050 General Provisions of Building and Uses

### SECTION 1-010 IDENTITY

This Ordinance shall be known as and may be cited as: "The Zoning Code of the Town of Clarkdale."

### SECTION 1-020 PURPOSE AND INTENT

A. This ordinance is adopted and enacted under the authority and power of Article 6, Chapter 4, Title 9, Arizona Revised Statutes, for every purpose permissible under such statutes, but is not intended to be contradictory thereto or in violation thereof, and every reasonable construction is intended which may be required to avoid any such contradiction or violation.

B. The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of the public's health, safety, and welfare. Such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, ample parking facilities and prevent undue concentration of population.

## SECTION 1-030 SCOPE

This Ordinance shall not repeal, abrogate, annul, impair, or interfere with existing provisions of other laws or ordinances unless specifically repealed by or in irreconcilable conflict with this Ordinance; or with private restrictions placed upon property by covenant, deed or other private agreement; or with restrictive covenants running with the land. Where this Ordinance imposes greater restrictions upon the use of land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, contract, covenant or deed, the provisions of this Ordinance shall control.

## SECTION 1-040 ZONING DISTRICTS

A. **Classifications**. For the purpose of this Ordinance, the Town of Clarkdale is hereby divided into districts as follows:

1. *Single Family Residential (R1)*
2. *Single Family Residential Alternate (R-1A)*
3. *Single Family Residential Limited (R-1L)*
4. *Single Family Residential and Multiple Dwelling Units (R-2)*
5. *Multiple Family Residential (R-3)*
6. *Manufactured Home Residential (R-4)*
7. *Manufactured Home Residential Alternate (R-4A)*
8. *Suburban Residential (RS3)*
9. *Central Business (CB)*
10. *Commercial (C)*
11. *Industrial (I)*
12. *Open Space (OS)*
13. *Arts and Entertainment Overlay (AE)*

B. **Boundaries and Areas.**

1. The boundaries and areas of these districts are hereby established as indicated by means of lines, symbols, figures expressing distance in feet otherwise on the Zoning Map adopted in Section 4 hereof and declared to be part of this Ordinance.
2. The indicated boundary lines are intended generally to follow existing property lines or street lines or as may be otherwise indicated on the Zoning Map.
3. Determination of doubtful lines: In case of doubt or disagreement concerning the exact location of a district boundary line, the determination shall be made by the Board of Adjustment.
4. Interpretation of district boundaries: Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning map, the Board of Adjustment shall adopt the following rules in resolving the issue:
    a. Where boundaries approximately follow streets, alleys or highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way line of highways, such lines shall be construed to be such district boundaries.
    b. Where boundaries parallel street lines, alley lines, or highway right-of-way lines. Where district boundaries are so indicated that they are approximately parallel to center lines or street lines of street, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being the center lines of said streets, alleys or highways at the time of the adoption of this Zoning Code. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
    c. Where boundaries approximately follow lot lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
    d. Where the boundary follows a railroad line. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the middle of the right-of-way.

e. Where the boundary follows a body of water. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be at the limit of the jurisdiction of the Town of Clarkdale, unless otherwise indicated.

f. Submerged areas not included in district. All areas within the corporate limits of the Town which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

g. District regulations apply to schools, parks, etc. Any areas shown on the Zoning Map as park, playground, school, cemetery, water, streets, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulation of the most restricted adjoining district shall govern.

h. Where property has not been included in a district. Where property has not been specifically within a district, or where territory has become a part of the Town by annexation, the same shall be classed as lying and being in a district until such classifications shall have been changed by an amendment to the Zoning Code, as provided by law.

i. Vacation of public ways. Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area and that area shall then be subject to all regulations of the extended districts.

## SECTION 1-050 GENERAL PROVISIONS OF BUILDING AND USES

A. **Future Changes.** Zoning affects every structure and use. No building, structure, or premises shall be used or occupied, and no building or part thereof of other structures shall be erected, raised, moved, placed, maintained, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district, as shown on the official map, in which it is located.

B. **Conformity of Buildings.** No building, structure or premises shall be erected, maintained, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.

C. **Conformity of Open Spaces**. No yard or open space, or part thereof, shall be included as part of the yard or open space similarly required for any other building, structure or dwelling under this Code.

D. **Ordinance Not Retroactive**. If at the time of the enactment of this Ordinance any lot, building or structure is being used in the manner or for a purpose which does not conform to the provisions of this Ordinance and which is not prohibited by some other Ordinance, such manner or use or purpose may be continued as provided in ARS 9-462 (B). Except that any person or corporation who has notice of this Ordinance during the time it is being considered, proceeds thereafter at his own peril if he thereafter proceeds contrary to this Ordinance.

E. **Extending Existing Uses**. Any existing, legal, nonconforming use may be extended throughout any part of a building which is arranged or designed for such use at the time of the enactment of this Ordinance.

F. **Conditions Affecting Non-Conforming Uses**. The lawful use of any structure or land existing at the time a provision of this Code becomes effective which provision makes the use or structure unlawful may be continued, although such use or structure does not conform with said provisions provided the following conditions are met:

1. *Unsafe structures.* Nothing in this Code shall prevent requiring the strengthening or restoring to a safe condition of any portions of a structure declared unsafe by a proper authority.

2. *Alterations*. A structure devoted to a non-conforming use may be altered, improved or reconstructed, provided such work does not exceed in aggregate cost 50% of the appraised value of the structure.

3. *Changes*. A nonconforming use may be changed to a no less restrictive nonconforming use provided all other zoning standards are met, including number of parking spaces, sign size, paved parking area, etc.
4. *Restoration.* Nothing in this Code shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming structure damaged by fire, collapse, explosion, or acts of God, wherein the expense of such work does not exceed 50% of the value of the structure immediately prior to the occurrence of such damage, provided such reconstruction, or rebuilding is started within six months after damage is diligently pursued to completion.
5. *Abandonment*. A non-conforming use of a structure or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
    a. When the intent of the owner to discontinue the use is apparent or non-use has continued for six months, or;
    b. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within six months unless other facts show intention to resume the non-conforming use, or;
    c. When it has been replaced by a conforming use, or when it has been replaced by another non-conforming use of a more restrictive zoning district.
6. *Certificate of Non-Conforming Use.*
    a. When a provision of this Article makes a legal use non-conforming and when a written application by the property owner is made to the Community Development Department within one year after non-compliance, the Community Development Director or designee shall issue a certificate of non-conforming use to the property owner.
    b. No use of land, or structures, shall be made other than that specified on the “Certificate of Non-Conforming Use.”
    c. A copy of each “Certificate of Non-Conforming Use” shall be filed with the Community Development Department. No building occupation permit or

license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued until the certificate is filed and the permit or license has been approved.

7. *District Change.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provision shall also apply to any use and structures made non-conforming by such change.

# EXHIBIT B

# CHAPTER 2

## DEFINITIONS

~~**Articles:**~~

~~2-010 Definitions~~

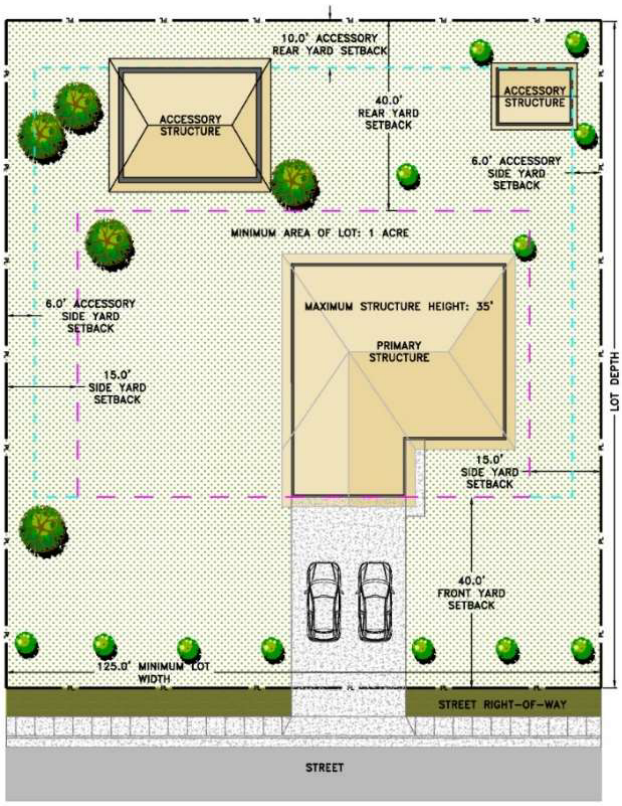
**Section:**

2-010 Definitions

**Access.:** ~~:~~ The area within a site serving as a travel lane or the area providing access to a property. The place, means, or ways by which pedestrians, vehicles, or both shall have adequate and usable ingress/egress to a property or use.

**Accessory Dwelling Unit.:** ~~:~~ A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling that may or may not contain a secondary kitchen.

**Accessory Structure or Use**: ~~A subordinate structure or use customarily incidental to and located on the same lot as the principal use.~~ A use or structure that exists on the same lot with the principal use or structure and is subordinate in size and purpose to the principal use and does not contain living quarters.




**Acre.:** A measure of 43,560 square feet.

**Adjacent.:** Property abutting directly on the boundary of, touching, or sharing a common point.

**Adult Establishment.:** Classifies establishments or activities that provide entertainment and/or goods depicting, describing, or relating to Specified Sexual Activities or characterized by emphasis on depiction, description, or relation to Specified Anatomical Areas.

**Affordable Housing Dwelling Unit.:** A dwelling unit committed for a minimum 30-year term as affordable, through covenants or restrictions, to households with incomes at 60% or less of the area median income for a family, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs (rents, mortgages, utilities and condo, homeowners or other association fees) do not exceed 30% of a family's income as verified on an annual basis.

**Agricultural Use.:** The practice of growing soil crops in the customary manner on at least 10 ~~ten (10)~~ contiguous acres, ~~continuous areas,~~ including such customary companion activities as the raising of farm poultry and livestock, ~~farm animals~~, the storage and processing of soil crops, the production of eggs and dairy products,

and the slaughter and processing of poultry and animals raised on the premises for use on the premises

**Agriculturale Tourism**.~~:~~ The act of visiting croplands, horticulture activity for the purpose of enjoyment, education or active involvement in the croplands or horticulture that also adds to the economic viability of the Croplands. Agricultural tourism may include tasting rooms, lodging~~hotels~~, and restaurants associated with the primary agricultural use. ~~Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.~~

**Agritourism Enterprise.e:** An enterprise on croplands, conducted for the enjoyment of visitors that generates income for the owner of the crops, including on-site sales of crops. ~~Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.~~.

**Airport.:** An area of land designed and used for the landing and takeoff of aircraft, including runways, taxiways, hangars, terminals, fueling facilities, aircraft storage, maintenance facilities, and other aviation-related improvements.~~A place where aircraft can take off and land, be repaired, take on or discharge passengaerspassengers or cargo, be stored or refueled.~~

**Airstrip.** A cleared or graded strip of land used for aircraft takeoff and landing that contains minimal aviation facilities and is smaller and less developed than an airport. An airstrip may consist of grass, dirt, gravel, or paved surface and may be privately owned or accessory to a principal use.

**Alley.:** A public or private roadway which provides a secondary means of access to abutting property and is not intended for general traffic circulation.

**Amusement and Recreation Services.:** Establishments engaged in providing amusement or entertainment for fee or admission charge and including such activities as dance halls, studios, theatrical productions, bands, orchestras, and other musical entertainment, bowling alleys, and billiard and pool establishments.

**Animal (Veterinary) Hospital.:** The place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

**Animal Kennel.:** Any structure or premises where animals are kept, boarded, bred, trained or sold for commercial gain.

**Apartment.:** ~~See "Dwelling Unit."~~ One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing ~~three or~~ more than four (4) dwelling units.

**Assurance.:** A legally binding and enforceable instrument ensuring the construction of all required ~~a~~Assurable Infrastructure by a subdivider or developer. Assurances may be in the form of third-party land trusts, or monetary sureties such as performance bonds, escrow funds, letters of credit, or such other security as are acceptable to the Town.

**As-Built Plans.:** Construction/engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements which includes, but is not limited to, all structures, parking facilities, detention/retention areas, curbs, gutters, sidewalks.

**Automatic Car Wash.:** A structure containing facilities for washing automobiles using a chain
conveyor or other method of moving the cars along and in an automatic or semi—automatic
application of cleaner, brushes, rinse water and heat for drying.

**Automobile Sales.:** The use of any building, land area, or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**Automobile Fueling/ Service Station.:** Any building, land area, or other premises or portion thereof used, or intended to be used, for the retail dispensing or sales of vehicular fuels, including as an accessory use, the sale and installation of lubricants, batteries, tires and similar accessories.

**Automobile Repair Services and Garages.:** Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

**Bar.:** An establishment including, but not limited to, a cocktail lounge, night club or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment.

**Basement.:** The lowest level or story which has its floor sub-grade on at least three sides with a minimum of 5 feet below grade.

**Bed and Breakfast.** A small lodging establishment operated within a dwelling, in which overnight accommodations and breakfast are provided to transient guests for compensation. A bed and breakfast is typically owner-occupied, contains a limited number of guest rooms, and retains the residential character of the structure. Food service is generally limited to breakfast for registered guests and does not operate as a restaurant open to the public.

**Bed and Breakfast Country Inn.** A lodging establishment located in a rural or low-density setting that provides overnight accommodations and breakfast service for transient guests, containing multiple guest rooms and/or detached lodging units, and offering a greater scale of operations and amenities than a traditional bed and breakfast.

**Bed and Breakfast Inn.** A lodging establishment providing overnight accommodations and breakfast to guests, typically within a converted residence or similar structure and operated as a commercial use.

**Bedrock.:** The solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of gravel sand, or soil.

~~**Bed & Breakfast Guest Unit**: One or more rooms intended for overnight occupancy by persons other than those who permanently reside at the premises.~~

~~**Bed & Breakfast Homestay**: An owner-occupied residence which has a maximum of three (3) guest units within a single-family dwelling, the owners of which serve breakfast to guests.~~

~~**Bed & Breakfast Inn**: An owner-occupied residence which has a maximum of five (5) guest units within a single-family dwelling, the owners of which serve breakfast to guests.~~

~~**Bed & Breakfast Country Inn**: A residence or building which has six (6) or more guest units which exhibits a character of use consistent with a motel or hotel and which may have a restaurant open to the general public as well as the guests.~~

~~**Bed and Breakfast: An owner-occupied residence which has a minimum of Onetwo or more rooms intended for overnight occupancy by persons other than those who permanently reside at the premises, the owners of which serve breakfast to the guests..**~~

**Bedroom:** A private room planned and intended for sleeping, separable from other rooms by a door and accessible to a bathroom without crossing another bedroom or living room.

**Bicycle Parking.:** Parking area that is reserved for bicycles that is publicly and readily accessible, and visible, with the intention to be used for short periods of time.

**Block.:** A usually rectangular space enclosed by streets and occupied by or intended for buildings. Parcels on opposite sides of an alley shall be considered along the same Block frontage.

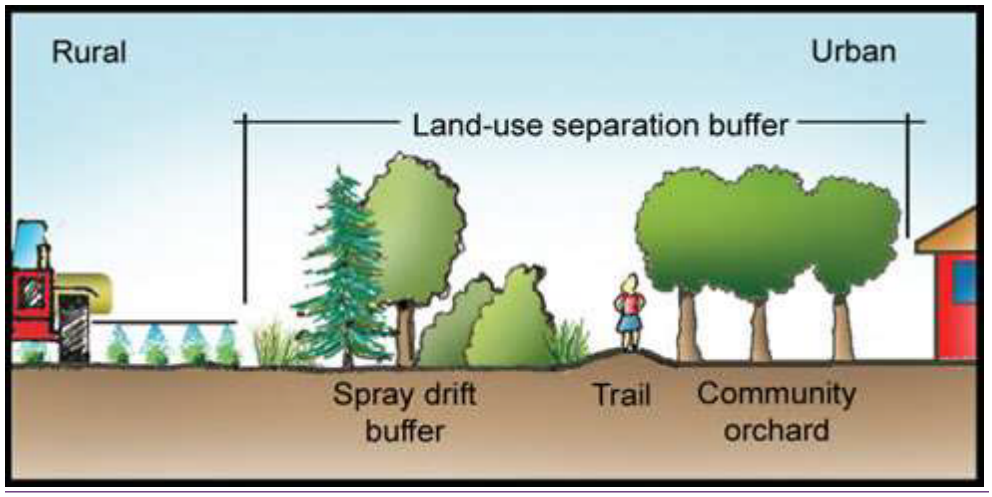
**Boutique Business.:** A small-scale, specialty retail or service establishment that offers unique, artisanal or high-end goods or services, typically with an emphasis on personalized customer experience. Boutique businesses are characterized by limited floor area, low-intensity operations and a curated product or service line, and are often designed to be compatible with pedestrian-oriented commercial districts or mixed-use areas.~~A Designating a small exclusive producer or business providing consumable products.~~

**Brewery.:** A facility used for the commercial manufacture and packaging of beer or malt beverages for distribution and sale. A brewery may include brewing, fermenting, bottling, kegging, storage and related administrative functions. Accessory uses such as tasting rooms, retail sales or food service may be permitted where allowed by zoning, but the principal use is the large-scale production of beer for off-site distribution.~~A place where beer brew or hard cider produces 15,000 or more barrels (460,000 US gallons) per year.~~

**Brewery, Micro.** A facility that produces beer in relatively small quantities, primarily for on-site sale and consumption, with limited distribution to off-site locations. A microbrewery may include accessory uses such as a tasting room, taproom, restaurant or retail sales area, provided the principal use remains the brewing of beer at a scale smaller than that of a regional or national brewery.

**Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility.:** Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

**Buffer.:** Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light or other nuisance.




**Buildable Area/ Envelope.:** The area of a Lot or Parcel where a Building can be placed after Setback from Property Lines, Streets, Buildings, or any other point identified and areas identified or dedicated for non-building purposes, such as open space or driveways, are deducted.

**Building.:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

**Building Code.:** The ~~most~~ current ~~Clarkdale~~ Building Code adopted by the Town of Clarkdale.

**Building Elevation.:** One of the exterior vertical faces of a building.

**Building Front.:** The side of the building closest to and most nearly parallel with the street which provided access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front.

**Building Height.:** The vertical distance of a building measured from the finished grade to the highest point of the roof, facia, or parapet or average of the room between a pitch and the eve.

**Building Line.:** The primary edge of a building closest to the street, side, and rear property lines, and extending from the physical edge of the building to the property lines.

**Building Permit.:** A permit issued by the Town in conformance with the adopted Building Code.

**Building, Principal Use.:** A building in which is conducted the primary or predominant use of the lot on which it is located.

**Building Coverage:** The ratio of the horizontal area measured from the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

**Building Frontage**: The maximum width of a building measured in a straight line parallel with the abutting street.

**Building Height**: The vertical distance from the main level of the side yards immediately contiguous to the side of the building or structure to the top of the highest roof beams of a flat or shed roof, the deck on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. Provided that the measurement shall be made from not more than 3 feet below nor more than 6 feet above the mean curb level, or in absence of curb level from the mean street level along the center line of improved road-way.

**Building Line**: A line parallel to the street touching a building at it's closes point to the street.

**Building Separation.:** The required separation between any two buildings, located on the same lot or parcel of land.

**Bulk Standards.:** Controls which establish the maximum size of buildings and structures on a lot or parcel and the build ablebuildable area within which the structure may be places including lot coverage, height, floor area ratio, setbacks and yard area.

**Bulk Storage.:** Storage of material in containers or tanks in large quantities. The storage of chemicals, petroleum products, steel, wood, and other materials and above ground containers, f-and other materials and for subsequent resale or distributors or retail dealers or outlets.

**Caliper.:** The diameter of a tree measure four-4 feet above finished grade.

**Canopy:** A roof-like cover extending over an outdoor area for the purpose of sheltering individuals or equipment from the weather.

**Campground.** Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of one or more plots, sites, or areas to accommodate temporary camping by the traveling public, with or without sanitary facilities and water, whether or not a charge is made for use of the park and its facilities.

**Canopy.** A roof-like cover extending over an outdoor area for the purpose of sheltering individuals or equipment from the weather.

**Canopy Tree.:** A woody plant, other than a palm tree, with a mature crown diameter of at least 15 feet and having a trunk that, at maturity, is kept clear of leaves and branches at least six feet above grade.

~~**Campground**: Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of one (1) or more plots, sites, or areas to accommodate temporary camping by the traveling public, with or without sanitary facilities and water, whether or not a charge is made for use of the park and its facilities.~~

**Capital Improvement.:** When pertaining to government, an acquisition of real property, major construction projects or acquisition of expensive equipment expected to last a long time.

**Capital Improvement Program.:** A timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means of financing each project.

**Carport.:** A roofed structure providing space for the parking of motor vehicles and full open on not less than two sides.

**Car Wash.:** The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Cellar.:** That part of a building having less than one-half of ~~its~~it's floor to ceiling height above the average finished grade of the adjoining ground.

**Cemetery.:** A place used or to be used and dedicated or designated for interment of human remains or pet animal remains.

**Chemical Storage Facility.:** A ~~Means a~~ building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**Chemical Synthesis.:** P~~Means p~~roduction of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

**Chimney.:** A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

**Church.:** A permanently located building or group of buildings or structure wherein people regularly assemble for religious ~~worship~~worship, and which is maintained

and controlled by a religious body to sustain public worship and church related uses.

**Clinic.:** An establishment where patients are ~~admitted,~~admitted for examination and treatment on an out-patient basis by one, or more, physicians, dentists or other medical personnel where patients are not lodged overnight.

**Club.:** Buildings and facilities operated by a corporation, association, or persons for social, educational or recreational purposes characterized by certain membership qualifications, payment of dues and fees, regular ~~meeting and~~meetings organized by a constitution and bylaws rendering a service not customarily carried on as a business.

**Cluster Development.:** A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space or preservation of sensitive land areas.

**Code.:** Refers to the Town of Clarkdale Zoning Code.

**Commercial Property.:** Any property designated for commercial use within the jurisdiction. ~~(Created by Ordinance #427 on 8/12/24; Effective 9/14/2024)~~

**Community Supported Agriculture (CSA).** An agricultural operation or program in which consumers purchase shares or subscriptions in advance and receive periodic distributions of farm products directly from the producer, either on-site or at designated distribution locations.~~**Community Supported Agriculture (CSA)**: A food distribution network consisting of growers and shareholders. (Created by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

**Compatibility.:** The design, arrangement and location of buildings and structures or other created or natural elements of the urban environment which are sufficiently consistent in scale, character, sitting, coloring or materials with other buildings or elements in the area, so as to avoid abrupt or severe differences.

**Conditional Use.:** A use permitted in a particular zoning district, after a public hearing, and upon a showing that such use, in a specified location will be compatible with surrounding uses provided all required conditions of approval are met.

**Condominium.:** A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by a single owner or

all the inhabitants on a proportional basis for continued maintenance and improvement.

**Conformance.:** Generally, to comply or act in accordance or harmony with.

~~**Consolidation, Lot**: The removal of lot lines between contiguous parcels.~~

**Consumable Products.:** Perishable products made, produced and/or assembled for consumption.

~~(Created by Ordinance #358 on 3/11/14; Effective 4/11/14)~~

~~**Consume, Consuming, Consumption**: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.~~

~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

~~**Consumer**: An individual who is at least twenty-one (21) years of age and who purchases marijuana or marijuana products.~~

~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Convenience Store.:** A small retail store with a floor area of less than 5,000 square feet that sells groceries and may also sell gasoline but does not include vehicle service stations (limited or full).

**Court.:** Open space unobstructed from the ground to the sky which is bound on two ~~(2)~~ or more sides by the walls of a building, or buildings, on the same lot.

**Crop.** Vegetables, nuts, seeds, herbs, hay and alfalfa, and fruits, including vineyards, grown as food or drink for human consumption.

**Croplands.:** Land devoted primarily to the production of crops, tilling, raising of crops, horticulture, farm, winery, wine production, gardening and agritourism enterprises or as agricultural tourism use. ~~Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.~~

~~**Crops**: Vegetables, nuts, seeds, herbs, hay and alfalfa, and fruits, including vineyards, grown as food or drink for human consumption. Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.~~

**Cul-de-sac.:** A street having only one end open to traffic and the other being permanently terminated with a vehicular turn-around provided.

**Cultivate, Ccultivation.:** To propagate, breed, grow, prepare and package marijuana. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Curb.:** A stone or concrete boundary usually marking the edge of a roadway or paved area.

**Cut.:** A portion of land surface from which earth has been removed or will be removed by excavation; the depth below the original ground surface.

**Data Center.** A facility or group of facilities primarily used to house computer systems, servers, networking equipment and associated infrastructure for the storage, processing or distribution of electronic data. This term includes supporting equipment such as backup power systems, cooling systems and security features, but does not include facilities primarily used for telecommunications towers or personal data storage.

**Day Care Center.** Any facility or building which day care is provided for more than eight hours per week for compensation for five or more children not related to the proprietor or caretaker. Even though some instruction may be offered in connection with such care, the use shall not be considered with such care, the use shall not be considered a "school" within the meaning of this Code.

**Day Care Facility, Adult.:** A home in which more than three but fewer than seven clients over the age of 18 receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.

~~**Day Care Center**: An establishment providing for the care, supervision, and protection of its clients.Any facility or building which day care is provided for more than eight (8) hours per week for compensation for five (5) or more children not related to the proprietor or caretaker. Even though some instruction may be offered in connection with such care, the use shall not be considered with such care, the use shall not be considered a "school" within the meaning of this Code.~~

~~**Day Care Center, Commercial**: A building or structure within which the care, maintenance and supervision of clients is provided for more than 12 persons for less than 24 hours per day.~~

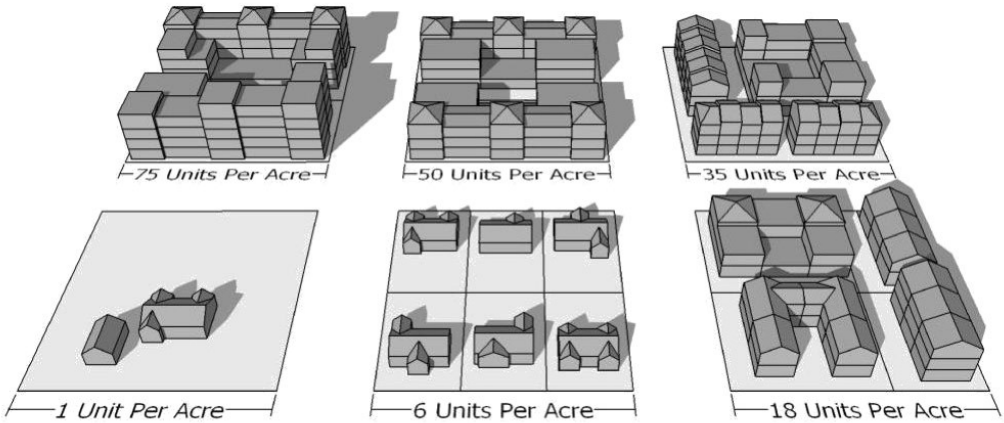
**Day Care Home.:** A dwelling in which a permanent occupant providees for the care of no more than five preschool age children (including the caregiver's children). Tt~~T~~hose receiving care and not dependents of the ~~occupant,~~occupant do not reside on the site. For the purpose of this Ordinance, such activities shall meet all requirements for home occupations.

**Dedication.:** The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

~~**Deliver, delivery**: The transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail~~

~~location of a marijuana establishment.~~ ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Density.:** The number of dwelling units per gross acre of ~~land,~~land measured in gross area.~~.~~




**Density Transfer.:** The trading of all or part of the permitted density on a parcel to another parcel or other locations ~~on~~ in the same ~~parcel~~PAD.

**Department.:** An administrative unit of a municipal, county, state or federal government established to carry out specific governmental functions related to planning, zoning, development review, code enforcement or related regulatory activities. A department is typically headed by a director, manager or similar official authorized to administer and enforce adopted plans, ordinances and regulations within their assigned area of responsibility. ~~The state of Arizona Department of Health Services or its successor agency. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Design.:** The physical aspects of a development, road improvement, or other construction project. Design included but is not limited to such items as street alignment, grading, landscaping, site layout, building elevations, and signing

**Design Grade.:** An elevation or series of elevations that provide the minimum modification of natural or Existing Grade that allows safe and appropriate access, drainage, and Buildable Areas.

~~**Developer:** The person, firm, corporation or legal entity that has financial or operational control over the land-disturbing activity~~

**Detention Pond.:** A pond or pool used for the temporary storage of water ~~runoff~~runoff, and which provides for the controlled release of such waters.
**Developer.** The person, firm, corporation or legal entity that has financial or operational control over the land-disturbing activity.
~~**Developer: The person, firm, corporation or legal entity that has financial or operational control over the land-disturbing activity**~~

**Development.:** Any change to improved or unimproved real estate that requires a permit or approval from any agency of the Town.
**District.:** Any area or areas of the town of Clarkdale, whether contiguous or not, wherein the same zoning or development standards apply.
**Drainage.:** The outflow of water or other fluid from a site, whether by natural or artificial means.
**Drainage Analysis.:** A review/ report of a project's pattern of waterflow either before or after the proposed development.
**Drip/Micro-Irrigation.:** A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of tubes or pipes, for the purpose of water conservation. ~~Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.~~
**Drive-Through Facility.:** An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included. Does not include pick up windows or Drive-Up ATMs.
**Driveway.:** A private roadway located on a parcel or lot used for vehicle access.
~~**Dual licensee**: An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Duplex.:** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from the ground to the roof.

~~**Dwelling**: A structure or portion thereof which is used exclusively for human habitation.~~

~~**Dwelling Unit**: A Building or portion of a Building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single Household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One accessory Cooking Facility per dwelling unit is permitted.~~

**Dwelling, Attached.:** A single-family dwelling attached in groups of two or more single-family dwellings by common vertical walls.

**Dwelling, Detached.:** A single-family dwelling that is not attached to any other dwelling by any means.

**Dwelling, Duplex.** A building containing two dwelling units.

**Dwelling, Four-Plex.:** A building containing four dwelling units.

**Dwelling, Multi-Family.:** A building containing five or more dwelling units.

**Dwelling, Single-Family.:** A building containing one single-family dwelling unit.

**Dwelling, Townhouse.** A single-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

**Dwelling, Tri-Plex.:** A building containing three dwelling units.

~~**Dwelling Unit**: One or more rooms designed or occupied as separate living quarters for the exclusive use of a single family maintaining a household.~~

~~**Dwelling, Townhouse:** A single-family dwelling in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common walls.~~ **Dwelling Unit.:** A Building or portion of a b~~B~~uilding that is designed, occupied, or intended for occupancy as living quarters exclusively

for a single h~~H~~ousehold, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One accessory c~~C~~ooking f~~F~~acility per dwelling unit is permitted.

**Easement.~~:~~** A legal interest in land, granted by the owner to another person, which allows that person~~-~~(s) the use of all or a portion of the ~~owners~~owner's land, generally for a stated purpose including, but not limited to, access or placement of utilities.

**Effective Date.~~:~~** The date of full adoption of the Code.

**Efficiency Unit.~~:~~** A dwelling unit having not more than one ~~(1)~~ room in addition to kitchen and bath.

**Elevation, Architectural.~~:~~** A flat scale drawing of the front, rear, or side of a building.

**Enclosed A~~a~~rea.~~:~~** A building, greenhouse, or other structure that has:

A. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
B. Is secure against unauthorized entry;
C. Has a foundation, slab or equivalent base to which the floor is securely attached; and
D. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

~~1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;~~
~~2. Is secure against unauthorized entry;~~
~~3. Has a foundation, slab or equivalent base to which the floor is securely attached; and~~
~~4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Existing Conditions.~~:~~** Conditions that exist at time of plan or plat submittal.

**Existing Use.:** The use of a lot or structure at the time of the enactment of this Code.

~~**Extraction**: The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Extraction.** The removal or taking of natural or unnatural resources from the land, including but not limited to minerals, rock, sand, gravel, soil or other geologic materials, for commercial, industrial or public use. Extraction activities may include excavation, quarrying, mining, dredging and related processing conducted on-site or in conjunction with the extraction operation.

**Factory-Built Building.:** A dwelling unit (or a non-residential structure which includes a dwelling unit or habitable area), other than a mobile home, manufactured home or recreational vehicle as defined herein, which is wholly or substantially manufactured at an off-site location to be assembled ~~on-site~~on-site, and which has been constructed pursuant to standards for factory-built buildings as certified by a regulatory agency of the State of Arizona.

**Family.:** Any number of persons living together as a single housekeeping unit under a common housekeeping management plan.

~~**Family Day Care Home**: A home in which more than three but fewer than seven clients receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.~~

**Family, Immediate.:** Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

**Farmers Market.:** An outdoor, periodic event, where farmers or producers gather to sell agricultural products directly to consumers. ~~(Created by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

**Fence.:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Fill:** Sand, gravel, earth or other materials of any composition placed or deposited by humans.

**Final Plat.:** A final plat is a survey document suitable for recordation of all or part of a subdivision substantially conforming to an approved tentative plat, if a tentative plat is required, prepared in accordance with all local applicable regulation, and state statue.

**Financial Assurance.:** A performance bond, escrow, cash, certificate of deposit, irrevocable letter of credit, corporate guarantee, or other equivalent security, or any combination thereof, to the Town of Clarkdale that is sufficient to pay for completion of improvement plans for utilities, streets, roads, curbs, gutters, sidewalks, structures, buildings and other appurtenances as set forth in either a development agreement or approved site plan or both.

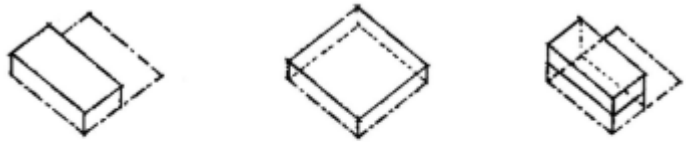
**Findings.:** A written statement of facts, conclusions and determination based on the evidence presented in relation to the approval criteria and prepared by the approval authority in support of a decision.

**Firing Range.:** A property prepared, equipped, and delineated for the purpose of shooting at targets by rifles [excluding air rifles], pistols, shot guns or archery.

**Flagpole.:** A vertical structure specifically designed for displaying flags. ~~(Created by Ordinance #427 on 8/12/24; Effective 9/14/2024)~~

**Floor Area.:** The sum of the square footage of ~~all of~~all the floors of a structure or building as measured by the exterior walls. ~~.~~

**Floor Area Ratio.:** The relationship of the floor area to the lot area computed by dividing the floor area by the lot area.




**Frontage.:** That portion of a parcel of property which abuts a public street.

**Frontage, Building.** The linear width of a building measured along the facade that faces and is generally parallel to a street, public right-of-way, or primary access way, as measured at ground level from the outermost edges of the building.

**Front Lot Line.:** For interior lots, the lot line abutting on a s~~S~~treet; for corner lots, the shorter lot line abutting on a street. When corner lot or double frontage lot has nearly equal frontage lot line shall be at the discretion of the lot owner.

**Garage.:** A building or parking structure used for the parking and storage of vehicles.

**Garage, Private.:** An accessory structure used primarily for the parking and storage of vehicles operated by the customers, employees or visitors of a principal ~~building and~~building which is not available for use by the general public.

**Garage, Private Residential.:** An accessory structure, or use, to a residential building used for the parking and storage of vehicles and other items operated by the residents of the building and which is not available to the general public.

**Garage, Public.:** A primary structure ~~of~~ or building, ~~other than a private garage or repair garage,~~ used primarily for the parking and storage of vehicles which is available to the general public.

**Garage, Repair.:** Any building or structure in which a business, service or industry involving the maintenance, repair, servicing or painting of vehicles is conducted or rendered.

**Grade.:**

A. ~~1)~~ The average of the finished ground level at the center of all walls of a building.

B. ~~2)~~ The percent of rise or descent of a sloping surface.

**Grading.:** Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Ground Cover.:** Grasses, other plant materials or inorganic materials grown or placed to keep soil from being blown or washed away.

**Group Home.:** A dwelling that provides room and board for more than six, but less than 10 individuals, who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort.

**Guest Quarters ~~(Servant Quarters).:~~** One or more rooms designed, occupied or intended as a separate living area for the use of ~~short term~~short-term guests or immediate family members with sleeping, sanitary facilities and with, or without, separate cooking facilities. Said use shall be clearly secondary and accessory to the principal use, shall not exceed a maximum size of 700 square feet and may be attached to or detached from the principal structure.

**Group Day Care Home.:** A home in which at least seven but not more than twelve clients receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.

**Hardship.:** A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, no the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

**Home Occupation.:** Any activity carried out for economic gain by a resident and conducted as a customary, incidental and secondary use to the principal residential use.

**Horticulture.:** The growing of crops for human consumption. Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.

**Hospital.:** An institution providing human health services primarily for in-patient medical and surgical care of the physically or mentally sick and injured and including related support facilities which may include:include laboratories, out-patient department, staff offices, food services, and/or a gift shop.

**Hotel.:** A facility offering transient lodging accommodations to the general public in which access to individual rooms is provided through an inside lobby and which may offer additional services including, but not limited to, restaurants, meeting rooms, entertainment or recreational facilities.

**Household.:** A family living together in a single dwelling unit with common access to and use of all living and eating areas within the dwelling unit.

**Incentive Zoning.:** The granting by the approving authority of additional – development capacity in exchange for a public benefit or amenity. A quid pro quo - more development for a benefit, the need for which may not necessarily be created by the development itself.

**Infrastructure.:** Facilities and services needed to sustain development and land use activities including, but not limited to utility lines, streets, fire stations, parks schools and other public facilities.

**Junk.:** Any scrap, waste, worn out, discarded material or debris collected or stored for destruction, disposal or some other use.

**Junk Vehicle.:** A vehicle which is partially dismantled or wrecked, orwrecked or cannot operate under its own power.

**Junkyard.:** Any lot or parcel, building or structure, used in whole or in part for the storage, collection, processing or disposal of junk.

~~**Kennel**: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.~~

**Kitchen.:** A room within a building containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove and an oven.

**Land Area.:** The total area of a parcel.

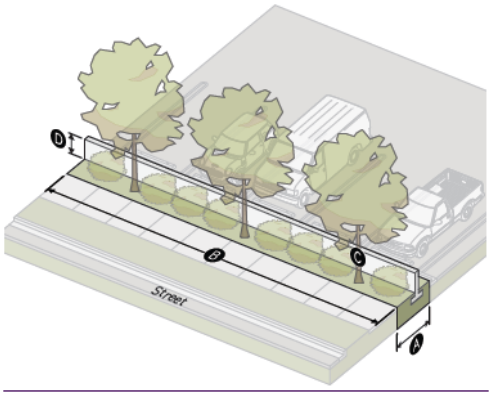
~~**Land Split:** The division of improved or unimproved land into two but not or threemore than three tracts or parcels of land for the purpose of sales, rent or lease.~~

~~**Land Use:** The General Plan category for which a building, structure, or area of land may be arranged or occupied, or the activity conducted or proposed in a building, structure, or on an area of land, including the principal use and accessory uses.~~

~~**Landscaping:** An expanse of scenery including lawns, trees, plants and other organic or inorganic materials used to soften or mitigate the impacts of development.~~

**Landscape Border.:** An area along a s~~S~~ite's boundary containing landscape materials and/or open space, the purpose of which is to enhance the visual appearance of the s~~S~~ite from the streetscape or adjacent property.

**Landscape Buffer~~-~~/~~-~~Screen.:** An area along a s~~S~~ite's boundary which may contain landscaping, berms~~ing~~, screens and/or walls for the purpose of reducing the visual impact of the s~~S~~ite from the streetscape or adjacent property. This area may also be located within the landscape border.



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**Legal Nonconforming.:** A Use, Structure, or Lot that was legally in compliance before the Ordinance's adoption, but which would be prohibited, regulated, or restricted differently under this Ordinance or future amendments to the Ordinance or Zoning Map.

**Lighting, Fully shielded.:** Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer.

**Lighting, Partially Shielded.:** Any light fixture shielded in such a manner that more than zero but less than 10% ~~percent~~ of the light emitted from the fixture is projected above the horizontal as determined by a photometric test or certified by the manufacturer.

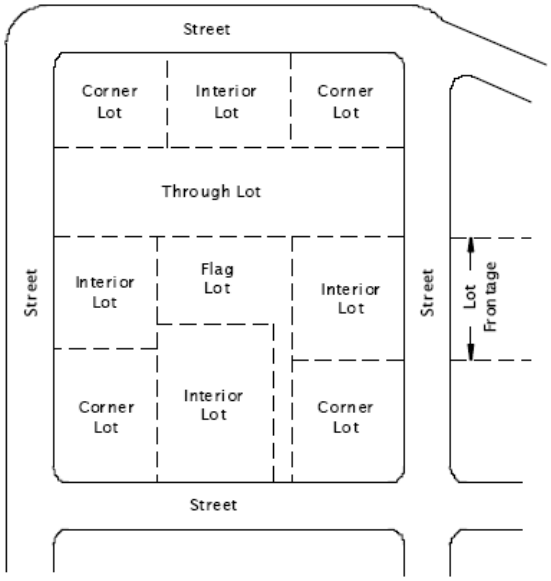
**Livestock.~~k:~~** Meat animal, cattle, sheep, swine, horses, ponies, or goats or any mutations or hybrids thereof.

**Loading Area. :** ~~A~~ space used to transfer ~~good~~goods and material between vehicles and a building.

**Lot.:** A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, adequate for occupancy by a use herein permitted, meeting the minimum bulk requirements of the Zoning Code and having legal access.

**Lot Area.:** The total area within the lot lines of a platted lot.

**Lot Combination.:** The removal of lot lines between contiguous parcels.




**Lot, Corner.:** A lot abutting upon two, or more, streets at their point of intersection.

**Lot Coverage.** The percentage of a lot or parcel that is covered by buildings or structures, typically measured by the total horizontal area of all principal and accessory structures projected to the ground, divided by the gross lot area. Typically used to regulate site intensity and may exclude specified features such as eaves, unenclosed decks or other minor projections as by ordinance.

**Lot Depth.** The average distance measured from the front to the rear lot line.

~~**Lot, Corner**: A lot abutting upon two, or more, streets at their point of intersection.~~

~~**Lot Coverage:** The total area covered by buildings, storage areas, and vehicular use areas.~~

**Lot, Flag.:** A large lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.~~**Lot Frontage**: The length of the front lot line measured at the street right-of-way. On corner lots each side abutting a street is considered a frontage.~~

**Lot, Irregular.:** A lot with nonstandard shape and dimensions.

~~**Lot, Reverse Corner**: A corner lot having its side street line a continuation of the front lot line of the first lot to its rear.~~

~~**Lot, Through**: An interior lot having frontage on two streets.~~

~~**Lot Area**: The total square footage within the lot, excluding any public street rights-of-way.~~

~~**Lot Coverage**: That portion of a lot improved with covered structures.~~

~~**Lot Depth**: The average distance measured from the front to the rear lot line.~~

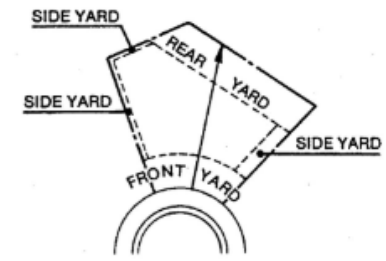
~~**Lot Frontage**: The length of the front lot line measured at the street right-of-way. On corner lots each side abutting a street is considered a frontage.~~

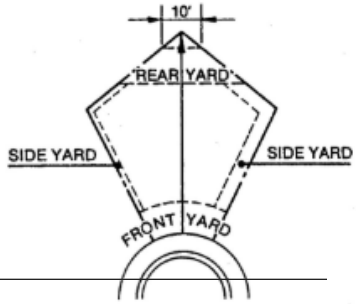
**Lot Line.:** A line of record bounding a lot which divided on lot from another or from a public or private street right-of-way.

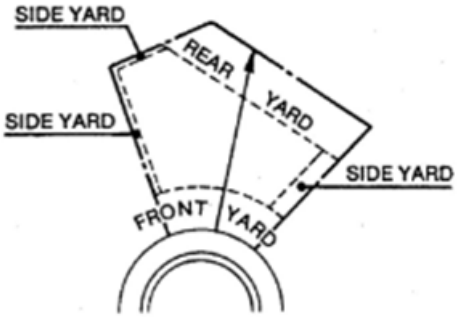
**Lot Line, Front.:** The property line dividing a lot from a public or private street and from which the required front setback is measured. The front lot line of an interior lot shall be the line adjacent to the street frontage. The front line of a corner lot shall be the shorter of the two lines adjacent to the streets. Where lines are equal, the front lines shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both.

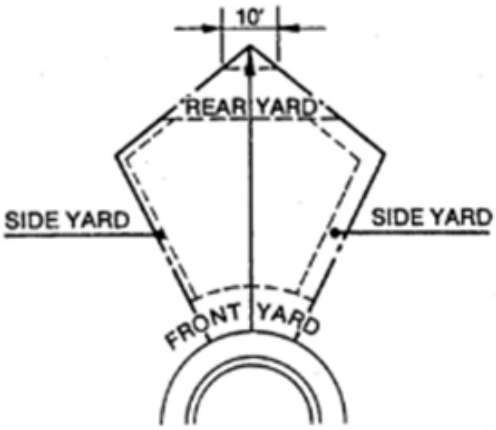
**Lot Line, Rear.:** The lot line(s) opposite and most distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, a lot line ~~ten (10')~~10 feet in length within the lot parallel to and at maximum distance from the front lot line.~~On triangular lots a line a minimum of ten feet in length located entirely within the lot, parallel with and at a maximum distance from the front lot line.~~

**Lot Line, Side.:** Any lot line not considered a front or rear l



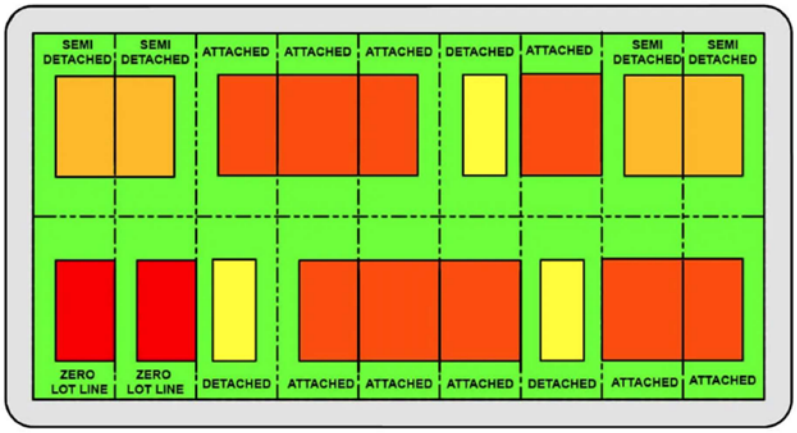






**Lot Line, Zero.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a side lot line.

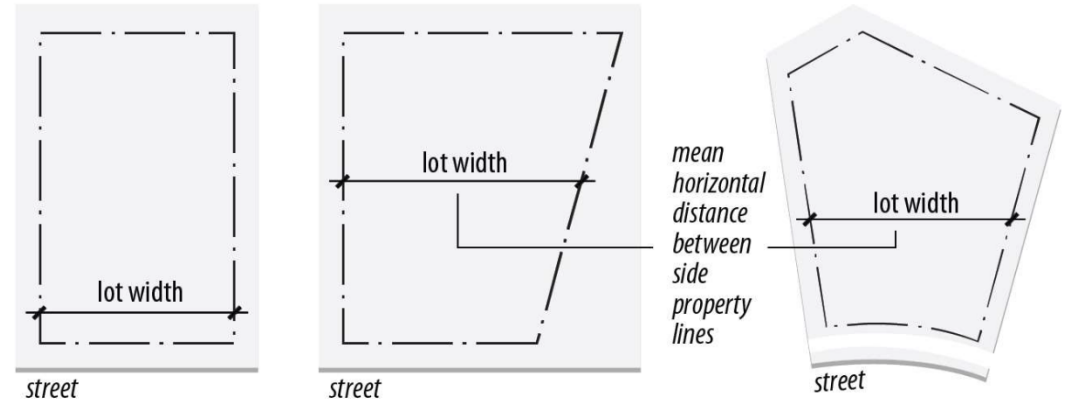
DETACHED, SEMI-DETACHED, ATTACHED & ZERO LOT LINE BUILDINGS




**Lot, Reverse Corner.** A corner lot in which the rear lot line abuts the side lot line of an adjacent interior lot.

**Lot, Through.** An interior lot having frontage on two streets.

**Lot Width.:** The average horizontal distance between the side lot lines measured parallel with the front lot line.




**Mailed Notice.:** Either surface mail or e-mail, unless one is explicitly directed.

**Manufactured/ / Mobile Home.:** a residential structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a single-family dwelling unit when connected to on-site utilities, excluding recreational vehicles and factory-built buildings and~~A residential structure~~ built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974, as amended, excluding ~~mobile homes~~recreational vehicles and factory-built buildings and certified by a regulatory agency of the State of Arizona.

**Manufacturing.:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including, but not limited to, oils, plastics, resins, etc.

**Modular Home.:** A~~a~~ prefabricated house built in sections or modules in a factory, then transported to the building site and assembled on a permanent foundation, adhering to local, state, and regional building codes.

~~**Manufacture, manufacturing (marijuana)**: To compound, blend, extract, infuse or otherwise make or prepare a marijuana product. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

~~**Manufacturing**: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including, but not limited to, oils, plastics, resins, etc. (Created Ordinance #331 - Effective 04/08/11)~~

**Marijuana.:**

A. ~~1.~~ All parts of the plant of the genus c~~C~~annabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.

B. ~~2.~~ Includes cannabis as defined in A.R.S. § ~~13-3401~~13-3401.

~~3.~~ Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

C.

**Marijuana C~~c~~oncentrate.:**

A. ~~1.~~ Resin extracted from any part of a plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

~~2.~~ Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**B.**

**Marijuana E~~e~~stablishment.:** An entity licensed by the Arizona Department of Health Services to operate all of the following:

A. ~~1.~~ A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

B. ~~2.~~ A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from

which marijuana and marijuana products may not be transferred or sold to consumers.

~~A. 3.~~ A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

C.

**Marijuana Pproducts.:** Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Marijuana Ttesting Ffacility.:** An ~~The Department or another~~ entity that is licensed by the Arizona Department of Health Services ~~Department~~ to analyze the potency of marijuana and test marijuana for harmful contaminants. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Medical Marijuana.:** All parts of marijuana as defined by A.R.S. § ~~36-2801(8)~~36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or ~~its~~its successor agency. ~~(Created Ordinance #331 - Effective 04/08/11)~~

**Medical Marijuana Caregiver Facility.:** A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures. ~~(Created Ordinance #331 - Effective 04/08/11)~~

**Medical Marijuana Cultivation.:** The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures. ~~(Created Ordinance #331 - Effective 04/08/11)~~

**Medical Marijuana Dispensary.** A non-profit entity as defined in A.R.S. § 36-2801(11) and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

**Medical Marijuana Processing Facility.:** A facility that:

A. ~~(i)~~ Eengages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending;~~.~~

B. ~~(ii) li~~s operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and~~,~~

C. I~~(iii) i~~s associated with a Medical Marijuana Dispensary. ~~(Created Ordinance #331 - Effective 04/08/11)~~

~~**Medical Marijuana Dispensary:** A non-profit entity as defined in A.R.S. § 36-2801(11), and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures. (Created Ordinance #331 - Effective 04/08/11)~~

**Medical Marijuana Qualifying Patient.~~:~~** A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § ~~36-2801.13~~36-2801.13 and is registered with the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency. ~~(Created Ordinance #331 - Effective 04/08/11)~~

~~**Mini-Warehouse,**~~ **Mini-Storage.~~:~~** A facility providing small, enclosed bays of varying sizes for the storage of a customer's goods or wares without the provision of utilities (other than lighting) or the use or operation of the items stored. All units shall be completely separated from other units and shall have separate and independent outside entrances. –These storage units may be within a building with a common hallway or accessed individually from the outside.

**Mixed Use (MU).:** A development that included both residential and nonresidential uses as principal uses on the same development site.

~~**Mobile Home**: A structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a single familysingle-family dwelling unit when connected to on-site utilities, excluding recreational vehicles, manufactured homes and factory-built buildings.~~**Motel.:** An establishment providing sleeping accommodations with a majority of the rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Multifamily.:** A building or group of buildings consisting of at least two residential dwelling units attached or detached on one lot. Housing types may include but are not limited ~~to:~~to townhouse, multiplex or apartment.

**Mural.:** Any picture, scene or diagram painted on any exterior wall or fence not interpreted by the ~~Zoning Administrator~~Community Development Director to be advertising. Murals determined to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area.

~~**Natural Open Space:** Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces~~

**Neighborhood.:** An area of a community with characteristics which distinguish it from others including distinct ethnic or economic bases, housing types, schools or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers or major drainage channels.

**Nonconforming, Illegal.** A use, lot, development standard, sign, structure or of similar which was not legally permitted, and which does not conform to the zoning code and is in violation of the code.

**Nonconforming, Legal.:** A use, lot, development standard, sign, structure or of similar which was lawful prior to the adoption, revision or amendment of the

zoning code which no longer conforms to the zoning code because of said revision or amendment.

**Nonconforming, Illegal**: A use, lot, development standard, sign, structure or of similar which was not legally permitted and which does not conform to the zoning code and is in violation of the code.

**Nonconforming Lot, egal**: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

**Nonconforming Lot, llegal:** A lot, the area, dimensions, or location of which was not legally subdivided and does not conform to the development standards of the zoning district in which it is located.

**Nonconforming Sign**: A sign lawfully existing at the time of adoption, revision or amendment of the zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

**Nonconforming Structure/Building**: A structure or building, the size, dimensions or locations of which was lawfully existing at the time of adoption, revision or amendment of the zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

**Nonconforming Use, legal**: A use which was lawfully existing at the time of adoptions, revision or amendment of the Zoning ordinance which no longer conforms to the zoning standards because of said revision or amendment.

**Noncomforming Use, illegal:** A use that was not legally conducted in a structure or on a lot or parcel on the effective date of the Zoning Code, or the effective date of amendments to the Zoning Codes and does not conform with the current regulations for the district in which it is located.

**Nonprofit Mmedical Mmarijuana Ddispensary.:** A nonprofit entity as defined in A.R.S. § 36-2801(12)36-2801(12). **(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)**

**Office Park.:** A development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed and maintained on a coordinated basis.

**Off-Site.:** Located outside the lot or parcel lines of the principal use.

**Off-Site Improvement.:** Improvements required to be made off-site as a result of an application for development including, but not limited to, streets, water, drainage or sewer line improvements.

**Off-Site Parking.:** Parking provided on a site other than the one on which the principal use is located.

**Open Space.:** An area or portion of land, either landscaped or essentially unimproved and which is used to meet human recreational or spatial needs, or to protect water, air or plant areas.

**Open Space, Common.:** Open space areas within a development which are designed or intended for the use and enjoyment of the residents and their guests.

**Natural Open Space, Natural.:** Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces

**Open Space, Private.:** Open space, the use of which is normally limited to the occupants of a single dwelling unit or building; yard areas for detached single family dwelling units or private patios or courtyards for attached housing units.

**Open Space, Public.:** Open space owned and maintained by a public agency for the use and benefit of the general publicpublic, i.e., a public park, public sidewalk, public walkway or public pedestrian thoroughfare. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

**Open Space, Recreational.:** Open space with active amenities for engagement such as but not limited to:to basketball courts, playgrounds, soccer fields, baseball fields, skate parks and tennis courts.

**Open Space, Useable.** Open space that is accessible and functional for active or passive recreational use by occupants of a development. Usable open space is typically free of buildings, parking areas, driveways and other vehicular use areas, and is of sufficient size, shape, location and physical condition to serve its intended purpose. It may include landscaped areas, plazas, courtyards, recreation areas and similar outdoor spaces designed for human use and enjoyment.

**On-Site Parking.:** Parking that occurs within the boundaries of a sSite, as required by this Code.

**On-Site Retention.:** The retention of storm water volume that falls on the site for a given design frequency storm, said site being exclusive of public streets, alleys or other land dedicated for public use.

**On-Street Parking Space.:** Parking provided within the street right-of-way for public use that does not impede the flow of traffic.

**Outdoor Sales.:** The display and sales of products or services primarily outside a building ~~structure~~ and is limited to those items generally stored, used or inspected outdoors.

**Outdoor Storage.:** The keeping ~~in an unenclosed area~~ of goods, materials or merchandise for a period of longer than 24 hours in an unenclosed area.

**Overlay Zone.:** A zoning district encompassing one or more underlaying zone districts which imposes additional standards on the underlying zone districts.

**Owner.:** The legal owner of the residential or commercial property~~. (Created by Ordinance #427 on 8/12/24; Effective 9/14/2024)~~ as indicated by the Yavapai County Assessor.

**Parcel.:** See Lot.

**Park and Ride Facilities.:** Vehicle parking facilities with a connection to a public transportation system. ~~(Created by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

**Parking Lot.** An off-street, ground level area improved for the temporary storage of motor vehicles.

**Parking, Shared.** Joint use of a parking area by more than one primary use.

**Parking Space.** A space for the parking of a motor vehicle within a public or private parking area.

**Park Model Trailer.:** A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than ~~three hundred twenty (320)~~320 square feet and not more than ~~four hundred (400)~~400 square feet when it is set up, and manufactured to comply with ANSI A119.5 standards, except that it does not include travel trailers, campers, or fifth wheel trailers as defined herein.

~~**Parking Lot**: An off-street, ground level area improved for the temporary storage of motor vehicles.~~

~~**Parking, Shared**: Joint use of a parking area by more than one primary use.~~

~~**Parking Space:** A space for the parking of a motor vehicle within a public or private parking area.~~

~~**Parking, Shared**: Joint use of a parking area by more than one primary use.~~

**Party (Shared) Driveway.:** A single access way providing access to more than one property.

**Permitted Use.:** A use allowed by right in a zoning district ~~without a public hearing and~~ subject to the restrictions applicable to that zone district.

**Person.:** An individual, partnership, corporation, association, or any other entity of whatever kind or nature. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Place of Worship.:** A building primarily used by a non-profit organization for organized religious services and supporting uses, similar to a church.

**Plat.:** A map, chart or plan of a tract or parcel of land which is to be or which has ~~been,~~been subdivided.

**Primary or Main Entrance.:** An ingress/egress of a building designed to accommodate the ~~a~~ predominant amount of foot traffic for the building.

**Principal Use.:** The primary or predominant use of any lot or parcel of land.

~~**Process, processing**: To harvest, dry, cure, trim or separate parts of the marijuana plant. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Prohibited Use.:** A use which is not permitted in a zone district.

**Property.:** A lot or parcel of land together with all structures located thereon.

**Public Facility.:** A building or area owned or used by ~~an~~a department or branch of the Town.

**Public Hearing.:** A meeting announced and advertised in conformance with the requirements set forth in A.R.S. 9-462.04 ~~advance and open the general public~~ wherein the public has an opportunity to comment and participate.

**Public Place, Smoking.:** Has the same meaning prescribed in the Smoke-Free Arizona Act, A.R.S. § ~~36-601.01~~36-601.01 and further regulated in Chapter ~~10~~10, Offenses, Article ~~12-2~~12-2, Smoking, of the Town Code. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Rational Nexus.:** The clear, direct and substantial relationship between a particular development and the public improvement needs generated by the development.

**Recreational Vehicle (~~or~~ RV).:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use; which either has its own motive power or is mounted on or drawn by another vehicle, including the following types of vehicles:

A. ~~1.~~ A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping;

B. ~~2.~~ A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle;

C. ~~3.~~ A park model trailer or tiny house built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than ~~three hundred twenty (320)~~320 square feet and not more than ~~four hundred (400)~~400 square feet when it is set up, except that it does not include fifth wheel trailers;

D. ~~4.~~ A travel trailer or tiny house mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than ~~three hundred twenty (320)~~320 square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in the American National Standards Institute Code; or

E. ~~5.~~ A portable truck camper constructed to provide temporary living quarters for recreational, travel, or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

**Recreational Vehicle (RV) Park~~or RV Park.~~:** Any lot, parcel, or tract of land used, designed, maintained, and intended for the parking of recreational vehicles and temporary occupancy or use of such as living quarters, except that it does not include a mobile or manufactured home park as defined herein.

**Recycling Drop-Off Site.:** A site providing containers for the collection of recyclable materials, typically, an accessory use.

**Recycling Facility.:** A building or an area where the primary activity is the separation of

recyclable materials prior to shipment for processing. This shall not include junkyards or wrecking yards.

~~Recycling Drop-Off Site: A site providing containers for the collection of recyclable materials, typically, an accessory use.~~

**Rental Unit.:** Any housing unit, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a condominium unit or cooperative unit on the effective date of the Code.

**Residential Density.:** The number of dwelling units per gross acre of land.

**Residential Property.:** Any property designated for residential use within the jurisdiction. ~~(Created by Ordinance #427 on 8/12/24; Effective 9/14/2024)~~

**Responsible Party.:** Any person, firm, entity or corporation who owns and/or is in possession of any property or s~~S~~ite.

**Restaurant.:** An establishment where food or beverages are prepared and served and where consumption takes place primarily within the principal structure.

**Restaurant, Fast Food.:** An establishment where food and beverages are sold in a form ready for consumption, and where consumption or a significant portion of consumption takes place off the premises, or where ordering and pickup of food typically takes place from within an automobile.

**Retail Sales.:** The selling of goods or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.

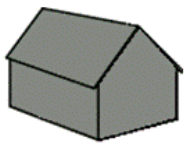
**Retention Basin.:** A pond or pool used for the permanent storage of water runoff.

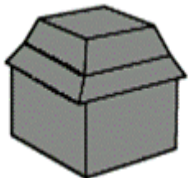
**Right-of-Way.:** An area of land dedicated or conveyed to the Town of Clarkdale in fee simple and used primarily for roadway, circulation or utility purposes.

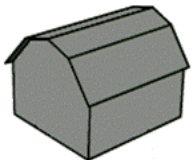
**Roof.:** The exterior top covering of a building or structure, including the structural components and materials designed to protect the building from weather.~~The outside covering of a building or structure.~~

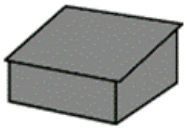
**Roof Types:**

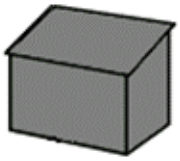
A. Gable Roof

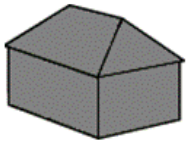


B. Mansard Roof 

C. Gambrel Roof 

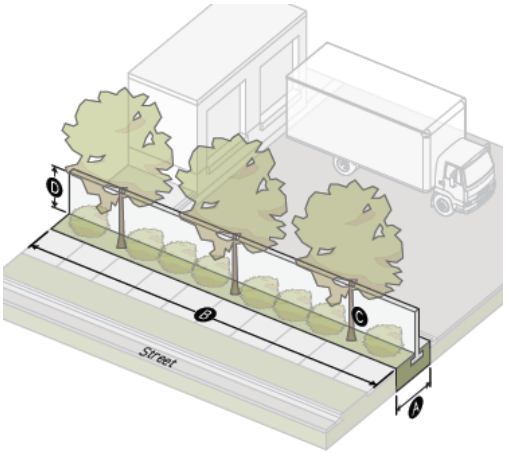
D. Shed Roof 

E. Flat Roof 

F. Simple Hip Roof 

**Row House.:** A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.
**Salvage Yard.:** A lot or parcel of land used for the collection, keeping or abandonment of discarded or waste materials.
**Scale of Development.:** The relationship of a particular project in terms of size, height, bulk, intensity of use and aesthetics to its surroundings.
**Scenic Easement.:** An easement which limits development in order to preserve a view or scenic area.
**School.:** Any building or part thereof used or constructed for education or instruction in any branch of knowledge including, private, public or vocational schools; School does not include daycare or nurseries.
**School; Public, Charter or Private.:** Facilities for educational and/or classroom purposes
operated by public, private, or charter educational institutions offering a general course of study at primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs, and boarding that are incidental to the operation of such schools.

**School; Trade or Business.:** An institution offering instruction beyond high school level with a
course of study in vocational, technical or other special subjects.
**Scrapping.:** The removal of any vegetation from the existing grade of the land for purposes of land development.
**Screening.:** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.

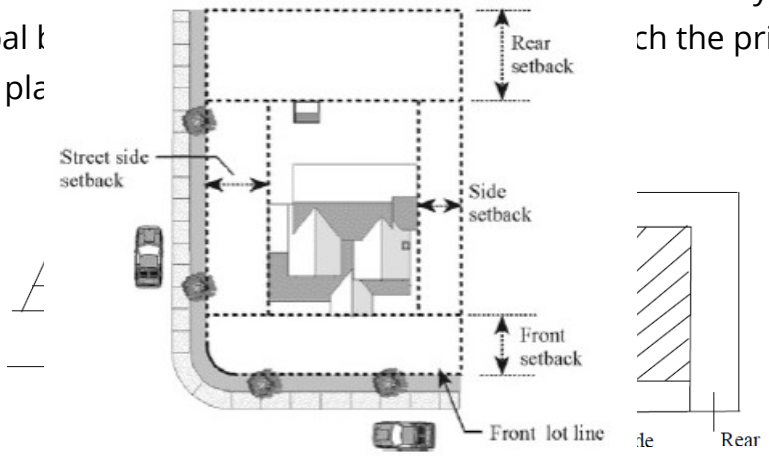


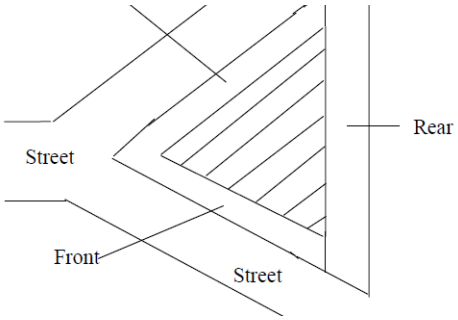

**Seating Place.:** In churches or other assembly areas where benches or pews are used in place of seats, each 24 inches of bench or pew shall be counted as one seat.
**Self-Storage.:** (See Mini-Warehouse.)
**Self-Storage, Outdoor.:** A commercial storage facility in which items, primarily, boats, RVs and trailers or similar, may be stored under canopies or out in the open for a fee.
**Sensitive Land Area.:** Any land area containing (as an example) one, or more, of the following:
A. 1) steep slopes;
B. 2) flood plain;
C. 3) soils having high water tables;
D. 4) highly erodible soils;
E. 5) lands incapable of meeting minimum percolation standards;
F. 6) former landfill or industrial waste areas;
G. 7) stream corridors;

H. ~~8)~~ aquifer recharge or discharge areas;
I. ~~9)~~ wetlands;
J. ~~10)~~ scenic view corridors; and/or
K. ~~11)~~ architectural areas of significant consequence.

~~**Service Station**: A commercial establishment conducted primarily for the purpose of retailing lubrication oils, gasoline or other motor vehicle fuels for internal combustion engines from storage tanks located below the ground.~~

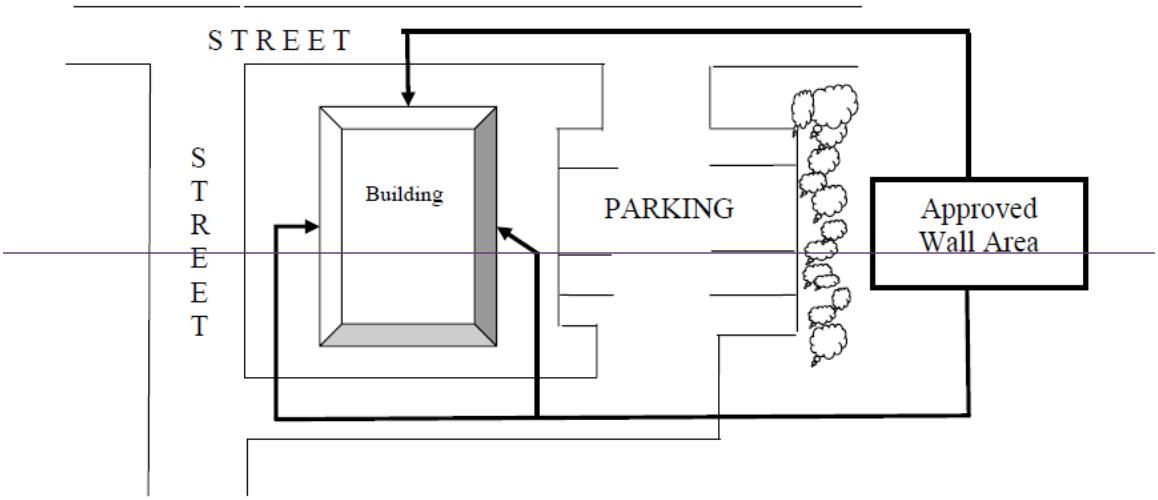
**Setback.:** The line w from any lot line to a permitted principal b ch the principal structure may be pla



**Setback, Front.:** The minimum distance from the front lot line to the nearest point of the allowable principal building measure perpendicular to the front lot line.
**Setback, Rear.:** The minimum distance from the rear lot line(s) to the nearest point of the allowable principal building measured perpendicular to the rear lot line(s).
**Setback, Side.:** The minimum distance from the side lot lines to the nearest point of the allowable principal building measured perpendicular to the side lot lines.
**Sight Visibility Triangle.:** An area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, places or allowed to grow in a manner which will obstruct vision of motorists entering or leaving the intersection.
**Sign.:** Any object, device, display or structure, or part thereof, which is situated outdoors or visible outdoors, and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
**Sign, A-frame.:** Any portable upright, rigid, self-supporting frame sign in the form of a triangle of the letter A.
**Sign, Animated.:** Any sign or part of a sign which changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.
~~**Sign, Approved Wall Area**: Any exterior wall facing a publicly dedicated street, or containing a primary public entrance/exit to the building, or facing the parking lot of the building.~~

~~**Approved wall area example**~~




**Sign, Canopy.:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service are.

**Sign, Construction.:** A temporary sign placed by a licensed contractor to advertise the work done on that property.

**Sign, ~~On-Site Information~~Directional.:** Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit", building address, and etc.; as well as providing directional information relating to points of interest, institutions, facilities, and districts.~~Signs limited to providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances and exits, parking areas, loading zones or circulation direction~~.

**Sign, Face.:** The area used for the message.

**Sign, Feather.:** A vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.

**Sign, Flashing.:** Any directly, or indirectly, illuminated sign which exhibits changing natural or artificial light or color effects by any means.
**Sign, Freestanding.:** Any non-movable sign not attached to a building.
**Sign, Garage Sale.:** A temporary sign advertising a short-term private sale of personal property characterized as being a "Yard Sale", "Garage Sale", "Rummage Sale", or similar event.
**Sign, Ground Mounted.:** Any freestanding sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure, except footings.
**Sign, Home Occupation.:** A sign listing only the name or occupation of a permitted home occupation.
**Sign, Ideological.:** Any sign announcing or supporting the personal views of the property owner or tenant of the lot on which the sign is located.

**Sign, Illegal.** A sign which is in violation of the requirements of this Ordinance, except for those signs qualifying as non-conforming.
**Sign, Iilluminated.:** A sign lighted by or exposed to artificial lighting either by lights on or inside the sign or directed towards the sign.
~~**Sign, Ideological**: Any sign announcing or supporting the personal views of the property owner or tenant of the lot on which the sign is located.~~
~~**Sign, Illegal:** A sign which is in violation of the requirements of this Ordinance, except for those signs qualifying as non-conforming.~~
**Sign, Off-Site.:** Any sign which directs attention to any business, commodity, service, or entertainment/event conducted, sold, or offered at a location other than the premises on which the sign is located.
**Sign, Pole.:** A sign that is mounted on a free-standing pole or other support so that the bottom ~~bo□om~~
edge of the sign face is six feet or more above grade.
**Sign, Political.:** A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.

**Sign, Projecting.:** A sign attached to a building or ~~structure~~structure, and which extends more than 18 inches from said building or structure.

**Sign, Real Estate.:** A sign pertaining to the sale or lease of the premises on which the sign is located.

**Sign, Roof.:** A sign which is mounted on the roof of a ~~building~~building, or which extends above the top edge of the wall of a flat roofed building, above the eave line of a building with a hip, gambrel or gable roof or the deck line of a building with a mansard roof.

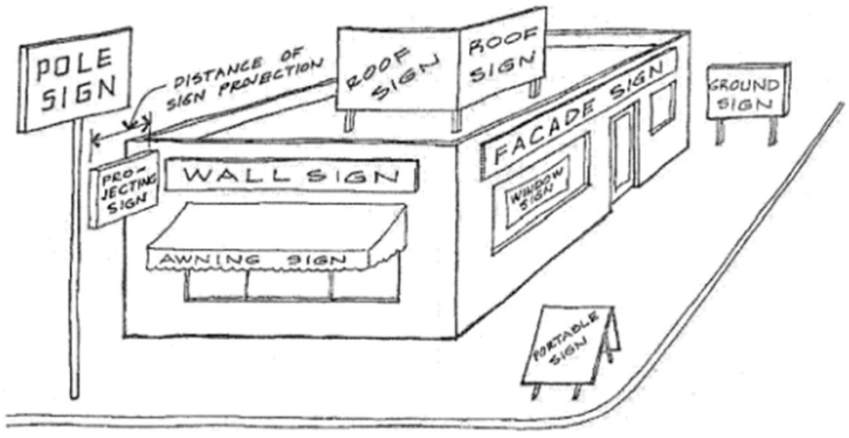
**Sign, Temporary.:** Any sign constructed of cloth, canvas, fabric, plywood or other light materials and intended for display for a short period of time and is not permanently mounted.

**Sign, Vehicle.:** Signs attached to a vehicle primarily for the purposes of advertising, with such vehicle placed adjacent to a roadway and not used for the typical conduct of the business so advertised. –Magnetic signs, and signs painted or wrapped on a vehicle which are used for the daily conduct of business, are not considered as vehicle signs under this provision.

**Sign, Walker.:** A living individual who carries, holds, or displays a temporary sign intended to identify a business.

**Sign, Wall.:** Any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign and which does not project more than 18 inches from the wall.

**Sign, Window.:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the ~~window panes~~windowpanes, or glass and is visible from the exterior of the window.



**Site Plan ~~(Plot Plan)~~.:** A development plan for one or more lots showing existing and proposed conditions of the lot including, but not limited to: topography, vegetation, drainage, landscaping and open space, access and circulation, parking, utility services, buildings and signs, lighting and other information pertinent to the review of the proposal.

**Smoke.:** Small airborne particles, gases, and vapors produced by the incomplete combustion of materials that become visible in the air as a gray, black, or colored plume.~~To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Steep Slope.:** Land areas where the slope exceeds 20 %~~percent~~.

**Storefront Location.:** A permanent building on an established foundation adhering to Town Building Codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle. ~~(Created by Ordinance #409 on 11/10/20; Effective 12/10/20)~~

**Story.:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it then the space between such floor and the ceiling next above it.

**Story, Half.:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three~~3~~ feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing living quarters shall be counted as a full story.

**Street, Arterial.:** A street with signalized or controlled intersections which channels traffic to and from collector streets and whose primary function is to provide for crosstown or regional traffic movements.

**Street, Collector.:** A street with controlled intersections whose main function is to carry traffic between arterial and local streets, ~~but,~~ which may also provide primary access to abutting properties.

**Street, Local.:** A street with, or without, controlled intersections whose main function is to provide primary access to abutting properties.

**Street, Private.:** An easement providing the principal means of access to a lot or parcel~~,~~ owned and maintained by an individual or group of individuals, exempt from management, maintenance and liability on the part of the Town.

**Street, Public.:** An existing state, county or municipal roadway; or a street or way shown on a plat heretofore approved pursuant to law or approved by official action; or a street on a plat filed and recorded in the County Recorder's Office which affords the principal means of access to a lot or parcel.

**Streetscape.:** The appearance or view of an entire street or street network in general, including sidewalks, utilities, landscaping, street furniture, and the structures that make up the street wall.

**Structural Alterations.:** Any change in the supporting member of a building such as bare walls, columns, beams, floor joists, roof joists, girders, rafters or changes in roof or exterior building lines.

**Structure.:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground ~~including, but~~including but not limited to; buildings, shade structures, fences, signs, kiosks or similar uses.

~~**Structural Alterations**: Any change in the supporting member of a building such as bare walls, columns, beams, floor joists, roof joists, girders, rafters or changes in roof or exterior building lines.~~

**Subdivision.:** Improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into four ~~six~~ or more lots, parcels, or fractional interest:

A. Subdivision does not include the following:
   1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
   2. The partitioning of land in accordance with other statutes regulation the portioning of land held in common ownership.
   3. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases.
   4. The division or proposed division of land located in this state into lots or parcels each of which is or will be thirty-six acres or more in area including to the centerline of dedicated roads or easements, if any, contiguous to the lot or parcel.

**Subdivision Abandonment.:** The process by which subdivided lands may be returned to large blocks or areas of non-divided lands.

**Temporary Structure.:** A building or other structure intended to be placed on a property for a pre-defined, limited duration.
**Temporary Use.:** A land use intended for a pre-defined, limited duration.
**Temporary Use Permit.:** A permit to allow for a temporary use or structure on a property.
**Tiny House.:** A dwelling unit that is 400 four hundred (400) square feet (thirty-seven (37) $m^2$) or less in floor area excluding any loft area, that has been constructed on site or on skids, and not on wheels.
**Tiny House on Wheels.:** A dwelling unit that is four hundred (400) square feet (thirty-seven (37) $m^2$) or less in floor area excluding any loft area,tiny house that has been built on a chassis, trailer, or wheels and not licensed as a trailer, travel trailer, camper/tent trailer, recreational vehicleRV, or similar.
**Tiny House Recreational Vehicle.:** A dwelling unit that is four hundred (400) square feet (thirty-seven (37) $m^2$) or less in floor area excluding any loft area,tiny house that has been built on a chassis, trailer, or wheels and is licensed as a trailer, travel trailer, camper/tent trailer, recreational vehicleRV, or similar.
**Transitional Use.:** A permitted land use or structure of an intermediate level of intensity or scale placed between a higher and lower intensity use.

**Transfer of Development Rights (TDR).:** The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one lot or parcel to another, or from a portion of a lot to another part of the same lot.
**Transitional Use**: A permitted land use or structure of an intermediate level of intensity or scale placed between a higher and lower intensity use.
**Use.:** The purpose for which land or a structure is arranged or intended, or for which either land or a building is occupied or maintained.
**Use, Accessory.:** a use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site, which accessory use does not alter the principal use of such lot or building.

**Use, Principal.:** The main or primary purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.
**Utility, Private.** A utility system, facility or service that is owned, operated and maintained by a private individual, business, cooperative or nonpublic entity, rather

than by a governmental agency or public utility provider. Private utilities may include water systems, wastewater systems, electrical distribution, gas service, telecommunications or similar infrastructure intended primarily to serve a specific development, property or limited service area.

~~**Use, Accessory:** a use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site, which accessory use does not alter the principal use of such lot or building.~~

**Utility, ~~Private or~~ Public.:** A system, facility or service used to provide electricity, natural gas, water, wastewater disposal, stormwater management, telecommunications or similar services to the public, and which is owned, operated or regulated by a governmental agency or a franchised or certificated public utility provider. Public utilities include associated infrastructure such as transmission lines, substations, pipelines, treatment plants, lift stations and similar service facilities necessary to deliver utility services communitywide.~~Services and facilities provided by public agencies such as electrical and gas service, water, sewage disposal, drainage systems, and solid waste disposal.~~

**Variance.:** Permission to deviate from the ~~literal~~ standards of the Zoning Ordinance.

**Variance, Bulk.:** Departure from any zoning standard except use.

**Variance, Use.:** A variance granted to allow a use not permitted by the Zoning Ordinance. Use variances are prohibited by State Statute.

**Wall.:** The vertical exterior surface of a building or structure.

**Wall, Retaining.:** A wall which supports or retains earth higher on one side than the other side. A retaining portion of a wall does not count towards maximum wall height.

**Warehouse.:** An establishment offering indoor or open-air storage, distribution, handling of materials and equipment, such as stone yards, grain elevators, or open storage yards.

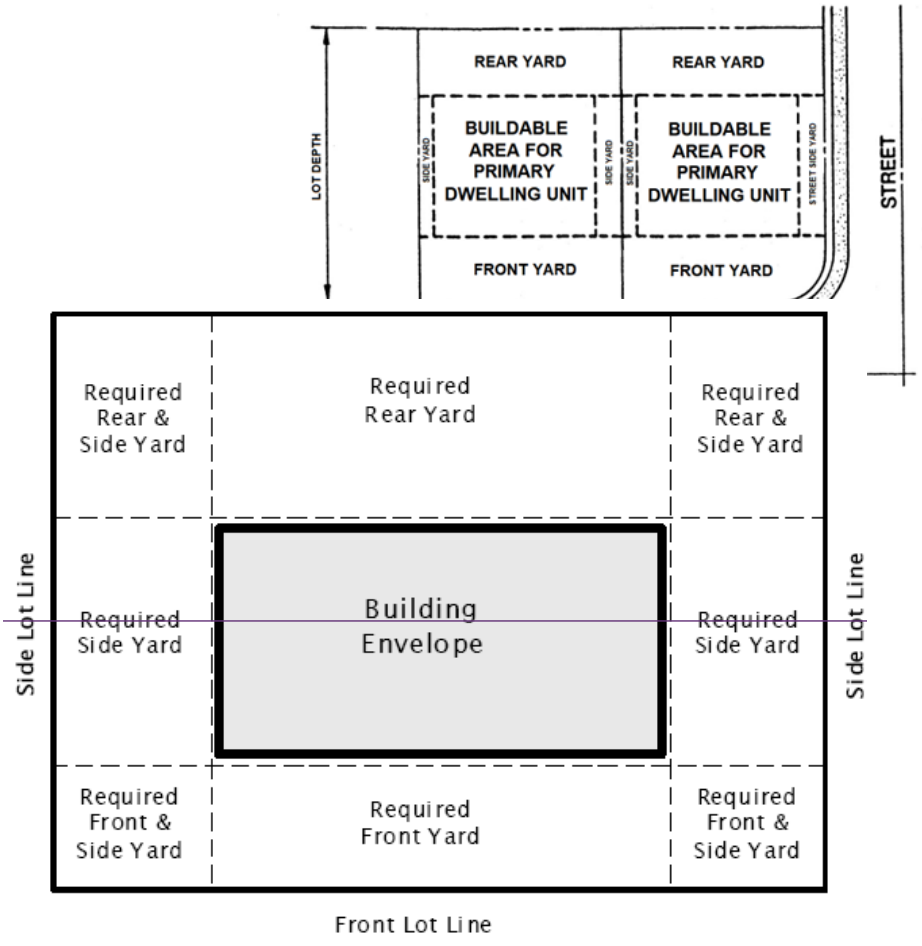
**Wholesale.:** Establishments engaged primarily in selling merchandise to retailers or other industrial, commercial, institutional or professional businesses.

**Wireless Communication Tower.:** Any structure built or attached to a building for the sole or primary purpose of supporting antennas used to provide services

licensed by the Federal Communications Commission or for other transmission of information through the air. “Wireless Communication Tower” also includes the supporting facilities, buildings, or enclosures associated with the structure, including power supplies, electronic equipment housed in cabinets and antennas. ~~(Created 7/9/13 by Ordinance #352; Effective 8/10/13)~~

~~**Wholesale**: Establishments engaged primarily in selling merchandise to retailers or other industrial, commercial, institutional or professional businesses.~~

**Yard.**~~:~~ An open area that lies between the principal building ~~(~~s) and the lot lines. The minimum required yard area as set forth in the Zoning Ordinance shall remain unoccupied and unobstructed from the ground up except as may be specifically provided for in this Code.



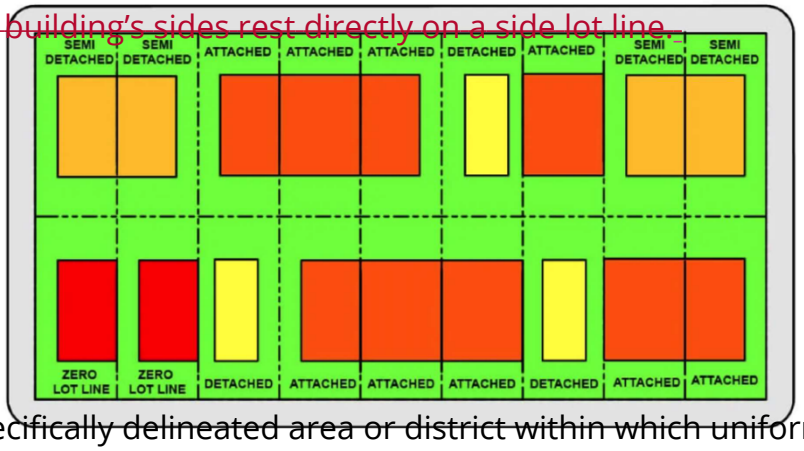

**Yard, Front.**~~:~~ The portion of a lot extending across the full width of the lot between the front lot line and the minimum required front setback line established by the zoning district.~~An open area extending the full width of the lot or parcel between~~

~~the front lot line and any building, measured perpendicular to the lot line and the closest point of the building.~~

**Yard, Rear.:** An open area extending the full width of the lot or parcel between the rear lot line and any building, measured perpendicular to the lot line and the closest point of the building.

**Yard, Side.:** An open area extending from the front yard to the rear yard between the principal building and the nearest side lot line measured ~~perpendicular~~perpendicularly from the side lot line to the nearest point of the principal building.

~~**Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a side lot line.~~




**Zone.:** A ~~specifically delineated area or district within which uniform~~ development standards govern the use, placement, spacing and size of land and buildings.

~~(Revised by Ordinance #427 on 8/13/24; effective 9/14/24; Revised by Ordinance #411 on 6/8/21; effective 7/9/21; Added by Ordinance #410 on 2/9/21; effective 3/11/21; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; Added by Resolution #1605 on 7/9/19; effective 8/8/19; Added by Ordinance #397 on 7/9/19; effective 8/8/19; prior code § 2-1)~~

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~~**The Clarkdale Zoning Code is current through Ordinance #430, passed August 13, 2024.**~~

~~Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.~~

~~Town Website: www.clarkdale.az.gov~~

~~Town Telephone: (928) 639-2400~~

~~Hosted by General Code.~~

# EXHIBIT B
# CHAPTER 2
# DEFINITIONS

**SECTION:**

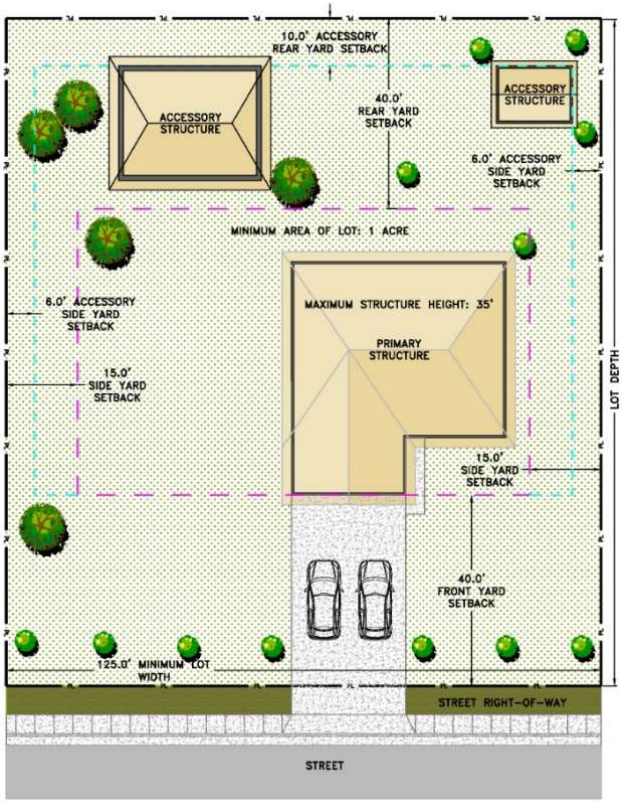
2-010 Definitions

## SECTION 2-010 DEFINITIONS

**Access.** The area within a site serving as a travel lane or the area providing access to a property. The place, means, or ways by which pedestrians, vehicles, or both shall have adequate and usable ingress/egress to a property or use.

**Accessory Dwelling Unit.** A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling that may or may not contain a secondary kitchen.

**Accessory Structure or Use.** A use or structure that exists on the same lot with the principal use or structure and is subordinate in size and purpose to the principal use and does not contain living quarters.




**Acre.** A measure of 43,560 square feet.

**Adjacent.** Property abutting directly on the boundary of, touching, or sharing a common point.

**Adult Establishment.** Classifies establishments or activities that provide entertainment and/or goods depicting, describing, or relating to Specified Sexual Activities or characterized by emphasis on depiction, description, or relation to Specified Anatomical Areas.

**Affordable Housing Dwelling Unit.** A dwelling unit committed for a minimum 30-year term as affordable, through covenants or restrictions, to households with incomes at 60% or less of the area median income for a family, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs (rents, mortgages, utilities and condo, homeowners or

other association fees) do not exceed 30% of a family's income as verified on an annual basis.

**Agricultural Use.** The practice of growing soil crops in the customary manner on at least 10 contiguous acres, including such customary companion activities as the raising of farm poultry and livestock,, the storage and processing of soil crops, the production of eggs and dairy products, and the slaughter and processing of poultry and animals raised on the premises for use on the premises

**Agricultural Tourism**. The act of visiting croplands, horticulture activity for the purpose of enjoyment, education or active involvement in the croplands or horticulture that also adds to the economic viability of the Croplands. Agricultural tourism may include tasting rooms, lodging, and restaurants associated with the primary agricultural use.

**Agritourism Enterprise.** An enterprise on croplands, conducted for the enjoyment of visitors that generates income for the owner of the crops, including on-site sales of crops.

**Airport.** An area of land designed and used for the landing and takeoff of aircraft, including runways, taxiways, hangars, terminals, fueling facilities, aircraft storage, maintenance facilities, and other aviation-related improvements.

**Airstrip.** A cleared or graded strip of land used for aircraft takeoff and landing that contains minimal aviation facilities and is smaller and less developed than an airport. An airstrip may consist of grass, dirt, gravel, or paved surface and may be privately owned or accessory to a principal use.

**Alley.** A public or private roadway which provides a secondary means of access to abutting property and is not intended for general traffic circulation.

**Amusement and Recreation Services.** Establishments engaged in providing amusement or entertainment for fee or admission charge and including such activities as dance halls, studios, theatrical productions, bands, orchestras, and other musical entertainment, bowling alleys, and billiard and pool establishments.

**Animal (Veterinary) Hospital.** The place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

**Animal Kennel.** Any structure or premises where animals are kept, boarded, bred, trained or sold for commercial gain.

**Apartment.** One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing more than four dwelling units.

**Assurance.** A legally binding and enforceable instrument ensuring the construction of all required Infrastructure by a subdivider or developer. Assurances may be in the form of third-party land trusts, or monetary sureties such as performance bonds, escrow funds, letters of credit, or such other security as are acceptable to the Town.

**As-Built Plans.** Construction/engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements which includes, but is not limited to, all structures, parking facilities, detention/retention areas, curbs, gutters, sidewalks.

**Automatic Car Wash.** A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and in an automatic or semi-automatic application of cleaner, brushes, rinse water and heat for drying.

**Automobile Sales.** The use of any building, land area, or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

**Automobile Fueling/ Service Station.** Any building, land area, or other premises or portion thereof used, or intended to be used, for the retail dispensing or sales of vehicular fuels, including as an accessory use, the sale and installation of lubricants, batteries, tires and similar accessories.

**Automobile Repair Services and Garages.** Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

**Bar.** An establishment including, but not limited to, a cocktail lounge, nightclub or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment.

**Basement.** The lowest level or story which has its floor sub-grade on at least three sides with a minimum of five feet below grade.

**Bed and Breakfast.** A small lodging establishment operated within a dwelling, in which overnight accommodations and breakfast are provided to transient guests for compensation. A bed and breakfast is typically owner-occupied, contains a limited number of guest rooms, and retains the residential character of the structure. Food service is generally limited to breakfast for registered guests and does not operate as a restaurant open to the public.

**Bed and Breakfast Country Inn.** A lodging establishment located in a rural or low-density setting that provides overnight accommodations and breakfast service for transient guests, containing multiple guest rooms and/or detached lodging units, and offering a greater scale of operations and amenities than a traditional bed and breakfast.

**Bed and Breakfast Inn.** A lodging establishment providing overnight accommodations and breakfast to guests, typically within a converted residence or similar structure and operated as a commercial use.

**Bedrock.** The solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of gravel sand, or soil.

**Bedroom.** A private room planned and intended for sleeping, separable from other rooms by a door and accessible to a bathroom without crossing another bedroom or living room.

**Bicycle Parking.** Parking area that is reserved for bicycles that is publicly and readily accessible, and visible, with the intention to be used for short periods of time.

**Block.** A usually rectangular space enclosed by streets and occupied by or intended for buildings. Parcels on opposite sides of an alley shall be considered along the same Block frontage.

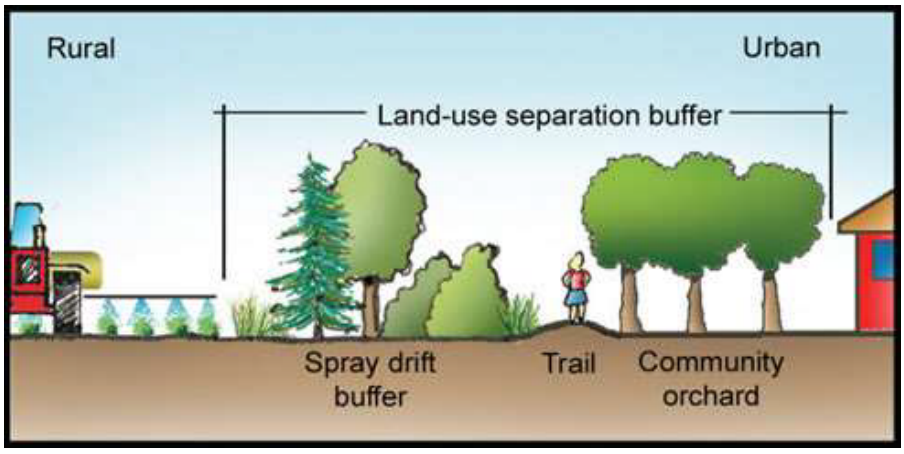
**Boutique Business.** A small-scale, specialty retail or service establishment that offers unique, artisanal or high-end goods or services, typically with an emphasis on personalized customer experience. Boutique businesses are characterized by limited floor area, low-intensity operations and a curated product or service line, and are often designed to be compatible with pedestrian-oriented commercial districts or mixed-use areas.

**Brewery.** A facility used for the commercial manufacture and packaging of beer or malt beverages for distribution and sale. A brewery may include brewing, fermenting, bottling, kegging, storage and related administrative functions. Accessory uses such as tasting rooms, retail sales or food service may be permitted where allowed by zoning, but the principal use is the large-scale production of beer for off-site distribution.

**Brewery, Micro.** A facility that produces beer in relatively small quantities, primarily for on-site sale and consumption, with limited distribution to off-site locations. A microbrewery may include accessory uses such as a tasting room, taproom, restaurant or retail sales area, provided the principal use remains the brewing of beer at a scale smaller than that of a regional or national brewery.

**Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility.** Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

**Buffer.** Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light or other nuisance.



**Buildable Area/ Envelope.** The area of a Lot or Parcel where a Building can be placed after Setback from Property Lines, Streets, Buildings, or any other point identified and areas identified or dedicated for non-building purposes, such as open space or driveways, are deducted.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

**Building Code.** The current Building Code adopted by the Town of Clarkdale.

**Building Elevation.** One of the exterior vertical faces of a building.

**Building Front.** The side of the building closest to and most nearly parallel with the street which provided access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front.

**Building Height.** The vertical distance of a building measured from the finished grade to the highest point of the roof, facia, or parapet or average of the room between a pitch and the eve.

**Building Line.** The primary edge of a building closest to the street, side, and rear property lines, and extending from the physical edge of the building to the property lines.

**Building Permit.** A permit issued by the Town in conformance with the adopted Building Code.

**Building, Principal Use.** A building in which is conducted the primary or predominant use of the lot on which it is located.

**Building Separation.** The required separation between any two buildings.

**Bulk Standards.** Controls which establish the maximum size of buildings and structures on a lot or parcel and the buildable area within which the structure may be places including lot coverage, height, floor area ratio, setbacks and yard area.

**Bulk Storage.** Storage of material in containers or tanks in large quantities. The storage of chemicals, petroleum products, steel, wood, above ground containers, and other materials and for subsequent resale or distributors or retail dealers or outlets.

**Caliper.** The diameter of a tree measure four feet above finished grade.

**Campground.** Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of one or more plots, sites, or areas to accommodate temporary camping by the traveling public, with or without sanitary facilities and water, whether or not a charge is made for use of the park and its facilities.

**Canopy.** A roof-like cover extending over an outdoor area for the purpose of sheltering individuals or equipment from the weather.

**Canopy Tree.** A woody plant, other than a palm tree, with a mature crown diameter of at least 15 feet and having a trunk that, at maturity, is kept clear of leaves and branches at least six feet above grade.

**Capital Improvement.** When pertaining to government, an acquisition of real property, major construction projects or acquisition of expensive equipment expected to last a long time.

**Capital Improvement Program.** A timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means of financing each project.

**Carport.** A roofed structure providing space for the parking of motor vehicles and full open on not less than two sides.

**Car Wash.** The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Cellar.** That part of a building having less than one-half of it’s floor to ceiling height above the average finished grade of the adjoining ground.

**Cemetery.** A place used or to be used and dedicated or designated for interment of human remains or pet animal remains.

**Chemical Storage Facility.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**Chemical Synthesis.** Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

**Chimney.** A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

**Church.** A permanently located building or group of buildings or structure wherein people regularly assemble for religious worship, and which is maintained and controlled by a religious body to sustain public worship and church related uses.

**Clinic.** An establishment where patients are admitted for examination and treatment on an out-patient basis by one, or more, physicians, dentists or other medical personnel where patients are not lodged overnight.

**Club.** Buildings and facilities operated by a corporation, association, or persons for social, educational or recreational purposes characterized by certain membership qualifications, payment of dues and fees, regular meetings organized by a constitution and bylaws rendering a service not customarily carried on as a business.

**Cluster Development.** A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space or preservation of sensitive land areas.

**Code.** Refers to the Town of Clarkdale Zoning Code.

**Commercial Property.** Any property designated for commercial use within the jurisdiction.

**Community Supported Agriculture (CSA).** An agricultural operation or program in which consumers purchase shares or subscriptions in advance and receive periodic distributions of farm products directly from the producer, either on-site or at designated distribution locations.

**Compatibility.** The design, arrangement and location of buildings and structures or other created or natural elements of the urban environment which are sufficiently consistent in scale, character, sitting, coloring or materials with other buildings or elements in the area, so as to avoid abrupt or severe differences.

**Conditional Use.** A use permitted in a particular zoning district, after a public hearing, and upon a showing that such use, in a specified location will be compatible with surrounding uses provided all required conditions of approval are met.

**Condominium.** A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by a single owner or all the inhabitants on a proportional basis for continued maintenance and improvement.

**Conformance.** Generally, to comply or act in accordance or harmony with.

**Consumable Products.** Perishable products made, produced and/or assembled for consumption.

**Convenience Store.** A small retail store with a floor area of less than 5,000 square feet that sells groceries and may also sell gasoline but does not include vehicle service stations (limited or full).

**Court.** Open space unobstructed from the ground to the sky which is bound on two or more sides by the walls of a building, or buildings, on the same lot.

**Crop.** Vegetables, nuts, seeds, herbs, hay and alfalfa, and fruits, including vineyards, grown as food or drink for human consumption.

**Cropland.** Land devoted primarily to the production of crops, tilling, raising of crops, horticulture, farm, winery, wine production, gardening and agritourism enterprises or as agricultural tourism use.

**Cul-de-sac.** A street having only one end open to traffic and the other being permanently terminated with a vehicular turn-around provided.

**Curb.** A stone or concrete boundary usually marking the edge of a roadway or paved area.

**Cut.** A portion of land surface from which earth has been removed or will be removed by excavation; the depth below the original ground surface.

**Data Center.** A facility or group of facilities primarily used to house computer systems, servers, networking equipment and associated infrastructure for the storage, processing or distribution of electronic data. This term includes supporting equipment such as backup power systems, cooling systems and security features, but does not include facilities primarily used for telecommunications towers or personal data storage.

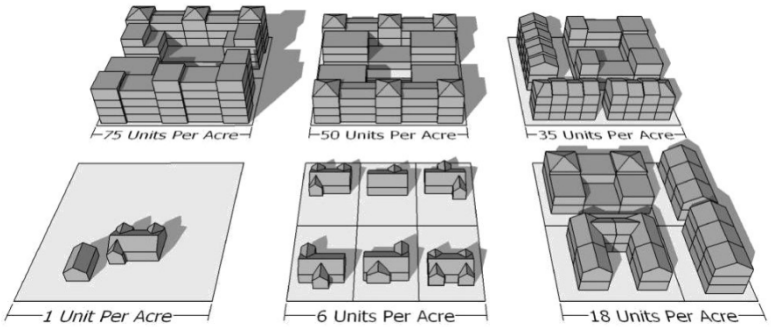
**Day Care Center.** Any facility or building which day care is provided for more than eight hours per week for compensation for five or more children not related to the proprietor or caretaker. Even though some instruction may be offered in connection with such care, the use shall not be considered with such care, the use shall not be considered a "school" within the meaning of this Code.

**Day Care Facility, Adult.** A home in which more than three but fewer than seven clients over the age of 18 receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.

**Day Care Home.** A dwelling in which a permanent occupant provides for the care of no more than five preschool age children (including the caregiver's children). Those receiving care and not dependents of the occupant do not reside on the site. For the purpose of this Ordinance, such activities shall meet all requirements for home occupations.

**Dedication.** The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

**Density.** The number of dwelling units per gross acre of land measured in gross area.




**Density Transfer.** The trading of all or part of the permitted density on a parcel to another parcel or other locations in the same PAD.

**Department.** An administrative unit of a municipal, county, state or federal government established to carry out specific governmental functions related to planning, zoning, development review, code enforcement or related regulatory activities. A department is typically headed by a director, manager or similar official

authorized to administer and enforce adopted plans, ordinances and regulations within their assigned area of responsibility.

**Design.** The physical aspects of a development, road improvement, or other construction project. Design included but is not limited to such items as street alignment, grading, landscaping, site layout, building elevations, and signing

**Design Grade.** An elevation or series of elevations that provide the minimum modification of natural or Existing Grade that allows safe and appropriate access, drainage, and Buildable Areas.

**Detention Pond.** A pond or pool used for the temporary storage of water runoff, and which provides for the controlled release of such waters.

**Developer.** The person, firm, corporation or legal entity that has financial or operational control over the land-disturbing activity.

**Development.** Any change to improved or unimproved real estate that requires a permit or approval from any agency of the Town.

**District.** Any area or areas of the town of Clarkdale, whether contiguous or not, wherein the same zoning or development standards apply.

**Drainage.** The outflow of water or other fluid from a site, whether by natural or artificial means.

**Drainage Analysis.** A review/ report of a project's pattern of waterflow either before or after the proposed development.

**Drip/Micro-Irrigation.** A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of tubes or pipes, for the purpose of water conservation.

**Drive-Through Facility.** An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included. Does not include pick up windows or Drive-Up ATMs.

**Driveway.** A private roadway located on a parcel or lot used for vehicle access.

**Duplex.** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from the ground to the roof.

**Dwelling, Attached.** A single-family dwelling attached in groups of two or more single-family dwellings by common vertical walls.

**Dwelling, Detached.** A single-family dwelling that is not attached to any other dwelling by any means.

**Dwelling, Duplex.** A building containing two dwelling units.

**Dwelling, Four-Plex.** A building containing four dwelling units.

**Dwelling, Multi-Family.** A building containing five or more dwelling units.

**Dwelling, Single-Family.** A building containing one single-family dwelling unit.

**Dwelling, Townhouse.** A single-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

**Dwelling, Tri-Plex.** A building containing three dwelling units.

**Dwelling Unit.** A Building or portion of a building that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household, which includes one or more rooms, with sleeping and sanitary facilities and one enclosed kitchen. One accessory cooking facility per dwelling unit is permitted.

**Easement.** A legal interest in land, granted by the owner to another person, which allows that person(s) the use of all or a portion of the owner's land, generally for a stated purpose including, but not limited to, access or placement of utilities.

**Effective Date.** The date of full adoption of the Code.

**Efficiency Unit.** A dwelling unit having not more than one room in addition to kitchen and bath.

**Elevation, Architectural.** A flat scale drawing of the front, rear, or side of a building.

**Enclosed Area.** A building, greenhouse, or other structure that has:

A. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;

B. Is secure against unauthorized entry;

C. Has a foundation, slab or equivalent base to which the floor is securely attached; and

D. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

**Existing Conditions.** Conditions that exist at time of plan or plat submittal.

**Existing Use.** The use of a lot or structure at the time of the enactment of this Code.

**Extraction.** The removal or taking of natural or unnatural resources from the land, including but not limited to minerals, rock, sand, gravel, soil or other geologic materials, for commercial, industrial or public use. Extraction activities may include excavation, quarrying, mining, dredging and related processing conducted on-site or in conjunction with the extraction operation.

**Factory-Built Building.** A dwelling unit (or a non-residential structure which includes a dwelling unit or habitable area), other than a mobile home, manufactured home or recreational vehicle as defined herein, which is wholly or substantially manufactured at an off-site location to be assembled on-site, and which has been constructed pursuant to standards for factory-built buildings as certified by a regulatory agency of the State of Arizona.

**Family.** Any number of persons living together as a single housekeeping unit under a common housekeeping management plan.

**Family, Immediate.** Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

**Farmers Market.** An outdoor, periodic event, where farmers or producers gather to sell agricultural products directly to consumers.

**Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Fill:** Sand, gravel, earth or other materials of any composition placed or deposited by humans.

**Final Plat.** A final plat is a survey document suitable for recordation of all or part of a subdivision substantially conforming to an approved tentative plat, if a tentative plat is required, prepared in accordance with all local applicable regulation, and state statue.

**Financial Assurance.** A performance bond, escrow, cash, certificate of deposit, irrevocable letter of credit, corporate guarantee, or other equivalent security, or any combination thereof, to the Town of Clarkdale that is sufficient to pay for completion of improvement plans for utilities, streets, roads, curbs, gutters, sidewalks, structures, buildings and other appurtenances as set forth in either a development agreement or approved site plan or both.

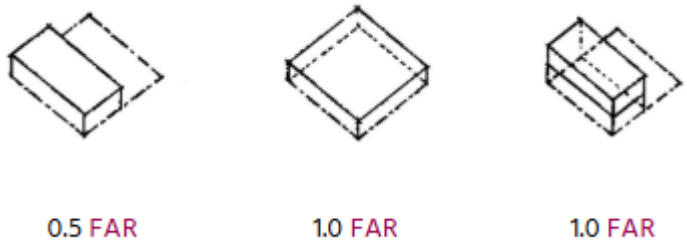
**Findings.** A written statement of facts, conclusions and determination based on the evidence presented in relation to the approval criteria and prepared by the approval authority in support of a decision.

**Firing Range.** A property prepared, equipped, and delineated for the purpose of shooting at targets by rifles [excluding air rifles], pistols, shot guns or archery.

**Flagpole.** A vertical structure specifically designed for displaying flags.

**Floor Area.** The sum of the square footage of all the floors of a structure or building as measured by the exterior walls.

**Floor Area Ratio.** The relationship of the floor area to the lot area computed by dividing the floor area by the lot area.




**Frontage.** That portion of a parcel of property which abuts a public street.

**Frontage, Building.** The linear width of a building measured along the facade that faces and is generally parallel to a street, public right-of-way, or primary access way, as measured at ground level from the outermost edges of the building.

**Front Lot Line.** For interior lots, the lot line abutting on a street; for corner lots, the shorter lot line abutting on a street. When corner lot or double frontage lot has nearly equal frontage lot line shall be at the discretion of the lot owner.

**Garage.** A building or parking structure used for the parking and storage of vehicles.

**Garage, Private.** An accessory structure used primarily for the parking and storage of vehicles operated by the customers, employees or visitors of a principal building which is not available for use by the general public.

**Garage, Private Residential.** An accessory structure, or use, to a residential building used for the parking and storage of vehicles and other items operated by the residents of the building and which is not available to the general public.

**Garage, Public.** A primary structure or building, used primarily for the parking and storage of vehicles which is available to the general public.

**Garage, Repair.** Any building or structure in which a business, service or industry involving the maintenance, repair, servicing or painting of vehicles is conducted or rendered.

**Grade.**

A. The average of the finished ground level at the center of all walls of a building.

B. The percent of rise or descent of a sloping surface.

**Grading.** Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Ground Cover.** Grasses, other plant materials or inorganic materials grown or placed to keep soil from being blown or washed away.

**Group Home.** A dwelling that provides room and board for more than six, but less than 10 individuals, who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort.

**Guest Quarters.** One or more rooms designed, occupied or intended as a separate living area for the use of short-term guests or immediate family members with sleeping, sanitary facilities and with, or without, separate cooking facilities. Said use shall be clearly secondary and accessory to the principal use, shall not exceed a maximum size of 700 square feet and may be attached to or detached from the principal structure.

**Group Day Care Home.** A home in which at least seven but not more than twelve clients receive care, maintenance and supervision by other than their relative or guardian for less than 24 hours per day within a dwelling unit.

**Hardship.** A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

**Home Occupation.** Any activity carried out for economic gain by a resident and conducted as a customary, incidental and secondary use to the principal residential use.

**Horticulture.** The growing of crops for human consumption.

**Hospital.** An institution providing human health services primarily for in-patient medical and surgical care of the physically or mentally sick and injured and including related support facilities which may include laboratories, out-patient department, staff offices, food services, and/or a gift shop.

**Hotel.** A facility offering transient lodging accommodations to the general public in which access to individual rooms is provided through an inside lobby and which may offer additional services including, but not limited to, restaurants, meeting rooms, entertainment or recreational facilities.

**Household.** A family living together in a single dwelling unit with common access to and use of all living and eating areas within the dwelling unit.

**Incentive Zoning.** The granting by the approving authority of additional development capacity in exchange for a public benefit or amenity.

**Infrastructure.** Facilities and services needed to sustain development and land use activities including, but not limited to utility lines, streets, fire stations, parks schools and other public facilities.

**Junk.** Any scrap, waste, worn out, discarded material or debris collected or stored for destruction, disposal or some other use.

**Junk Vehicle.** A vehicle which is partially dismantled or wrecked or cannot operate under its own power.

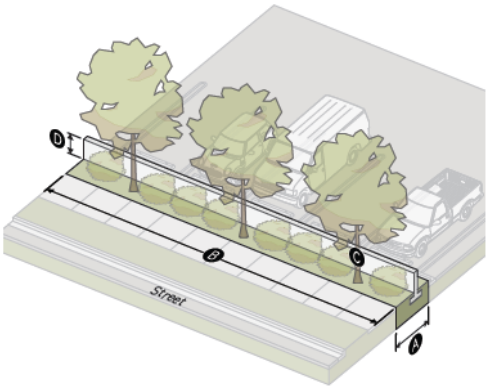
**Junkyard.** Any lot or parcel, building or structure, used in whole or in part for the storage, collection, processing or disposal of junk.

**Kitchen.** A room within a building containing facilities for the storage, cooking, and preparation of food, specifically a sink, refrigerator, stove and an oven.

**Land Area.** The total area of a parcel.

**Landscape Border.** An area along a site's boundary containing landscape materials and/or open space, the purpose of which is to enhance the visual appearance of the site from the streetscape or adjacent property.

**Landscape Buffer/Screen.** An area along a site's boundary which may contain landscaping, berms, screens and/or walls for the purpose of reducing the visual impact of the site from the streetscape or adjacent property. This area may also be located within the landscape border.



**Landscaping.** An expanse of scenery including lawns, trees, plants and other organic or inorganic materials used to soften or mitigate the impacts of development.

**Land Split.** The division of improved or unimproved land into two but not more than three tracts or parcels of land for the purpose of sales, rent or lease.

**Land Use.** The General Plan category for which a building, structure, or area of land may be arranged or occupied, or the activity conducted or proposed in a building, structure, or on an area of land, including the principal use and accessory uses.

**Legal Nonconforming.** A Use, Structure, or Lot that was legally in compliance before the Ordinance's adoption, but which would be prohibited, regulated, or restricted differently under this Ordinance or future amendments to the Ordinance or Zoning Map.

**Lighting, Fully shielded.** Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer.

**Lighting, Partially Shielded.** Any light fixture shielded in such a manner that more than zero but less than 10% of the light emitted from the fixture is projected above the horizontal as determined by a photometric test or certified by the manufacturer.

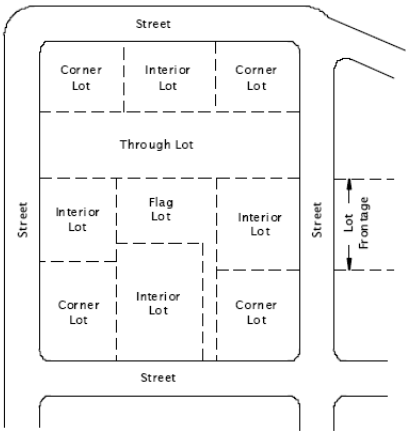
**Livestock.** Meat animal, cattle, sheep, swine, horses, ponies, or goats or any mutations or hybrids thereof.

**Loading Area.** A space used to transfer goods and material between vehicles and a building.

**Lot.** A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, adequate for occupancy by a use herein permitted, meeting the minimum bulk requirements of the Zoning Code and having legal access.

**Lot Area.** The total area within the lot lines of a platted lot.

**Lot Combination.** The removal of lot lines between contiguous parcels.




**Lot, Corner.** A lot abutting upon two, or more, streets at their point of intersection.

**Lot Coverage.** The percentage of a lot or parcel that is covered by buildings or structures, typically measured by the total horizontal area of all principal and accessory structures projected to the ground, divided by the gross lot area. Typically used to regulate site intensity and may exclude specified features such as eaves, unenclosed decks or other minor projections as by ordinance.

**Lot Depth.** The average distance measured from the front to the rear lot line.

**Lot, Flag.** A large lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

**Lot, Irregular.** A lot with nonstandard shape and dimensions.

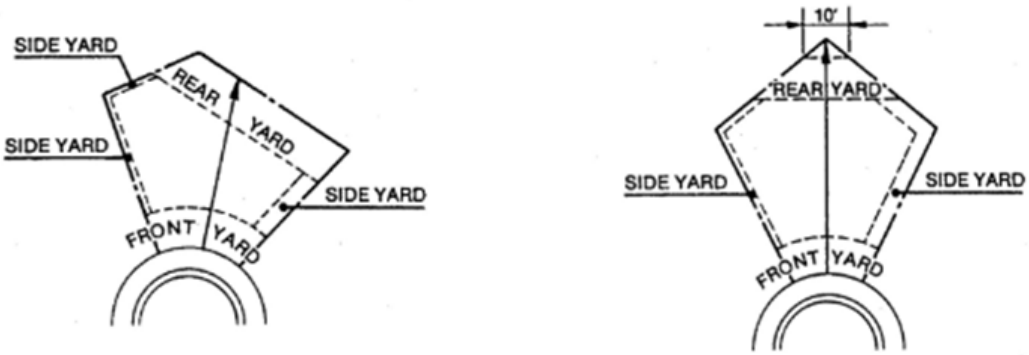
**Lot Line.** A line of record bounding a lot which divided on lot from another or from a public or private street right-of-way.

**Lot Line, Front.** The property line dividing a lot from a public or private street and from which the required front setback is measured. The front lot line of an interior lot shall be the line adjacent to the street frontage. The front line of a corner lot shall be the shorter of the two lines adjacent to the streets. Where lines are equal, the front lines shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both.

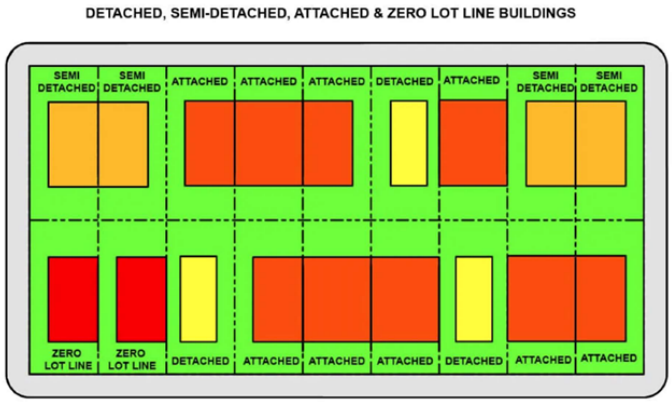
**Lot Line, Rear.** The lot line(s) opposite and most distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the

rear lot line. In the case of an irregular or triangular shaped lot, a lot line 10 feet in length within the lot parallel to and at maximum distance from the front lot line.

**Lot Line, Side.** Any lot line not considered a front or rear lot line.



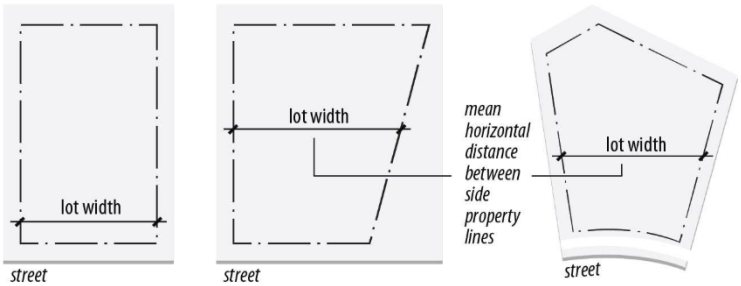

**Lot Line, Zero.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a side lot line.




**Lot, Reverse Corner.** A corner lot in which the rear lot line abuts the side lot line of an adjacent interior lot.

**Lot, Through.** An interior lot having frontage on two streets.

**Lot Width.** The average horizontal distance between the side lot lines measured parallel with the front lot line.



**Mailed Notice.** Either surface mail or e-mail, unless one is explicitly directed.

**Manufactured/Mobile Home.** a residential structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a single-family dwelling unit when connected to on-site utilities, excluding recreational vehicles and factory-built buildings and built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974, as amended, excluding recreational vehicles and factory-built buildings and certified by a regulatory agency of the State of Arizona.

**Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including, but not limited to, oils, plastics, resins, etc.

**Modular Home.** A prefabricated house built in sections or modules in a factory, then transported to the building site and assembled on a permanent foundation, adhering to local, state, and regional building codes.

**Marijuana.**

A. All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.

B. Includes cannabis as defined in A.R.S. § 13-3401.

C. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

**Marijuana Concentrate.**

A. Resin extracted from any part of a plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

B. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

**Marijuana Establishment.** An entity licensed by the Arizona Department of Health Services to operate all of the following:

A. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

B. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

C. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

**Marijuana Products.** Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

**Marijuana Testing Facility.** An entity that is licensed by the Arizona Department of Health Services to analyze the potency of marijuana and test marijuana for harmful contaminants.

**Medical Marijuana.** All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

**Medical Marijuana Caregiver Facility.** A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the State of Arizona

according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

**Medical Marijuana Cultivation.** The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

**Medical Marijuana Dispensary.** A non-profit entity as defined in A.R.S. § 36-2801(11) and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

**Medical Marijuana Dispensary, Nonprofit.** A nonprofit entity as defined in A.R.S. § 36-2801(12).

**Medical Marijuana Processing Facility.** A facility that:

A. Engages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending;

B. Is operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and

C. Is associated with a Medical Marijuana Dispensary.

**Medical Marijuana Qualifying Patient.** A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and is registered with the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

**Mini-Storage.** A facility providing small, enclosed bays of varying sizes for the storage of a customer's goods or wares without the provision of utilities (other than lighting) or the use or operation of the items stored. All units shall be completely

separated from other units and shall have separate and independent outside entrances. These storage units may be within a building with a common hallway or accessed individually from the outside.

**Mixed Use (MU).** A development that included both residential and nonresidential uses as principal uses on the same development site.

**Motel.** An establishment providing sleeping accommodations with a majority of the rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Multifamily.** A building or group of buildings consisting of at least two residential dwelling units attached or detached on one lot. Housing types may include but are not limited to townhouse, multiplex or apartment.

**Mural.** Any picture, scene or diagram painted on any exterior wall or fence not interpreted by the Community Development Director to be advertising. Murals determined to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area.

**Neighborhood.** An area of a community with characteristics which distinguish it from others including distinct ethnic or economic bases, housing types, schools or boundaries defined by distinct physical barriers such as railroads, arterial streets, rivers or major drainage channels.

**Nonconforming, Illegal.** A use, lot, development standard, sign, structure or of similar which was not legally permitted, and which does not conform to the zoning code and is in violation of the code.

**Nonconforming, Legal.** A use, lot, development standard, sign, structure or of similar which was lawful prior to the adoption, revision or amendment of the zoning code which no longer conforms to the zoning code because of said revision or amendment.

**Office Park.** A development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed and maintained on a coordinated basis.

**Off-Site.** Located outside the lot or parcel lines of the principal use.

**Off-Site Improvement.** Improvements required to be made off-site as a result of an application for development including, but not limited to, streets, water, drainage or sewer line improvements.

**Off-Site Parking.** Parking provided on a site other than the one on which the principal use is located.

**Open Space.** An area or portion of land, either landscaped or essentially unimproved and which is used to meet human recreational or spatial needs, or to protect water, air or plant areas.

**Open Space, Common.** Open space areas within a development which are designed or intended for the use and enjoyment of the residents and their guests.

**Open Space, Natural.** Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces

**Open Space, Private.** Open space, the use of which is normally limited to the occupants of a single dwelling unit or building; yard areas for detached single family dwelling units or private patios or courtyards for attached housing units.

**Open Space, Public.** Open space owned and maintained by a public agency for the use and benefit of the public, i.e., a public park, public sidewalk, public walkway or public pedestrian thoroughfare.

**Open Space, Recreational.** Open space with active amenities for engagement such as but not limited to basketball courts, playgrounds, soccer fields, baseball fields, skate parks and tennis courts.

**Open Space, Useable.** Open space that is accessible and functional for active or passive recreational use by occupants of a development. Usable open space is

typically free of buildings, parking areas, driveways and other vehicular use areas, and is of sufficient size, shape, location and physical condition to serve its intended purpose. It may include landscaped areas, plazas, courtyards, recreation areas and similar outdoor spaces designed for human use and enjoyment.

**On-Site Parking.** Parking that occurs within the boundaries of a site, as required by this Code.

**On-Site Retention.** The retention of storm water volume that falls on the site for a given design frequency storm, said site being exclusive of public streets, alleys or other land dedicated for public use.

**On-Street Parking Space.** Parking provided within the street right-of-way for public use that does not impede the flow of traffic.

**Outdoor Sales.** The display and sales of products or services primarily outside a building and is limited to those items generally stored, used or inspected outdoors.

**Outdoor Storage.** The keeping of goods, materials or merchandise for a period of longer than 24 hours in an unenclosed area.

**Overlay Zone.** A zoning district encompassing one or more underlaying zone districts which imposes additional standards on the underlying zone districts.

**Owner.** The legal owner of the residential or commercial property as indicated by the Yavapai County Assessor.

**Parcel.** See Lot.

**Park and Ride Facilities.** Vehicle parking facilities with a connection to a public transportation system.

**Parking Lot.** An off-street, ground level area improved for the temporary storage of motor vehicles.

**Parking, Shared.** Joint use of a parking area by more than one primary use.

**Parking Space.** A space for the parking of a motor vehicle within a public or private parking area.

**Park Model Trailer.** A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not

more than 400 square feet when it is set up, and manufactured to comply with ANSI A119.5 standards, except that it does not include travel trailers, campers, or fifth wheel trailers as defined herein.

**Party (Shared) Driveway.** A single access way providing access to more than one property.

**Performance Standards.** Regulations that establish measurable limits on the external impacts of a use to ensure compatibility with surrounding properties, without specifying how those limits must be achieved.

**Permitted Use.** A use allowed by right in a zoning district subject to the restrictions applicable to that zone district.

**Person.** An individual, partnership, corporation, association, or any other entity of whatever kind or nature.

**Place of Worship.** A building primarily used by a non-profit organization for organized religious services and supporting uses, similar to a church.

**Plat.** A map, chart or plan of a tract or parcel of land which is to be or which has been subdivided.

**Primary or Main Entrance.** An ingress/egress of a building designed to accommodate the predominant amount of foot traffic for the building.

**Principal Use.** The primary or predominant use of any lot or parcel of land.

**Prohibited Use.** A use which is not permitted in a zone district.

**Property.** A lot or parcel of land together with all structures located thereon.

**Public Facility.** A building or area owned or used by a department or branch of the Town.

**Public Hearing.** A meeting announced and advertised in conformance with the requirements set forth in A.R.S. 9-462.04 wherein the public has an opportunity to comment and participate.

**Public Place, Smoking.** Has the same meaning prescribed in the Smoke-Free Arizona Act, A.R.S. § 36-601.01 and further regulated in Chapter 10, Offenses, and Article 12-2, Smoking, of the Town Code.

**Rational Nexus.** The clear, direct and substantial relationship between a particular development and the public improvement needs generated by the development.

**Recreational Vehicle (RV).** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use; which either has its own motive power or is mounted on or drawn by another vehicle, including the following types of vehicles:

A. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping;

B. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle;

C. A park model trailer or tiny house built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers;

D. A travel trailer or tiny house mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than 320 square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in the American National Standards Institute Code; or

E. A portable truck camper constructed to provide temporary living quarters for recreational, travel, or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

**Recreational Vehicle (RV) Park.** Any lot, parcel, or tract of land used, designed, maintained, and intended for the parking of recreational vehicles and temporary occupancy or use of such as living quarters, except that it does not include a mobile or manufactured home park as defined herein.

**Recycling Drop-Off Site.** A site providing containers for the collection of recyclable materials, typically, an accessory use.

**Recycling Facility.** A building or an area where the primary activity is the separation of recyclable materials prior to shipment for processing. This shall not include junkyards or wrecking yards.

**Rental Unit.** Any housing unit, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a condominium unit or cooperative unit on the effective date of the Code.

**Residential Density.** The number of dwelling units per gross acre of land.

**Residential Property.** Any property designated for residential use within the jurisdiction.

**Responsible Party.** Any person, firm, entity or corporation who owns and/or is in possession of any property or site.

**Restaurant.** An establishment where food or beverages are prepared and served and where consumption takes place primarily within the principal structure.

**Restaurant, Fast Food.** An establishment where food and beverages are sold in a form ready for consumption, and where consumption or a significant portion of consumption takes place off the premises, or where ordering and pickup of food typically takes place from within an automobile.

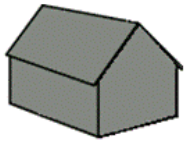
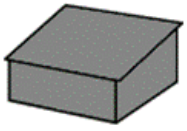
**Retail Sales.** The selling of goods or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.

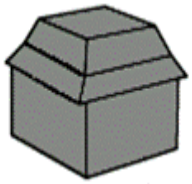
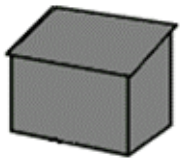
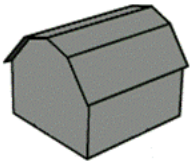
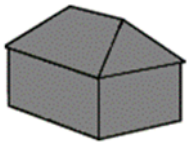
**Retention Basin.** A pond or pool used for the permanent storage of water runoff.

**Right-of-Way.** An area of land dedicated or conveyed to the Town of Clarkdale in fee simple and used primarily for roadway, circulation or utility purposes.

**Roof.** The exterior top covering of a building or structure, including the structural components and materials designed to protect the building from weather.

**Roof Types:**

| | | | |
|---|---|---|---|
| A. Gable Roof |  | B. Shed Roof |  |

| | |
|---|---|
| C. Mansard Roof  | D. Flat Roof  |
| E. Gambrel Roof  | F. Simple Hip Roof  |

**Row House.** A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

**Salvage Yard.** A lot or parcel of land used for the collection, keeping or abandonment of discarded or waste materials.

**Scale of Development.** The relationship of a particular project in terms of size, height, bulk, intensity of use and aesthetics to its surroundings.

**Scenic Easement.** An easement which limits development in order to preserve a view or scenic area.

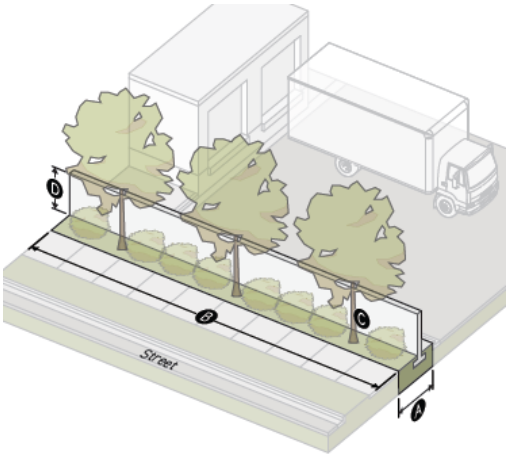
**School.** Any building or part thereof used or constructed for education or instruction in any branch of knowledge including, private, public or vocational schools; School does not include daycare or nurseries.

**School; Public, Charter or Private.** Facilities for educational and/or classroom purposes operated by public, private, or charter educational institutions offering a general course of study at primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs, and boarding that are incidental to the operation of such schools.

**School; Trade or Business.** An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.

**Scraping.** The removal of any vegetation from the existing grade of the land for purposes of land development.

**Screening.** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.




**Seating Place.** In churches or other assembly areas where benches or pews are used in place of seats, each 24 inches of bench or pew shall be counted as one seat.

**Self-Storage.** See Mini-Warehouse.

**Self-Storage, Outdoor.** A commercial storage facility in which items, primarily, boats, RVs and trailers or similar, may be stored under canopies or out in the open for a fee.

**Sensitive Land Area.** Any land area containing (as an example) one, or more, of the following:

A. steep slopes;

B. flood plain;

C. soils having high water tables;

D. highly erodible soils;

E. lands incapable of meeting minimum percolation standards;

F. former landfill or industrial waste areas;

G. stream corridors;

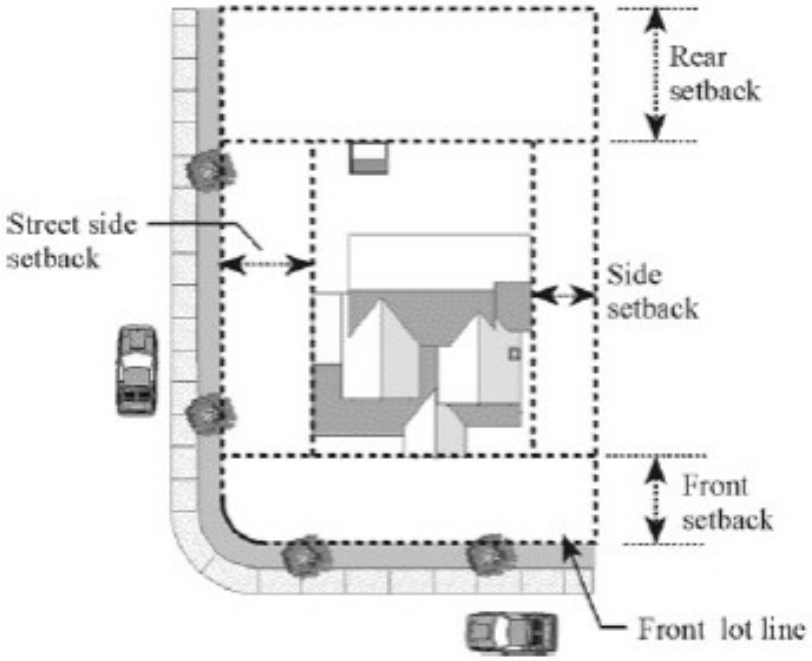
H. aquifer recharge or discharge areas;

I. wetlands;

J. scenic view corridors; and/or

K. architectural areas of significant consequence.

**Setback.** The line which establishes the minimum distance from any lot line to a permitted principal building and defines the area within which the principal structure may be placed or erected.




**Setback, Front.** The minimum distance from the front lot line to the nearest point of the allowable principal building measure perpendicular to the front lot line.

**Setback, Rear.** The minimum distance from the rear lot line(s) to the nearest point of the allowable principal building measured perpendicular to the rear lot line(s).

**Setback, Side.** The minimum distance from the side lot lines to the nearest point of the allowable principal building measured perpendicular to the side lot lines.

**Sight Visibility Triangle.** An area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, places or allowed to grow in a manner which will obstruct vision of motorists entering or leaving the intersection.

**Sign.** Any object, device, display or structure, or part thereof, which is situated outdoors or visible outdoors, and is used to advertise, identify, display, direct, or

attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign, A-frame.** Any portable upright, rigid, self-supporting frame sign in the form of a triangle of the letter A.

**Sign, Animated.** Any sign or part of a sign which changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.

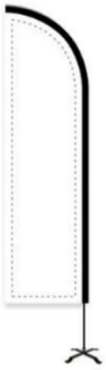
**Sign, Canopy.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service are.

**Sign, Construction.** A temporary sign placed by a licensed contractor to advertise the work done on that property.

**Sign, Directional.** Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”, building address, and etc.; as well as providing directional information relating to points of interest, institutions, facilities, and districts.

**Sign, Face.** The area used for the message.

**Sign, Feather.** A vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.



**Sign, Flashing.** Any directly, or indirectly, illuminated sign which exhibits changing natural or artificial light or color effects by any means.

**Sign, Freestanding.** Any non-movable sign not attached to a building with a solid base.

**Sign, Garage Sale.** A temporary sign advertising a short-term private sale of personal property characterized as being a “Yard Sale”, “Garage Sale”, “Rummage Sale”, or similar event.

**Sign, Ground Mounted.** Any freestanding sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure, except footings.

**Sign, Home Occupation.** A sign listing only the name or occupation of a permitted home occupation.

**Sign, Ideological.** Any sign announcing or supporting the personal views of the property owner or tenant of the lot on which the sign is located.

**Sign, Illegal.** A sign which is in violation of the requirements of this Ordinance, except for those signs qualifying as non-conforming.

**Sign, Illuminated.** A sign lighted by or exposed to artificial lighting either by lights on or inside the sign or directed towards the sign.

**Sign, Off-Site.** Any sign which directs attention to any business, commodity, service, or entertainment/event conducted, sold, or offered at a location other than the premises on which the sign is located.

**Sign, Pole.** A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six feet or more above grade.

**Sign, Political.** A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.

**Sign, Projecting.** A sign attached to a building or structure, and which extends more than 18 inches from said building or structure.

**Sign, Real Estate.** A sign pertaining to the sale or lease of the premises on which the sign is located.

**Sign, Roof.** A sign which is mounted on the roof of a building, or which extends above the top edge of the wall of a flat roofed building, above the eave line of a

building with a hip, gambrel or gable roof or the deck line of a building with a mansard roof.

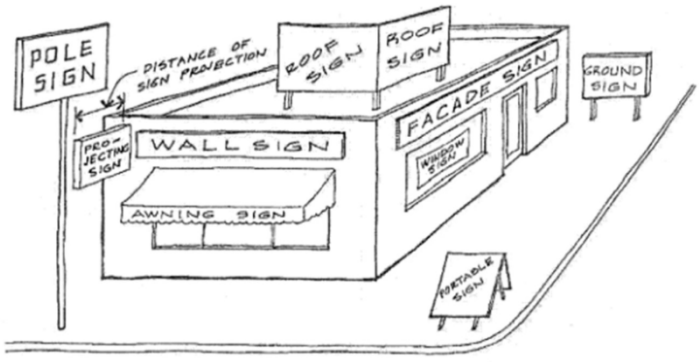
**Sign, Temporary.** Any sign constructed of cloth, canvas, fabric, plywood or other light materials and intended for display for a short period of time and is not permanently mounted.

**Sign, Vehicle.** Signs attached to a vehicle primarily for the purposes of advertising, with such vehicle placed adjacent to a roadway and not used for the typical conduct of the business so advertised. Magnetic signs, and signs painted or wrapped on a vehicle which are used for the daily conduct of business, are not considered as vehicle signs under this provision.

**Sign, Walker.** A living individual who carries, holds, or displays a temporary sign intended to identify a business.

**Sign, Wall.** Any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign and which does not project more than 18 inches from the wall.

**Sign, Window.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes, or glass and is visible from the exterior of the window.




**Site Plan.** A development plan for one or more lots showing existing and proposed conditions of the lot including, but not limited to: topography, vegetation, drainage, landscaping and open space, access and circulation, parking, utility services, buildings and signs, lighting and other information pertinent to the review of the proposal.

**Smoke.** Small airborne particles, gases, and vapors produced by the incomplete combustion of materials that become visible in the air as a gray, black, or colored plume.

**Steep Slope.** Land areas where the slope exceeds 20%.

**Storefront Location.** A permanent building on an established foundation adhering to Town Building Codes shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

**Story.** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it then the space between such floor and the ceiling next above it.

**Story, Half.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing living quarters shall be counted as a full story.

**Street, Arterial.** A street with signalized or controlled intersections which channels traffic to and from collector streets and whose primary function is to provide for crosstown or regional traffic movements.

**Street, Collector.** A street with controlled intersections whose main function is to carry traffic between arterial and local streets, which may also provide primary access to abutting properties.

**Street, Local.** A street with, or without, controlled intersections whose main function is to provide primary access to abutting properties.

**Street, Private.** An easement providing the principal means of access to a lot or parcel owned and maintained by an individual or group of individuals, exempt from management, maintenance and liability on the part of the Town.

**Street, Public.** An existing state, county or municipal roadway; or a street or way shown on a plat heretofore approved pursuant to law or approved by official action; or a street on a plat filed and recorded in the County Recorder’s Office which affords the principal means of access to a lot or parcel.

**Streetscape.** The appearance or view of an entire street or street network in general, including sidewalks, utilities, landscaping, street furniture, and the structures that make up the street wall.

**Structural Alterations.** Any change in the supporting member of a building such as bare walls, columns, beams, floor joists, roof joists, girders, rafters or changes in roof or exterior building lines.

**Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to; buildings, shade structures, fences, signs, kiosks or similar uses.

**Subdivision.** Improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into four or more lots, parcels, or fractional interest. A Subdivision does not include the following:

A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

B. The partitioning of land in accordance with other statutes regulation the portioning of land held in common ownership.

C. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

D. The division or proposed division of land located in this state into lots or parcels each of which is or will be 36 acres or more in area including to the centerline of dedicated roads or easements, if any, contiguous to the lot or parcel.

**Subdivision Abandonment.** The process by which subdivided lands may be returned to large blocks or areas of non-divided lands.

**Temporary Structure.** A building or other structure intended to be placed on a property for a pre-defined, limited duration.

**Temporary Use.** A land use intended for a pre-defined, limited duration.

**Temporary Use Permit.** A permit to allow for a temporary use or structure on a property.

**Tiny House.** A dwelling unit that is 400 square feet or less in floor area excluding any loft area, that has been constructed on site or on skids, and not on wheels.

**Tiny House on Wheels.** A tiny house that has been built on a chassis, trailer, or wheels and not licensed as a trailer, travel trailer, camper/tent trailer, RV, or similar.

**Tiny House Recreational Vehicle.** A tiny house that has been built on a chassis, trailer, or wheels and is licensed as a trailer, travel trailer, camper/tent trailer, RV, or similar.

**Transitional Use.** A permitted land use or structure of an intermediate level of intensity or scale placed between a higher and lower intensity use.

**Transfer of Development Rights (TDR).** The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one lot or parcel to another, or from a portion of a lot to another part of the same lot.

**Use.** The purpose for which land or a structure is arranged or intended, or for which either land or a building is occupied or maintained.

**Use, Accessory.** a use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site, which accessory use does not alter the principal use of such lot or building.

**Use, Principal.** The main or primary purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

**Utility, Private.** A utility system, facility or service that is owned, operated and maintained by a private individual, business, cooperative or nonpublic entity, rather than by a governmental agency or public utility provider. Private utilities may include water systems, wastewater systems, electrical distribution, gas service, telecommunications or similar infrastructure intended primarily to serve a specific development, property or limited service area.

**Utility, Public.** A system, facility or service used to provide electricity, natural gas, water, wastewater disposal, stormwater management, telecommunications or similar services to the public, and which is owned, operated or regulated by a governmental agency or a franchised or certificated public utility provider. Public utilities include associated infrastructure such as transmission lines, substations, pipelines, treatment plants, lift stations and similar service facilities necessary to deliver utility services communitywide.

**Variance.** Permission to deviate from the standards of the Zoning Ordinance.

**Variance, Bulk.** Departure from any zoning standard except use.

**Variance, Use.** A variance granted to allow a use not permitted by the Zoning Ordinance. Use variances are prohibited by State Statute.

**Wall.** The vertical exterior surface of a building or structure.

**Wall, Retaining.** A wall which supports or retains earth higher on one side than the other side. A retaining portion of a wall does not count towards maximum wall height.

**Warehouse.** An establishment offering indoor or open-air storage, distribution, handling of materials and equipment, such as stone yards, grain elevators, or open storage yards.

**Wholesale.** Establishments engaged primarily in selling merchandise to retailers or other industrial, commercial, institutional or professional businesses.

**Wireless Communication Tower.** Any structure built or attached to a building for the sole or primary purpose of supporting antennas used to provide services licensed by the Federal Communications Commission or for other transmission of information through the air. “Wireless Communication Tower” also includes the supporting facilities, buildings, or enclosures associated with the structure, including power supplies, electronic equipment housed in cabinets and antennas.

**Yard.** An open area that lies between the principal building(s) and the lot lines. The minimum required yard area as set forth in the Zoning Ordinance shall remain unoccupied and unobstructed from the ground up except as may be specifically provided for in this Code.

**Yard, Front.** The portion of a lot extending across the full width of the lot between the front lot line and the minimum required front setback line established by the zoning district.

**Yard, Rear.** An open area extending the full width of the lot or parcel between the rear lot line and any building, measured perpendicular to the lot line and the closest point of the building.

**Yard, Side.** An open area extending from the front yard to the rear yard between the principal building and the nearest side lot line measured perpendicularly from the side lot line to the nearest point of the principal building.

**Zone.** A specifically delineated area or district within which uniform development standards govern the use, placement, spacing and size of land and buildings.

# EXHIBIT C

# CHAPTER 3

## ZONING DISTRICTS

**SECTIONS:**

~~3-010~~ 3-010 Single-Family Residential (R1)

3-02020 Single-Family Residential Alternate (R1A)
3-0330 Single-Family Residential Limited (R1L)
3-0440 Single-Family and Limited Multiple Family Residential (R2)
3-0550 Multiple Family Residential (R3)
3-0660 Manufactured Home Residential (R4)
3-0770 Manufactured Home Residential Alternate (R4A)
3-0880 Suburban Residential (RS3)
3-09090 Central Business ~~District~~ (CB)
3-10100 Commercial (C)
~~3-110 Neighborhood Commercial District (NC)~~
~~3-120 Highway Commercial District (HC)~~
~~3-130 Repealed by Ordinance #430.~~
3-1140 Industrial ~~District~~ (I)
3-1250 Open Space ~~District~~ (OS)
3-1360 Arts and~~&~~ Entertainment Overlay (AE) ~~District~~
~~3-160-010 Purpose~~
~~3-160-020 District Boundaries~~
~~3-160-030 Design Guidelines~~
~~3-160-040 Exemptions~~

## SECTION 3-010 SINGLE-FAMILY RESIDENTIAL (R1) ~~3-170 Historic Preservation District (HPD)~~

~~**3-170-010 Purpose**~~
~~**3-170-020 Historic Preservation Overlay District Designation**~~
~~**3-170-030 Development Standards**~~
~~**3-170-040 Application Process**~~

~~**3-170-050 Certificate of Appropriateness**~~

~~**3-170-060 Demolition and Moving of Buildings and Structures**~~

~~**Section 3-010Single-Family Residential (R1)**~~

~~**Purpose And Intent**~~

A. **Purpose and Intent.** This district is intended to provide for low-density residential neighborhoods consisting primarily of site-built, detached single-family homes on standard-sized lots. The district is designed to preserve established neighborhood character and promote compatibility between residential uses and supporting public facilities such as parks, schools, and utilities. Limited accessory and home-based activities are permitted in a manner that maintains the residential character of the area.

~~This district is intended to provide for low-density residential neighborhoods consisting primarily of site-built, detached single-family homes on standard-sized lots. The district is designed to preserve established neighborhood character and promote compatibility between residential uses and supporting public facilities such as parks, schools, and utilities. Limited accessory and home-based activities are permitted in a manner that maintains the residential character of the area.~~

~~A.~~B. **Permitted UUses.**

~~1. A. Principal Use Permitted: (Not requiring a use permit).~~

~~2.~~1. ~~1.~~ One sSingle-family dwellings, excluding mobile or manufactured homes.

~~3.~~2. ~~2.~~ Publicly owned or operated park, playground or community building.

~~4.~~3. ~~3.~~ Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.

~~5.~~4. ~~4.~~ Family Day Care Homes located on a public street.

~~6.~~5. ~~5.~~ Bed and Breakfast establishments in conformance with Section 4-115~~5~~0.

~~7.~~6. Keeping of fowl, subject to the standards in ~~Chapter 4~~Article 6-3 of Town Code.

7. Public and private schools.

Public safety facilities.

8.

9. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2,

Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-180, Recreational and Medical Marijuana, herein.

~~B. 6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-230, Recreational and Medical Marijuana, herein. (Created by Ordinance #409 on 11-10-20; Effective 12-10-20)~~

~~C.~~ **Accessory UUses PPermitted.:**

Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080~~110~~.

C.

D. **Conditional UU~~U~~ses.**

1. Home Occupations which do not adhere to the provisions of Section 4-~~110~~080.
2. Group Day Care Homes located on a public street.
3. Churches, Synagogues, or other places of worship ~~on lots of at least 10,000 square feet~~.
4. Medical Marijuana Caregiver Facility.

~~a.~~5. ~~a.~~ Applicant is required to obtain a Home Occupation License.

6. Unoccupied public utility buildings, structures, or appurtenances for public service use. Development standards may be modified through Conditional Use Permit approval. Extension of public services lines in public or private right-of-way is exempt from this requirement.
7. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

~~5.~~

~~6. **Hospitals?**~~

~~7.~~ **~~Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.~~**

E. **Development SStandards.**

1. ~~D.~~ Maximum Building Height~~Building Height Limitation~~: 2 ½ stories, not to exceed 35 feet~~.~~

2. ~~E.~~ Maximum Lot Coverage Ratio: 30%~~0.3 change to percentage (30%)~~

3. ~~F.~~ Minimum Lot Size: 10,000 square feet ~~per single-family dwelling unit. This leads one to believe that more than one single family home can be placed on a property that is 20,000 square feet.~~

4. ~~G.~~ Minimum Lot Frontage: 60 feet~~.~~

5. ~~H.~~ Minimum Average Lot Width: 80 feet~~.~~

6. ~~I.~~ Minimum Yard Area Standards:

a. Front - 20 feet

b. Interior Side - 10 feet

~~b.~~c. Exterior Side (street side) ~~- setback~~ 15 feet

~~c.~~d. Rear - 20 feet

~~6.~~7. ~~J.~~ All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

a. Chapter 4 – General Provisions

b. Chapter 5 – Conditional Use Permit

c. Chapter 7 – Signages

d. Chapter 8 – Outdoor Lighting Code

~~Signs: Sign standards for this district are stated in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-1)~~

**SECTION 3-020 SINGLE-FAMILY RESIDENTIAL ALTERNATE (R1A)**

A. **Purpose and Intent.** This district is intended to accommodate moderately sized residential lots that support site-built, detached single-family homes in a compact neighborhood setting. This district provides opportunities for attainable housing while maintaining compatibility with surrounding residential areas.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.
3. Installation for sewer, water, gas electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Home.
5. Bed and Breakfast establishments in conformance with Section 4-110.
6. Keeping of fowl subject to standards in Article 6-3 of Town Code.
7. Public and private schools.
8. Public safety facilities.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes.
3. Churches, Synagogues, or other places of worship.
4. Medical Marijuana Caregiver Facility.

a. Applicant is required to obtain a Home Occupation License.

5. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. Maximum Building Height: 2 ½ stories, not to exceed 35 feet
2. Maximum Lot Coverage Ratio: 40%

3. Minimum Lot Size: 5,000 square feet
4. Minimum Lot Frontage: 50 feet
5. Minimum Average Lot Width: 50 feet
6. Minimum Yard Area Standards:
a. Front - 15 feet
b. Interior Side - 5 feet
c. Exterior Side (street side) - 10 feet
d. Rear - 15 feet
7. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:
a. Chapter 4 – General Provisions
b. Chapter 5 – Conditional Use Permit
c. Chapter 7 – Signage
d. Chapter 8 – Outdoor Lighting Code

~~Purpose And Intent~~

~~This district is intended to accommodate moderately sized residential lots that support site-built, detached single-family homes in a compact neighborhood setting. This district provides opportunities for attainable housing while maintaining compatibility with surrounding residential areas.~~
~~Permitted Uses~~
~~A. Principal Use Permitted: (Not requiring a use permit). Make all permitted uses same as R1.~~
~~1. One Single-family dwellings, excluding mobile or manufactured homes.~~
~~2. Publicly owned or operated park, playground or community building.~~
~~3. Installation for sewer, water, gas electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.~~
~~4. Family Day Care Home.~~
~~5. Bed and Breakfast establishments in conformance with Section 4-150.~~
~~Keeping of fowl subject to standards in chapter 4~~
~~Public and private schools~~
~~B. Accessory Uses Permitted: (Not requiring a use permit).~~

~~1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.~~

~~CONDITIONAL USES~~

~~C. Conditional Uses Permitted: (Requires a use permit).~~

~~1. Home Occupations which do not adhere to the provisions of Section 4-110.~~

~~2. Group Day Care Homes~~

~~3. Churches, Synagogues, or other places of worship on lots of at least 10,000 square feet~~

~~4. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)~~

~~a. Applicant is required to obtain a Home Occupation License.~~

~~Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.~~

~~DEVELOPMENT STANDARDS~~

~~D. Building Height Limitation: 2 stories, not to exceed 35 feet. Should this be 2 ½ stories to match all other zones?~~

~~E. Maximum Lot Coverage Ratio: 0.4 Percentage~~

~~F. Minimum Lot Size: 5,000 square feet per single-family dwelling unit.~~

~~G. Minimum Lot Frontage: 50 feet.~~

~~H. Minimum Average Lot Width: 50 feet.~~

~~I. Minimum Yard Area Standards: Front - 15 feet~~

~~Side - 5 feet street side setback 10 feet~~

~~Rear - 15 feet~~

~~J. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~Chapter 4 – General Provisions~~

~~Chapter 5 – Conditional Use Permit~~

~~Chapter 7 – Signs~~

~~Chapter 8 – Outdoor Lighting Code~~

~~Signs: Signs standards for this district are stated in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; prior code § 3-2)~~

~~**Section 3-030Single-Family Residential Limited (R1L)**~~

**SECTION 3-030 SINGLE-FAMILY RESIDENTIAL LIMITED (R1L)**

A. **Purpose and Intent.** This district is intended to provide for low-density residential development on larger lots in areas where rural character, open space, and reduced development intensity are desired. The district accommodates single-family homes and limited community-serving uses while maintaining greater lot area, setbacks, and open space to preserve neighborhood character.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.
3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Homes located on a public street.
5. Bed and Breakfast establishments in conformance with Section 4-110.
6. Keeping of fowl subject to standards in Article 6-3 of Town Code.
7. Public and private schools.
8. Public Safety or unoccupied Utilities facilities.
9. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Code Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes located on a public street.
3. Churches, Synagogues, or other places of worship.
4. Golf Courses, Country Clubs including social and dining activities.
5. Medical Marijuana Caregiver Facility.

a. Applicant is required to obtain a Home Occupation License.

6. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. Maximum Building Height: 2 ½ stories, not to exceed 35 feet
2. Maximum Lot Coverage Ratio: 20%
3. Minimum Lot Size: One acre
4. Minimum Lot Frontage: 100 feet
5. Minimum Average Lot Width: 140 feet
6. Minimum Yard Area Standards:

a. Front - 30 feet
b. Interior Side - 10 feet
c. Exterior Side (street side) - 15 feet
d. Rear - 30 feet

F. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signage
4. Chapter 8 – Outdoor Lighting Code

~~**Purpose And Intent**~~

~~This district is intended to provide for low-density residential development on larger lots in areas where rural character, open space, and reduced development intensity are desired. The district accommodates single-family homes and limited community-serving uses while maintaining greater lot area, setbacks, and open space to preserve neighborhood character.~~

~~A. Permitted Uses~~

1. A. Principal Use Permitted: (Not requiring a use permit). Same as R-1
2. 1. One Single-family dwellings, excluding mobile or manufactured homes.
3. 2. Publicly owned or operated park, playground or community building.
4. 3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
5. 4. Family Day Care Homes located on a public street.
6. 5. Bed and Breakfast establishments in conformance with Section 4-150.
7. Keeping of fowl subject to standards in chapter 4
8. Public and private schools

6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-230, Recreational and Medical Marijuana, herein. (Created by Ordinance #409 on 11-10-20; Effective 12-10-20)

B. B. Accessory Uses Permitted: (Not requiring a use permit).

**1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.**

C. **Conditional Uses**

1. C. Conditional Uses Permitted: (Required a use permit). Same as R-1
2. 1. Home Occupations which do not adhere to the provisions of Section 4-110.
3. 2. Group Day Care Homes located on a public street.
4. 3. Churches, Synagogues, or other places of worship on lots of at least 43,560 square feet (1 acre) and located on a public street.
5. 4. Golf Courses, Country Clubs including social and dining activities.
6. 5. Cemeteries.
7. 6. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)
   a. a. Applicant is required to obtain a Home Occupation License.
8. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

~~D. **Development Standards**~~

~~1. D. Building Height Limitation: 2 ½ stories, not to exceed 35 feet.~~

~~2. E. Maximum Lot Coverage Ratio: 0.2 Percentage~~

~~3. F. Minimum Lot Size: 43,560 square feet (1 acre) per single-family dwelling unit.~~

~~4. G. Minimum Lot Frontage: 100 feet.~~

~~5. H. Minimum Average Lot Width: 140 feet.~~

~~a. I. Minimum Yard Area Standards: Front - 30 feet~~

~~b. Side - 10 feet street side setback 15 feet~~

~~c. Rear - 30 feet~~

~~6. J. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~a. Chapter 4 – General Provisions~~

~~b. Chapter 5 – Conditional Use Permit~~

~~c. Chapter 7 – Signs~~

~~d. Chapter 8 – Outdoor Lighting Code~~

~~Signs: Sign standards for this district are stated in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-3)~~

## SECTION 3-040 SINGLE-FAMILY AND LIMITED MULTIPLE FAMILY RESIDENTIAL (R2)

A. **Purpose and Intent.** This district is intended to provide for a mix of single-family and small-scale multi-family housing, including duplexes, triplexes, and fourplexes. The district supports moderate residential density while maintaining compatibility with surrounding neighborhoods. Development is intended to provide housing diversity, promote efficient land-use, and ensure appropriate transitions between lower and higher density areas.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Two, three, and four family dwelling units, excluding mobile homes.
3. Publicly owned or operated park, playground or community building.

4. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
5. Family Day Care Homes and Group Day Care Homes.
6. Bed and Breakfast establishments in conformance with Section 4-110.
7. Keeping of fowl subject to standards in Article 6-3 of Town Code.
8. Public and private schools.
9. Public Safety or unoccupied Utilities facilities.

Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Apartment buildings exceeding four units per building.
3. Churches, synagogues or other places of worship.
4. Hospitals.
5. Day Care Centers.
6. Medical Marijuana Caregiver Facility.

a. Applicant is required to obtain a Home Occupation License.

7. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. Maximum Building Height: 2 ½ stories, not to exceed 35 feet
2. Maximum Lot Coverage Ratio: 40%
3. Minimum Lot Size:

a. 8,000 square feet per single-family dwelling unit

b. 4,000 square feet per dwelling unit for structures exceeding detached single-family homes

4. Minimum Lot Frontage: 30 feet

5. Minimum Average Lot Width: 60 feet

6. Minimum Yard Area Standards:

a. Front - 20 feet

b. Interior Side - 10 feet

c. Exterior Side (street side) - 15 feet

d. Rear - 20 feet

7. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

a. Chapter 4 – General Provisions

b. Chapter 5 – Conditional Use Permit

c. Chapter 7 – Signs

d. Chapter 8 – Outdoor Lighting Code

e. Chapter 9 – Landscape Design Standards

f. Chapter 11 – Design Review

## SECTION 3-050 MULTIPLE FAMILY RESIDENTIAL (R3)

A. **Purpose and Intent.** This district is intended to accommodate higher-density residential development, including apartments and other multi-family housing types. The district provides opportunities for a range of housing choices and supports proximity to commercial areas.

B. **Permitted Uses.**

1. Any use permitted by right in the R2 zone district.

2. Multiple family dwelling structures.

3. Churches, synagogues or other places of worship.

4. Convalescent homes and retirement centers.

5. Bed and breakfast establishments, boarding and rooming houses.

6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking,

and Article 8-8, Recreational Marijuana, and Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080. For non-residential uses one illuminated, non-flashing identification on-premises sign not exceeding 64 square feet and indicating only the name or address of the use thereof in conformance with Chapter 7.

D. **Conditional Uses.**

1. Home occupations which do not adhere to the provisions of Section 4-080.
2. Day Care Centers.
3. Cemeteries.
4. Hospitals.
5. Private clubs, fraternities, sororities and lodges, excepting those whose chief activity is a service customarily carried on as a business.
6. Medical Marijuana Caregiver Facility.

a. Applicant is required to obtain a Home Occupation License.

7. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. Maximum Building Height: three stories, not to exceed 45 feet
2. Maximum Lot Coverage Ratio: 40%
3. Minimum Lot Size:

a. 8,000 square feet for single-family use
b. 4,000 square feet per unit for two, three, or four family structures
c. 3,000 square feet per unit for apartment structures, with a minimum of 18,000 square feet
d. 20,000 square feet for non-residential uses

4. Minimum Lot Frontage: 30 feet

5. Minimum Average Lot Width: 60 feet
6. Minimum Yard Area Standards:
a. Front - 20 feet
b. Interior Side - 10 feet
c. Exterior Side (street side) - 15 feet
d. Rear – 20 feet
e. All non-residential uses shall maintain a setback of 25 feet for all sides.
7. Open space requirement: 20%
8. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:
a. Chapter 4 – General Provisions
b. Chapter 5 – Conditional Use Permit
c. Chapter 7 – Signs
d. Chapter 8 – Outdoor Lighting Code
e. Chapter 9 – Landscape Design Standards
f. Chapter 11 – Design Review

~~**Section 3-040Single-Family and Limited Multiple Family Residential (R2)**~~

~~A.~~ **~~Purpose And Intent~~**

~~This district is intended to provide for a mix of single-family and small-scale multi-family housing, including duplexes, triplexes, and fourplexes. The district supports moderate residential density while maintaining compatibility with surrounding neighborhoods. Development is intended to provide housing diversity, promote efficient land-use, and ensure appropriate transitions between lower and higher density areas.~~

~~B.~~ **~~Permitted Uses~~**

~~1. A. Principal Uses Permitted: (Not requiring a use permit).~~
~~2. 1. One Single-family dwellings, excluding mobile or manufactured homes.~~
~~3. 2. Two (2), three (3) and four (4) family dwelling units, excluding mobile homes.~~
~~4. 3. Publicly owned or operated park, playground or community building.~~

~~5. 4. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.~~

~~6. 5. Family Day Care Homes and Group Day Care Homes.~~

~~7. 6. Bed and Breakfast establishments in conformance with Section 4-150.~~

~~8. Keeping of fowl subject to standards in chapter 4~~

~~9. Public and private schools~~

~~10. Churches and similar places of worship~~

~~11. 7. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-230, Recreational and Medical Marijuana, herein. (Created by Ordinance #409 on 11-10-20; Effective 12-10-20)~~

~~C. **B. Accessory Uses Permitted: (Not requiring a use permit).**~~

~~1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.~~

~~D. **Conditional Uses**~~

~~1. C. Conditional Uses Permitted: (Requires a use permit).~~

~~2. 1. Home Occupations which do not adhere to the provisions of Section 4-110.~~

~~3. 2. Apartment buildings exceeding four (4) five (5) units per building.~~

~~4. 3. Churches, synagogues or other places of worship on lots of at least 10,000 square feet. Why a size limit? This may not be legal. Recommend deleting and allowing churches as permitted use. They still have to meet all setback requirements and other development standards.~~

~~5. 4. Hospitals, public schools or private schools located on collector or arterial streets.~~

~~6. 5. Day Care Centers.~~

~~7. 6. Cemeteries.~~

~~8. 7. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)~~

~~a. a. Applicant is required to obtain a Home Occupation License.~~

9. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. **development standards**

1. D. Building Height Limitations: 2 ½ stories, not to exceed 35 feet.
2. E. Maximum Lot Coverage Ratio: 0.4 Percentage
3. F. Minimum Lot Size:

a. 1. 8,000 square feet per single-family dwelling unit. Do we want to allow more than one single family home in multi-family zones? It's not that different than two or three duplexes that would otherwise be allowed.

b. 2. 4,000 square feet per dwelling unit for structures exceeding detached single-family homes.

4. G. Minimum Lot Frontage: 30 feet for all
5. 1. 60 feet for a single-family dwelling unit.
6. 2. 90 feet for two (2), three (3) or four (4) unit structures.
7. 3. 120 feet for apartment complexes.
8. H. Minimum Average Lot Width: 60 feet.
9. I. Minimum Yard Area Standards:

a. Front- 20 feet

b. Rear- 20 feet 10 feet

c. Side- 8 feet for single-family dwelling unit and single story multi-unit structures, 10 feet for multi-unit structures exceeding one story.

10. J. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signs
4. Chapter 8 – Outdoor Lighting Code
5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

Signs: Sign standards for this district are stated in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-4)

## Section 3-050Multiple Family Residential (R3)

### Purpose And Intent

This district is intended to accommodate higher-density residential development, including apartments and other multi-family housing types. The district provides opportunities for a range of housing choices and supports proximity to commercial areas.

### Permitted Uses

A. Principal Uses Permitted: (Not requiring a use permit).

1. Any use permitted by right in the R2 zone district.
2. Multiple family dwelling structures.
3. Churches, hospitals, schools and cemeteries.
4. Convalescent homes and retirement centers.
5. Bed and breakfast establishments, boarding and rooming houses.

1. 6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-230, Recreational and Medical Marijuana, herein. (Created by Ordinance #409 on 11-10-20; Effective 12-10-20)

**B. Accessory Uses Permitted: (Not requiring a use permit).**

1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110. For non-residential uses one illuminated, non-flashing identification on-premises sign not exceeding sixty-four (64) square feet and indicating only the name or address of the use thereof in conformance with Chapter 7.

### Conditional Uses

C. Conditional Uses Permitted: (Requires a use permit).

1. Home occupations which do not adhere to the provisions of Section 4-110.
2. Day Care Centers.
3. Golf Courses and Country Clubs including social and dining activities.

Cemeteries

Hospitals

4. Private clubs, fraternities, sororities and lodges, excepting those whose chief activity is a service customarily carried on as a business.
5. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)
a. Applicant is required to obtain a Home Occupation License.
1. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

**Development Standards**

D. Maximum Building Height: 3 stories, not to exceed 45 feet.
E. Minimum Lot Size:
1. 8,000 square feet for single-family use.
2. 4,000 square feet per unit for two (2), three (3) or four (4) family structures.
3. 3,000 square feet per unit for apartment structures, with a minimum of 18,000 square feet.
4. 20,000 square feet for non-residential uses.
Add an open space requirement, 20%
For all multi-family uses, no less than 20% of the total lot area shall be provided as "Usable Open Space" as defined in this ordinance. The Community Development Director may reduce the required open space with Design Review approval.
F. Maximum Lot Coverage Ratio: 0.4 Percent
G. Minimum Lot Frontage: Match R2
1. 60 feet for a single-family dwelling unit.
2. 90 feet for two (2), three (3) or four (4) unit structures.
3. 120 feet for apartment complexes and non-residential uses.
H. Minimum Average Lot Width: 60 feet.
I. Minimum Yard Area Standards: Match R2
Front- 20 feet for residential uses, 25 feet for non-residential uses
Rear- 20 feet for residential uses, 25 feet for non-residential uses
Side- 8 feet for single-family dwelling unit and single story multi-unit structures, 10 feet for multi-unit structures exceeding one story, 25 feet for non-residential uses
J. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

~~1. Chapter 4 – General Provisions~~
~~2. Chapter 5 – Conditional Use Permit~~
~~3. Chapter 7 – Signs~~
~~4. Chapter 8 – Outdoor Lighting Code~~
~~5. Chapter 9 – Landscape Design Standards~~
~~6. Chapter 11 – Design Review~~
~~Signs: Sign standards for this district are stated in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-5)~~

**SECTION 3-060 MANUFACTURED HOME RESIDENTIAL (R4)**

**Purpose a~~A~~nd I~~i~~ntent:**

A. This district is intended to provide for manufactured home subdivisions, manufactured home parks, and recreational vehicle parks in an organized setting. The district ensures manufactured housing is developed in a manner consistent with public health and safety standards, adequate infrastructure, and compatibility with surrounding land uses.

B. **Permitted U~~u~~ses:**

~~A. Principal Uses Permitted (Not requiring a use permit).~~
~~1.~~ 1. Manufactured Home ~~Rental~~ Parks.
1.
~~2.~~ 2. Manufactured Home Subdivisions.
2.
3. ~~3.~~ Recreational Vehicle Parks.
~~3. Public Safety or unoccupied Utilities facilities.~~
4.
5. ~~4.~~ Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Ordinance ~~Chapter~~ Section 4-~~230~~180, Recreational and Medical Marijuana~~, herein~~. ~~(Created by Ordinance #409 on 11-10-20; Effective 12-10-20)~~
6.

~~B.~~ Accessory uUses pPermitted:~~: (Not requiring a use permit).~~

~~1.~~ Accessory uses or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-0811~~1~~0.

C.

D. Conditional uUse pPermit:

~~C. Conditional Uses Permitted: (Requiring a use permit).~~

1. ~~1.~~ Home occupations which do not adhere to the provisions in Section 4-0811~~1~~0.

2. ~~2.~~ All uses other than principal uses require a C~~c~~onditional U~~u~~se P~~p~~ermit.

3. ~~3.~~ Medical Marijuana Caregiver Facility. ~~(Created Ordinance #331 - Effective 04/08/11)~~

a. ~~a.~~ Applicant is required to obtain a Home Occupation License.

~~1.~~ Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, ~~,~~and general welfare.

4.

E. Development Standards f~~F~~or Manufactured Home Subdivisions:

1. Site Area Required:

a. Five acres

b. 5,000 square feet of gross site area per Manufactured Home space

2. Separation Requirements:

a. A Manufactured Home or any part thereof shall not be closer than 15 feet to any building or structure or occupy or encroach upon any portion of any required yard or driveway.

b. A Manufactured Home or any part thereof shall not be closer than 25 feet to any other Manufactured Home or part thereof if face to face, and if end to end, 12 feet, except a temporary cabana having no side walls of any type may be erected and attached to a Manufactured Home, provided such temporary cabana shall not be closer than five feet to any other Manufactured Home or occupy or encroach upon any portions of any required yard or driveway.

~~D.~~ Maximum Building Height:

3. ~~1.~~ One story front elevation~~, but~~ not to exceed ~~18 feet.~~ 25 feet

4. Maximum Lot Coverage Ratio: 40%

~~E.~~ Minimum Lot Size:

~~1. Manufactured Home Rental Park 5,000 square feet~~

5. 8,000 square feet ~~2. Manufactured Home Subdivision 8,000 square feet~~

~~F. Maximum Floor Area Ratio: .4 Percent~~

6. ~~G.~~ Minimum Lot Frontage: 30 feet~~.~~

7. ~~H.~~ Minimum Average Lot Width: 50 feet~~.~~

~~I. Minimum Yards Required For Manufactured Home Rental Parks:~~

~~Front- 15 feet~~

~~Side- 10 feet~~

~~Rear- 10 feet~~

~~With the exception on one side of the lot to the property line where an open sided covered metal carport with rain gutters will be allowed within the sideyard setback as long as 10 (ten) feet of separation is maintained to the nearest structure.~~

~~For Manufactured Home Subdivision:~~

~~Front- 20 feet~~

~~Side- 10 feet street side setback 15 feet~~

~~Rear- 15 feet~~

~~J. Signs: Sign requirements for this zone are outlined in Section 7.~~

8. ~~K.~~ Use of Manufactured Homes in Manufactured Home Subdivisions and Lots:

a. ~~1.~~ When authorized as provided elsewhere herein, such Manufactured Homes and use shall comply with the following requirements: Manufactured Homes shall be modern, minimum manufactured size ~~twelve (12)~~12 feet minimum width, 50 ~~fifty (50)~~ feet minimum length, used as a dwelling for not more than one ~~(1)~~ family unit, and shall be located on the site in accordance with the requirements for a permanent building; they shall be blocked up off the ground in a safe manner so that utility connections will not be rendered unsafe by settlements; and they shall be connected to Town sewer and water systems or as required by Town ordinance, accessory buildings and permanent add-ons shall be permitted as provided elsewhere, in the District in which located.

b. ~~2.~~ All Manufactured Homes located in the Town for a duration of 30 ~~thirty (30)~~ days or more shall be skirted within said 30 ~~thirty (30)~~ day period with material

similar in appearance to the material used for siding on the Manufactured Home. The skirting shall completely enclose the space under the Manufactured Home.

c. ~~3.~~ Manufactured Homes shall, within 30 ~~thirty (30)~~ days after installation, be provided with anchors and tie-downs adequate to secure stability and prevent shifting. Owners of Manufactured Homes shall, within 30~~thirty~~ days after installation, secure an inspection of tie-downs and anchors from the Town's Building Official.

~~a. 4.~~ Floor Area, for the purpose of this article, shall include permanently constructed enclosed cabanas which are attached to the Manufactured Home and used as living quarters.

d.

~~DEVELOPMENT STANDARDS FOR MANUFACTURED HOME SUBDIVISIONS~~

~~L. Standards for Manufactured Home Rental Parks: (Excluding Manufactured Home Subdivisions).~~

~~1. Site e Area Required:~~

~~a. Minimum size, five (5) acres;~~

~~b. For each Manufactured Home space; 5,000 square feet of gross site area per Manufactured Home space.~~

~~2. Separation Requirements:~~

~~a. A Manufactured Home or any part thereof shall not be closer than fifteen (15) feet to any building or structure or occupy or encroach upon any portion of any required yard or driveway.~~

~~b. A Manufactured Home or any part thereof shall not be closer than twenty-five (25) feet to any other Manufactured Home or part thereof if face to face, and if end to end, twelve (12) feet, except a temporary cabana having no side walls of any type may be erected and attached to a Manufactured Home, provided such temporary cabana shall not be closer than five (5) feet to any other Manufactured Home or occupy or encroach upon any portions of any required yard or driveway.~~

F. General r~~R~~equirements f~~F~~or Recreational Vehicle Parks a~~A~~nd Manufactured Home Parks:

1. ~~3. Streets:~~ Driveways, Interior Streets, and Access-Ways:

a. Parks shall have direct access to a public street that the Town classifies as a highway, arterial, or collector street, except that no individual space within the park may have direct access to a public street. A minimum of two vehicular ingress/egress points shall be provided for each park, one of which may be kept closed to the general public if provision is made for emergency access per Fire District requirements.

b. A two-way interior street or access-way shall have a minimum width of 24 ~~feet~~feet, and a one-way interior street or access-way shall have a minimum width of 20 feet. All interior streets or access-ways shall have a minimum vertical clearance of 13 feet 6 inches. Fire lanes shall be signed to prohibit parking per Fire District requirements.

c. All driveways and interior streets shall be surfaced in accordance with Town Standards.

d. All plans and traffic engineering shall be subject to approval by the Town Engineer.

e. Parking requirements subject to Town Standards shall apply. Tandem parking is allowed for required parking in individual spaces.

f. Street lighting shall comply with Chapter 8 of the Town Zoning Ordinance.

~~All streets shall be dust free and have a minimum width of twenty-four (24) feet, except when a street is located between Manufactured Home parking spaces, it shall have a minimum width of thirty (30) feet.~~

~~4. Plan Engineering and Traffic Engineering:~~

~~All plans and traffic engineering shall be subject to approval of the Town Engineer and shall be based upon the spacing and maneuverability requirements for sixty (60) foot long Manufactured Homes.~~

2. ~~Screening:~~ All parks shall be screened from any adjacent lot by a solid ~~masonry screen~~ wall six feet in height, subject to fence requirements in the Town Zoning Ordinance.

3. Parks may include permanent buildings for office, recreational, laundry, shower, and restroom facilities constructed to currently adopted building and fire codes. Spaces in Manufactured Home Parks shall not be occupied by recreational vehicles, and spaces in Recreational Vehicle Parks shall not be occupied by Mobile Homes or Manufactured Homes.

4. All spaces shall be connected to electricity, water, and an approved sewage disposal facility.

5. All utility lines, cable TV, and electric transmission lines shall be placed underground within a park. An approved fire protections system shall be installed per Fire District requirements.

6. Landscaping provisions of Chapter 9 of the Zoning Ordinance shall apply.

7. Recreational vehicle storage areas, if provided, shall not exceed 25% of the area of the park and shall not be located within 50 feet from any street frontage. Storage areas shall be subject to Fire District requirements and shall be screened by solid screen wall or fence six6 feet in height.

~~1.~~ Any open fire pits and barbecues shall be constructed according to currently adopted fire codes.

8.

~~Requirements~~ Development standards f~~F~~or Manufactured Home Parks:

9.

a. Site Area Requirements:

i. 5 Acres minimum

ii. 3000 square feet of gross site area per Manufactured Home Park Space

~~Minimum Lot Size: 5 acres~~

~~: 3,000 Sq. Ft.Minimum area per Manufactured Home Park Space: 3,000 Sq. Ft.~~

b. Minimum Average Width of Space: 40 feet

c. Minimum Depth of Space: 60 feet

d. Minimum Manufactured Home Size: 320 square feet~~Sq. Ft.~~

e. Minimum ~~Yards Required For Manufactured Home Parks:~~Yard Setbacks:

i. Front - 15 feet

ii. Interior Side - 10 feet

iii. Exterior Side (street side) - ~~setback~~ 15 feet

Rear - 10 feet

~~iv. Rear- 10 feet~~

v.

f. Attached canopies, awnings, covered porches, covered patios, carport roofs and similar attached building projections shall be measured the same as the main structure for setbacks.

g. With the exception on one side of the lot to the property line where an open sided covered metal carport with rain gutters will be allowed within the ~~sideyard~~side yard setback as long as ~~10 (ten)~~ten feet of separation is maintained to the nearest structure.

h. Uses of Manufactured Homes in Manufactured Home Parks and Lots:

i. When authorized as provided elsewhere herein, such Manufactured Homes and their use shall comply with the following requirements: Manufactured Homes shall be modern, used as a dwelling for not more than one family unit, and shall be located on the site in accordance with the requirements for a permanent building; they shall be blocked up off the ground in a safe manner so that utility connections will not be rendered unsafe by settlements; they shall be connected to the Town sewer and water systems or as required by Town ordinances; accessory buildings and permanent add-ons shall be permitted as provided elsewhere, in the District in which located.

ii. All Manufactured Homes located in the Town for a duration of 30 days or more shall be skirted within said 30 day period with material similar in appearance to the material used for siding on the Manufactured Home. The skirting shall completely enclose the space under the Manufactured Home.

iii. Manufactured Homes shall within 30 days after installation be provided with anchors and tie-downs adequate to secure stability and prevent shifting. Owners of Manufactured Homes shall, within 30 days after installation, secure an inspection tie-down and anchors from the Town's Building Official.

~~i.~~ Floor Areas, for the purpose of this section shall include permanently constructed, enclosed cabanas, which are attached to the Manufactured Home and used as living quarters.

iv.

G. ~~Requ~~Development standards ~~irements f~~For Recreational Vehicle Parks:

1. Site Area Requirements:

a. Three Acres minimum

b. 1,800 square feet of gross site area per Recreational Vehicle Park Space

2. Minimum Setbacks:

a. Front - 15 feet

b. Interior Side - 10 feet
c. Exterior Side (street side) - 15 feet
d. Rear - 10 feet
3. Minimum Average Width of Space: 30 feet
4. Minimum Spacing Between Recreational Vehicles (including attached structures): 10 feet
5. Attached canopies, awnings, covered porches, covered patios, carport roofs and similar attached building projections shall be measured the same as the main structure for setbacks.

~~Minimum Recreational Vehicle Size: 3 acres~~
~~Minimum area per Recreational Vehicle Park Space: 1,800 Sq. Ft.~~
~~a. Minimum Average Width of Space: 30 feet~~
~~b. Minimum Spacing Between Recreational Vehicles (including attached structures): 10 feet~~
~~Minimum Yards Required For Recreational Vehicle Parks:~~
~~Front- 15 feet~~
~~Side- 10 feet street side setback 15 feet~~
~~Rear- 10 feet~~
~~Attached canopies, awnings, covered porches, covered patios, carport roofs and similar attached building projections shall be measured the same as the main structure for setbacks.~~
~~All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~
~~Chapter 4 – General Provisions~~
~~Chapter 5 – Conditional Use Permit~~
~~Chapter 7 – Signs~~
~~Chapter 8 – Outdoor Lighting Code~~
~~Chapter 9 – Landscape Design Standards~~
~~Chapter 11 – Design Review~~

~~5.~~ Certificate of Occupancy and Business License~~:~~:

H. No C~~c~~ertificate of O~~o~~ccupancy or B~~b~~usiness L~~l~~icense shall be issued ~~unless and~~ until the following requirements have been met:

1. ~~a.~~ Thirty ~~(30)~~ percent of the Manufactured Home spaces planned in any part, or 10 ~~ten (10)~~ such Manufactured Home spaces whichever is greater, shall have been completely prepared, constructed and equipped for use in all respects, ~~and unless~~ and until such portion of the Manufactured Home P~~p~~ark's community facilities in the category of, but not limited to, driveways, laundry facilities, bath, wash and toilet rooms ~~as the Planning Commission may require~~, shall have been completely prepared, constructed, and equipped for use in all respects.

2. ~~b.~~ A plan or permit for screening shall be reviewed and approved by the Building Inspector prior to final issuance of c~~C~~ertificate or l~~L~~icense.

~~6. Uses of Manufactured Homes in Manufactured Home Rental Parks & Lots:~~

~~a. When authorized as provided elsewhere herein, such Manufactured Homes and their use shall comply with the following requirements: Manufactured Homes shall be modern, used as a dwelling for not more than one family unit, and shall be located on the site in accordance with the requirements for a permanent building; they shall be blocked up off the ground in a safe manner so that utility connections will not be rendered unsafe by settlements; they shall be connected to the Town sewer and water systems or as required by Town ordinances; accessory buildings and permanent add-ons shall be permitted as provided elsewhere, in the District in which located.~~

~~b. All Manufactured Homes located in the Town for a duration of thirty (30) days or more shall be skirted within said thirty (30) day period with material similar in appearance to the material used for siding on the Manufactured Home. The skirting shall completely enclose the space under the Manufactured Home.~~

~~c. Manufactured Homes shall within thirty (30) days after installation, be provided with anchors and tie-downs adequate to secure stability and prevent shifting. Owners of Manufactured Homes shall, within thirty (30) days after installation, secure an inspection tie-down and anchors from the Town's Building Official.~~

~~d. Floor Areas, for the purpose of this section shall include permanently constructed, enclosed cabanas, which are attached to the Manufactured Home and used as living quarters.~~

~~e. No business shall be conducted within a Manufactured Home Rental Park except those that are for the operation of the park itself. (Revised by Ordinance #436 on~~

~~12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-6)~~

I.All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signage
4. Chapter 8 – Outdoor Lighting Code
5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

~~REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS~~

~~Minimum Recreational Vehicle Size: 3 acres~~

~~Minimum area per Recreational Vehicle Park Space: 1,800 Sq. Ft.~~

~~Minimum Average Width of Space: 30 feet~~

~~Minimum Spacing Between Recreational Vehicles (including attached structures): 10 feet~~

~~Minimum Yards Required For Recreational Vehicle Parks:~~

~~Front- 15 feet~~

~~Side- 10 feet street side setback 15 feet~~

~~Rear- 10 feet~~

~~Attached canopies, awnings, covered porches, covered patios, carport roofs and similar attached building projections shall be measured the same as the main structure for setbacks.~~

~~All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~1. Chapter 4 – General Provisions~~
~~2. Chapter 5 – Conditional Use Permit~~
~~3. Chapter 7 – Signs~~
~~4. Chapter 8 – Outdoor Lighting Code~~
~~5. Chapter 9 – Landscape Design Standards~~
~~6. Chapter 11 – Design Review~~

## Section 3-070 Manufactured Home Residential Alternate (R4A)

Purpose a~~A~~nd i~~I~~ntent:

This district is intended to provide flexibility for ~~–~~manufactured housing development, including subdivisions and rental parks, while also allowing detached single-family homes. This district serves as a transitional residential district that accommodates a range of housing types.~~-~~

A.

B. Permitted u~~U~~ses:

1. Manufactured Home Parks subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4).

~~A. Principal Uses Permitted (Not Requiring a Use Permit).~~

~~1. Manufactured home rental parks subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4)~~

2. ~~2.~~ Manufactured H~~h~~omes ~~and manufactured home subdivisions~~ subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4).

3. Manufactured Home Subdivisions subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4).

4. ~~3.~~ One s~~S~~ingle-family home~~s~~ subject to R1 development standards.

5. Public Safety or unoccupied Utilities facilities.

6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Ordinance Chapter 4-180, Recreational and Medical Marijuana.

~~B.~~ Accessory u~~U~~ses p~~P~~ermitted: ~~(Not Requiring a Use Permit).~~

~~1.~~ Accessory uses or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-~~110~~080.

C.

D. Conditional u~~U~~ses:

1. Home occupations which do not adhere to the provisions in Section 4-080.
2. Medical marijuana caregiver facility.
a. Applicant is required to obtain a home occupation license.
3. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:
1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signs
4. Chapter 8 – Outdoor Lighting Code
5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

~~C. Conditional Uses Permitted (Requiring a Use Permit).~~
~~1. Home occupations which do not adhere to the provisions in Section 4-110.~~
~~2. Public utilities, but only where substantial public service and convenience would result from the use and there is absence of danger or annoyance to nearby property owners and residents.~~
~~3. Medical marijuana caregiver facility. (Created Ordinance #331 - Effective 04/08/11)~~
~~a. Applicant is required to obtain a home occupation license.~~
~~Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.~~

~~D. Maximum Building Height.~~
~~1. One story front elevation, but not to exceed 18 feet. Match above changes to MH Parks~~
~~E. Minimum Lot Size. Minimum Lot Size: See above development standards~~
~~1. Manufactured Home Rental Park 5,000 square feet~~
~~2. Manufactured home Subdivision 8,000 square feet~~
~~F. Maximum Floor Area Ratio: .4 Percent (40)~~

~~G. Minimum Lot Frontage: 30 feet.~~

~~H. Minimum Lot Area Per Dwelling: 3,000 feet~~

~~I. Minimum Average Lot Width: 50 feet~~

~~J. Minimum Yards Required For Manufactured Home Subdivision: See above~~

~~Front- 15 feet~~

~~Side- 10 feet~~

~~Side adjacent to street-10 feet~~

~~Rear- 15 feet~~

~~For manufactured home rental parks:~~

~~Front- 15 feet~~

~~Side- 10 feet~~

~~Side adjacent to street-10 feet~~

~~Rear- 10 feet~~

~~K. Signs. Sign requirements for this zone are outlined in Section 7.~~

~~L. Use of Manufactured Homes in a Manufactured Home Subdivision and Lots. See above~~

~~1. When authorized as provided elsewhere herein, such Manufactured Homes and their uses shall comply with the following requirements: Manufactured Homes shall be modern, minimum manufactured size, twelve (12) feet minimum width, fifty (50) feet minimum length, used as a dwelling for not more than one family unit, and shall be located on the site in accordance with the requirements for a permanent building, they shall be blocked up off the ground in a safe manner so that utility connections will not be rendered unsafe by settlements; they shall be connected to Town sewer and water systems or as required by Town ordinance; accessory buildings and permanent add-ons shall be permitted as provided elsewhere, in the District in which located.~~

~~2. All manufactured homes located in the Town for a duration of thirty (30) days or more shall be skirted within said thirty (30) day period with material similar in appearance to the material used for siding on the Manufactured Home. The skirting shall completely enclose the space under the Manufactured Home.~~

~~3. Manufactured homes shall, within thirty days after installation, be provided with anchors and tie-downs adequate to secure stability and prevent shifting. Owners of Manufactured Homes shall, within thirty (30) days after installation, secure an inspection of tie-down and anchors from the Town's Building Official.~~

~~4. Floor Area, for the purpose of this article, shall include permanently constructed enclosed cabanas which are attached to the Manufactured Home and used as living quarters.~~

~~M. Standards or Manufactured Home Rental Parks: (Excluding Manufactured Home Subdivisions). See above reference to standards~~

~~1. Site Area Required:~~

~~a. Minimum size: five (5) acres.~~

~~b. For each trailer space, 5,000 square feet of gross site area per trailer space.~~

~~2. Separation Requirements:~~

~~a. A Manufactured Home or any part thereof shall not be closer than fifteen (15) feet to any building or structure or encroach upon any required yard or driveway.~~

~~b. A Manufactured Home or any part thereof shall not be closer than twenty-five (25) feet to any other Manufactured Home or part thereof if face to face, and if end to end, twelve (12) feet, except a temporary cabana having no side walls of any type may be erected and attached to a Manufactured Home, provided such temporary cabana shall not be closer than five (5) feet to any other Manufactured Home or occupy or encroach upon any portion of any required yard or driveway.~~

~~3. Driveways:~~

~~All driveways shall be dust free and have a minimum width of twenty-four (24) feet, except when a driveway is located between Manufactured Home parking spaces, it shall have a minimum width of thirty (30) feet.~~

~~4. Plan Engineering and Traffic Engineering:~~

~~All plans and traffic engineering shall be subject to approval of the Town Engineer and shall be based upon the spacing and maneuverability requirements for sixty (60) foot long Manufactured Homes.~~

~~5. Certificate of Occupancy and Business License:~~

~~No certificate of occupancy or business license shall be issued unless and until the following requirements have been met:~~

~~a. Unless and until thirty (30) percent of the trailer spaces planned in any part, or ten (10) such trailer spaces whichever is greater, shall have been completely prepared constructed and equipped for use in all respects and unless and until such portion of the trailer park's community facilities in the category of, but not limited to, driveways, laundry facilities, bath, wash and toilet rooms as the Planning~~

~~Commission may require, shall have been completely prepared, constructed, and equipped for use in all respects.~~

~~b. A plan or permit for screening shall be reviewed and approved by the Building Inspector prior to final issuance of Certificate or License. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; prior code § 3-7)~~

~~N. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~1. Chapter 4 – General Provisions~~

~~2. Chapter 5 – Conditional Use Permit~~

~~3. Chapter 7 – Signs~~

~~4. Chapter 8 – Outdoor Lighting Code~~

~~5. Chapter 9 – Landscape Design Standards~~

~~6. Chapter 11 – Design Review~~

**Section 3-080Suburban Residential (RS3)**

~~PERMITTED USES~~

Purpose a~~A~~nd i~~I~~ntent:

A. The intent of this district preserve and promote very low-density residential development in a rural or semi-rural setting. The district accommodates single-family homes on large lots and permits limited agricultural activities consistent with maintaining open space, privacy, and rural character. Development is intended to minimize urban intensity and preserve natural landscape features.

~~A.~~ Permitted u~~U~~ses:

B.

1. One single-family home, excluding mobile or manufactured homes.

~~A. Principal Use Permitted: (Not requiring a use permit).~~

~~1.~~ One ~~Single-family dwellings, excluding mobile or manufactured homes.~~

2. ~~2.~~ Agricultural uses~~., such as crop production, orchards and vineyards???~~

3. Keeping of large animals such as cattle and horses, not to exceed one head per 20,000 square feet ~~sq.ft.~~ of lot area. ~~Swine and goats are prohibited.~~

4. Keeping of fowl subject to standards in Article 6-3 of the Town Code~~chapter 4.~~
5. Public and private schools.
6. ~~3.~~ Publicly owned or operated park, playground or community building.
7. ~~4.~~ Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
8. Family Day Care Homes.
9. Churches, synagogues, or other places of worship.

~~1. 5. Family Day Care Homes located on a public street. ?~~

~~6. Church and incidental facilities located on a public street. ?~~

10. ~~7.~~ Bed and Breakfast Establishment in conformance with Section 4-115~~5~~0.
11. Public Safety or unoccupied Utilities facilities.
12. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Ordinance Section 4-180, Recreational and Medical Marijuana.

Accessory uses permitted: Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

~~Churches and similar places of worship~~

C.

D. Conditional uses:

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes located on a public street.
3. Golf Courses or Country Clubs including.
4. Cemeteries.
5. Medical Marijuana Caregiver Facility.

a. Applicant is required to obtain a Home Occupation License.

6. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

~~B. Accessory Uses Permitted: (Not requiring a use permit).~~

~~1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.~~

~~CONDITIONAL USES~~

~~C. Conditional Uses Permitted: (Requires a use permit).~~

~~1. Home Occupations which do not adhere to the provisions of Section 4-110.~~

~~2. Group Day Care Homes located on a public street.~~

~~3. Golf Courses or Country Clubs including social and dining activities.~~

~~4. Cemeteries.~~

~~5. Medical Marijuana Caregiver Facility. (Created Ordinance #331 - Effective 04/08/11)~~

~~(a) Applicant is required to obtain a Home Occupation License.~~

~~Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.~~

E. Development s~~S~~tandards:

1. ~~D.~~ Building Height Limitation: 2 ½ stories, not to exceed 35 feet.

2. ~~E.~~ Maximum Lot Coverage Ratio: 20%~~0.2 Percent~~

3. ~~F.~~ Minimum Lot Size: 3 acres ~~(130,680 square feet)~~ per single-family dwelling unit~~.~~

4. ~~G.~~ Minimum Lot Frontage: 150 feet~~.~~

5. ~~H.~~ Minimum Average Lot Width: 200 feet~~.~~

6. ~~I.~~ Minimum Yard Area Standards:

a. Front and Rear:

i. Minimum Combined Depth. The sum of the required front yard setback and required rear yard setback shall not be less than 130 feet.

ii. Minimum Individual Setback. In no case shall the required front yard setback or the required rear yard setback be less than 30 feet.

~~Front-30 50 feet (total of front and rear yard must meet or exceed 130 feet)~~

b. Interior Side - 25 feet

c. Exterior Side (street side) - 25 feet

F. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signs
4. Chapter 8 – Outdoor Lighting Code
5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

~~Rear-30 50 feet (total of front and rear yard must meet or exceed 130 feet).~~

~~J. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~1. Chapter 4 – General Provisions~~
~~2. Chapter 5 – Conditional Use Permit~~
~~3. Chapter 7 – Signs~~
~~4. Chapter 8 – Outdoor Lighting Code~~
~~5. Chapter 9 – Landscape Design Standards~~
~~6. Chapter 11 – Design Review~~

~~Signs: Sign standards for this district are stated in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; prior code § 3-8)~~

**Section 3-090 Central Business District (CB)**

Purpose a~~A~~nd i~~I~~ntent:

The ~~Central Business (CB) District is intended~~intent of this district is to serve as a commercial, civic, cultural, and mixed-use heart of the Town. The district encourages a compact, pedestrian-oriented environment supporting retail, dining, lodging, residential, and commercial uses typical of historic downtowns.

A.

B. Permitted u~~U~~ses:

~~A. Principal Use Permitted: (Not requiring a use permit).~~

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~1. Indoor recreational establishments such as bowling alleys, arcades, billiards parlors, and similar establishments. Amusement place in a completely enclosed building~~

1. ~~2.~~ Artist Studios – art production on site is subject to the performance standards of the Commercial District.

2. ~~3.~~ Assisted living facilities including convalescent homes, hospice care and retirement centers.

3. ~~4.~~ Bed and Breakfast Country Inn.

4. ~~5.~~ Commercial, trade and vocational schools.

5. ~~6.~~ Community Supported Agriculture (CSA) disbursement locations~~, such as pre-sold agricultural product distribution to subscribing members~~. No on-site crop production is permitted.

6. ~~7.~~ Farmers m~~M~~arkets, swap meets, and flea markets with property owners' permission and a special event permit.

7. ~~8.~~ Funeral p~~P~~arlors without a crematorium.

8. ~~9.~~ Hotels and motels.

9. Indoor recreational or amusement establishments such as bowling alleys, arcades, billiards parlors, and similar establishments.

10. ~~10.~~ Manufacturing, production and assembly of boutique consumable products using sustainable practices that minimize negative environmental impacts while conserving energy and natural resources. Re-use or re-purposing of by-products is encouraged. All such activity shall be conducted within completely enclosed building. A portion of the products manufactured on site shall be sold at retail on the premises. ~~(Created by Ordinance #358 on 3/11/14; Effective 4/11/14)~~

11. Marijuana establishments.

12. ~~11.~~ Medical m~~M~~arijuana d~~D~~ispensary in a storefront location. ~~(Created Ordinance #331 – Effective 04/08/11)~~

13. ~~12.~~ Museums and galleries.~~-~~

14. ~~13.~~ Parking lots, subject to town standards. Parking structures are prohibited.

15. ~~14.~~ Personal service uses, including barber shops and beauty parlors, day spas, dressmakers, tailors, tattoo parlors and other personal service uses of a similar nature.

16. ~~15.~~ Professional and business offices, including clinics, banks and financial institutions and medical/dental offices.

~~16. Public garage, including storage and repair in accordance with Subsection 1: Performance Standards #3:Storage facilities~~

~~17. Marijuana establishments~~

17. ~~18.~~ Religious institutions.

18. ~~19.~~ Repair shops for household small appliances, bicycles, and personal items.

19. ~~20.~~ Residential uses including single-family and multi-family.

20. ~~21.~~ Restaurants, taverns, bars and sidewalk cafes in conformance with Section 4-12~~6~~0. ~~(Created 2/14/12 Resolution 1388-Ordinance 342; Effective 3/14/12)~~

21. ~~22.~~ Retail sales including florist shops and greenhouses in connection with such shops. No outdoor display or outdoor storage is permitted.

22. ~~23.~~ Self-service laundry and cleaning establishments.

~~B.~~ Accessory uUses p~~P~~ermitted:~~: (Not requiring a use permit).~~

~~1~~Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.~~ Accessory dwelling units (ADUs), private garages and private workshops.~~

C.

D. Conditional uses:

1. Agriculture Tourism.

2. Agritourism Enterprise.

3. Convenience stores/filling stations provided bulk storage of liquids is underground. No repair shop or vehicle storage shall be permitted.

4. Croplands.

5. Child or adult day care center.

6. Infusion of marijuana into food products by a marijuana establishment with a valid food establishment license in a storefront location.

7. Medical Facilities, Licensed Inpatient and Outpatient.

8. Outside display & sale of goods & merchandise: outside storage.

9. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution.
10. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. Development standards:
1. Maximum Building Height: 50 feet
2. Minimum Lot Size: None
3. Minimum Lot Frontage: 25 feet
4. Maximum Floor Area Ratio: None
5. Minimum Yards Required: None

~~Conditional Uses~~
~~C. Conditional Uses Permitted: (Use permit required).~~
~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~
~~(Revised by Ord #384; Res 1543; Adopted 5/9/17; Eff 6/9/17)~~
~~1. Agriculture Tourism~~
~~2. Agritourism Enterprise~~
~~3. Convenience stores/filling stations provided bulk storage of inflammable liquids is underground. No repair shop or vehicle storage shall be permitted except in conformance with the Zoning Code.~~
~~4. Croplands~~
~~5. Day Care Center (child or adult)~~
~~6. Infusion of marijuana into food products by a marijuana establishment with a valid food establishment license in a storefront location~~
~~7. Medical Facilities, Licensed Inpatient and Outpatient~~
~~8. Outside display & sale of goods & merchandise: outside storage~~
~~9. Storage facilities~~
~~10. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution. (Created by Ordinance #358 on 3/11/14; Effective 4/11/14)~~
~~11. Any use not listed but determined by the Community Development Director to be similar in commercial character and use.~~

~~Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.~~

~~DEVELOPMENT STANDARDS~~
~~D. Maximum Building Height: 50 feet~~
~~E. Minimum Lot Size: None~~
~~F. Minimum Lot Frontage: 25 feet~~
~~G. Maximum Floor Area Ratio: None~~
~~H. Minimum Yards Required: None~~
~~PERFORMANCE STANDARDS TO BE MOVED TO CHAPTER 4~~
~~I. The Performance Standards for CB Districts are:~~
~~1. Traffic and curbs- No development will be permitted which permits or encourages vehicular traffic to back into the highway right-of-way, or to otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.~~
~~2. Landscaping and paving- All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover. Undisturbed natural growth is encouraged. Covering with material that will provide an all-weather surface is an alternative.~~
~~3. Storage facilities- Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence; or as otherwise designated by the Board of Adjustment.~~
~~4. Illumination- Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward streets and adjoining properties.~~
~~5. Noise- At no point on the boundary of residential or business zones shall the sound pressure level of an individual operation or plant exceed the decibel levels in the designated octave banks shown below (excluding operation of motor vehicles or other transportation facilities):~~

~~Maximum Sound Pressure~~

| ~~Octave Cycles~~ | | ~~Bank Per Second~~ | ~~Level in Decibels .0002 Dynes per CM2~~ |
|---|---|---|---|
| ~~0~~ | ~~to~~ | ~~75~~ | ~~72~~ |
| ~~75~~ | ~~to~~ | ~~150~~ | ~~67~~ |
| ~~150~~ | ~~to~~ | ~~300~~ | ~~59~~ |
| ~~300~~ | ~~to~~ | ~~600~~ | ~~52~~ |
| ~~600~~ | ~~to~~ | ~~1200~~ | ~~46~~ |
| ~~1200~~ | ~~to~~ | ~~2400~~ | ~~40~~ |
| ~~2400~~ | ~~to~~ | ~~4800~~ | ~~34~~ |
| | ~~Above~~ | ~~4800~~ | ~~32~~ |

6. Frontage Road: In those areas which are immediately adjacent to any state or federal highway, the owner shall, upon use of said property, construct at their own expense, a frontage road providing access to said highway. The frontage road shall be constructed according to Town standards.

7. Screening: An owner whose property is immediately adjacent to any property having the zoning classification other than Industrial shall, at his own expense, at the time of use of the property, construct a screen on his property to act as a barrier between his property and adjacent property having a more restrictive zoning classification. The screen shall be a fence of solid construction.

F. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signage
4. Chapter 8 – Outdoor Lighting Code

5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

~~Sound levels shall be measured with a sound level meter and associated octave band filter manufacture according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noise shall be capable of being accurately measure with equipment. Noises capable of being so measured, of the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels.~~

~~Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.~~

~~6. Smoke- No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart as published by the U.S. Bureau of Mines shall be the Standard.~~

~~7. Glare or Heat- Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.~~

~~8. Odors- No Emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or such a manner as to create a nuisance or hazard beyond the property lines.~~

~~9. Vibration- No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty (30) seconds or more duration in any one hour during the hours of 7:00 p.m. & 7:00 a.m.~~

~~10. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution- No emission shall be permitted which can cause damage to health, to animals, to vegetation, to other forms of property, or which can cause any excessive spoiling.~~

~~11. Liquids and Solid Waste- No wastes shall be discharged in the streets, drainage ways or property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.~~

~~12. Frontage Road- In those CB areas which are immediately adjacent to any state or federal highway, the owner shall, upon use of said property, construct at hi won their own expense, a frontage road providing access to said highway. The frontage road shall be constructed according to Town standards the specifications of the Town of Clarkdale, Arizona.~~

~~13. Screening- An owner of CB property whose property is immediately adjacent to any property having the zoning classification other than Industrial shall, at his own expense, at the time of use of the property, construct a screen on his property to act as a barrier between his property and adjacent property having a more restrictive zoning classification. The screen may consist of plantings and/or a fence of solid construction as prescribed by the Town of Clarkdale upon application of the owner at the time the property is put to use.~~

~~J. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~1. Chapter 4 – General Provisions~~

~~2. Chapter 5 – Conditional Use Permit~~

~~3. Chapter 7 – Signs~~

~~4. Chapter 8 – Outdoor Lighting Code~~

~~5. Chapter 9 – Landscape Design Standards~~

~~6. Chapter 11 – Design Review~~

~~Signs: Sign requirements for this zone are outlined in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-9)~~

**Section 3-100 Commercial (C)**

A. Purpose and intent: This district is intended to provide for a broad range of retail, service, office, lodging, and mixed-use development that serves the community and surrounding region. The district accommodates automobile-oriented and general commercial uses while ensuring compatibility with adjacent residential districts through performance standards and site design requirements.

B. Permitted uses:

1. All permitted uses allowed in the Central Business District (CB).
2. Automobile, trailer, boat, or farm implement display, sales or rentals.
3. Medical facilities, licensed inpatient and outpatient.

4. Park and ride facilities.
5. Parking lots, subject to town standards. Parking structures are allowed.
6. Public garages including storage and repair.
7. Publicly owned or operated park, playground or building including public garages and storage yards in conformance with the performance standards in Chapter 4.
8. Storage facilities in accordance with the performance standards in Chapter 4.
9. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution.

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~PURPOSE AND INTENT~~

~~This district is intended to provide for a broad range of retail, service, office, lodging, and mixed-use development that serves the community and surrounding region. The district accommodates automobile-oriented and general commercial uses while ensuring compatibility with adjacent residential districts through performance standards and site design requirements.~~

~~PERMITTED USES~~

~~A. Principal Uses permitted: (Not requiring a use permit)~~

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~1. Indoor recreational establishments such as bowling alleys, arcades, billiards parlors, and similar establishments. Amusement place in a completely enclosed building~~

~~2. Artist Studios – art production on site is subject to the performance standards of the Commercial District~~

~~3. Assisted living facilities including convalescent homes, hospice care and retirement centers~~

~~4. Automobile, trailer, boat, or farm implement display, sales or rentals.~~

~~5. Bed and Breakfast Country Inn~~

~~6. Commercial, trade or vocational schools~~

~~7. Community Supported Agriculture (CSA) disbursement locations, such as pre-sold agricultural product distribution to subscribing members. No on-site crop production is permitted.~~

~~8. Farmers Markets~~

~~9. Funeral Parlors without a crematorium~~

10. Hotels and motels
11. Manufacturing, production and assembly of boutique consumable products using sustainable practices that minimize negative environmental impacts while conserving energy and natural resources. Re-use or re-purposing of by-products is encouraged. All such activity shall be conducted within completely enclosed building. A portion of the products manufactured on site shall be sold at retail on the premises. (Created by Ordinance #358 on 3/11/14; Effective 4/11/14)
12. Medical Facilities, Licensed Inpatient and Outpatient
13. Medical Marijuana Dispensary in a storefront location (Created Ordinance #331 – Effective 04/08/11)
14. Museums
15. Park and ride facilities
16. Parking lots, subject to town standards
17. Personal service uses, including barber shops and beauty parlors, day spas dressmakers, tailors, tattoo parlors, and other personal service uses of a similar nature
18. Professional and business offices, including clinics, banks and financial institutions and medical/dental offices
19. Public garages including storage and repair
20. Publicly owned or operated park, playground or building including public garages and storage yards in conformance with Subsection I.3
21. Religions institutions
22. Repair shops for household small appliances, bicycles, and personal items (previously included with Dressmaking, et. al.)
23. Residential uses including single-family and multi-family
24. Restaurants, taverns, bars and sidewalk cafes in conformance with Section 4-160. (Created 2/14/12 Resolution 13388-Ordinance 342; Effective 3/14/12)
25. Retail sales including florist shops and greenhouses in connection with such shops
26. Self-service laundry and cleaning establishments
27. Storage facilities in accordance with Subsection 1: Performance Standards #3:Storage facilities Reference performance standards in Ch 4

~~28. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution (Created by Ordinance #358 on 3/11/14; Effective 4/11/14)~~

~~B.~~

~~-~~Accessory uUses pPermitted:~~: (Not requiring a use permit)~~

Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.~~1. Accessory dwelling units (ADUs) and caretaker's facilities clearly incidental to and secondary to the use of the premises for business purposes.~~

C. ~~C. Conditional Uses Permitted: (Use permit required)~~

D. Conditional uses permitted:

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~(Revised by Ord #384; Res 1543; Adopted 5/9/17; Eff 6/9/17)~~

~~1. Agriculture Tourism~~

1. ~~2. A~~Agriculture tourism.

2. Agritourism e~~E~~nterprise.

3. ~~3.~~ Automatic or self-service car wash.

4. ~~4.~~ Campsites and recreational vehicle parks.

5. ~~5.~~ Convenience stores/filling stations provided bulk storage of ~~inflammable~~ liquids is underground. No repair shop or vehicle storage shall be permitted except in conformance with the Zoning Code.

6. ~~6.~~ Infusion of marijuana into food products with a valid food establishment license in a storefront location.

7. ~~7.~~ Croplands.

8. ~~8.~~ Child or adult d~~D~~ay c~~C~~are c~~C~~enter. ~~(child or adult)~~

9. ~~9.~~ Outside display of goods and merchandise, outside storage.

10. ~~10.~~ Public Utilities.

~~11. Wireless Communication Tower that meets or exceeds Federal Communications Commission standards, not to exceed 65 (sixty-five) feet in height. Height shall be measured as the distance from the base of the Wireless Communication Tower to the top of the Wireless Communication Tower. If the Wireless Communication Tower is attached to a building, height is the distance from the base of the building to the~~

~~top of the Wireless Communication Tower. (Created 7/9/16 by Ordinance #352; Effective 8/9/13)~~

~~12. Any use not listed but determined by the Community Development Director to be similar in commercial character and use~~

Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

11.

E. Development s~~S~~tandards:

1. Maximum Building Height: 50 feet

~~D. Development Standards for Commercial:~~

~~1. Maximum Building Height: 50 feet~~

2. ~~2.~~ Minimum Lot Size: 24,000 square feet

3. ~~3.~~ Minimum Lot Frontage: 200 feet

4. ~~4.~~ Minimum Lot Width: 100 feet

5. ~~5.~~ Minimum Yard Setbacks:

a. ~~a.~~ Front - 20 feet or minimum standards required by state or federal highway departments if abutting said highways, whichever is greater.

b. ~~b.~~ Side ~~– –~~ None, e~~.~~xcept w~~W~~here a lot adjoins a lot in a residential district or a residential use, whether single-family or multi-family along its side lot line, there shall be a 30~~-15~~ foot side yard.

c. ~~c.~~ Rear - 20 feet

d. ~~6.~~ For parcels that front on ~~SR~~ State Route 89A, direct or indirect access to State Route 89A must be provided through either an access permit from ADOT or interconnection of on-site circulation with adjacent parcels.

~~E. Performance Standards For C Developments:~~

~~1.~~ ~~1.~~ Traffic and curbs:~~-~~ No C~~C~~ommercial development ~~will be permitted which permits~~shall permit or encourage~~s~~ vehicular traffic to back into the highway right-of-way, or to otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.

6.

7. ~~2.~~ Landscaping and paving:~~-~~ All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable

ground cover. Undisturbed natural growth is encouraged. Covering with material that will provide an ~~all weather~~all-weather surface is an alternative.

8. ~~3.~~ Storage facilities~~:~~ Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence; or as otherwise designated by the Board of Adjustment.

9. ~~4.~~ Illumination~~:~~ Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward streets and adjoining properties.

~~5. Noise. At no point on the boundary of residential or business zones shall the sound pressure level of an individual operation or plant exceed the decibel levels in the designated octave banks shown below (excluding operation of motor vehicles or other transportation facilities):~~

~~Maximum Sound Pressure~~

| ~~Octave Cycles~~ | | ~~Bank Per Second~~ | ~~Level in Decibels .0002 Dynes per CM2~~ |
|---|---|---|---|
| ~~0~~ | ~~to~~ | ~~75~~ | ~~72~~ |
| ~~75~~ | ~~to~~ | ~~150~~ | ~~67~~ |
| ~~150~~ | ~~to~~ | ~~300~~ | ~~59~~ |
| ~~300~~ | ~~to~~ | ~~600~~ | ~~52~~ |
| ~~600~~ | ~~to~~ | ~~1200~~ | ~~46~~ |
| ~~1200~~ | ~~to~~ | ~~2400~~ | ~~40~~ |
| ~~2400~~ | ~~to~~ | ~~4800~~ | ~~34~~ |
| | ~~Above~~ | ~~4800~~ | ~~32~~ |

~~Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level~~

~~meter. Impulsive type noises shall be capable of being accurately measured with equipment. Noises capable of being so measured, for the purposes of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.~~

~~6. Smoke- No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart as published by the U.S. Bureau of Mines shall be the standard.~~

~~7. Glare or Heat- Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.~~

~~8. Odors- No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or such a manner as to create a nuisance or hazard along lot lines.~~

~~9. Vibration- No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.~~

~~10. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution- No emission shall be permitted which can cause damage to health, to animals, to vegetation, to other forms of property, or which can cause any excessive spoiling.~~

~~11. Liquids and Solid Waste- No wastes shall be discharged in the streets, drainage ways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.~~

10. ~~12.~~ In any Commercial area, access from any state or~~f~~ federal highway shall ~~be~~ maintain a minimum distance of 400 ~~four hundred (400)~~ feet ~~minimum~~ between driveways and shall be approved by the Building Official of the Town of Clarkdale.

11. Screening: An owner of Commercial property whose property is immediately adjacent to any property having the zoning classification other than Industrial shall

at his/her own expense, at the time of use of the property, construct a screen on his/her property to act as a barrier between his/her property and adjacent property having a more restrictive zoning classification. The screen shall be a fence of solid construction.

~~2.~~

~~13. Screening- An owner of Commercial property whose property is immediately adjacent to any property having the zoning classification other than Industrial shall at his/her own expense, at the time of use of the property, construct a screen on his/her property to act as a barrier between his/her property and adjacent property having a more restrictive zoning classification. The screen may consist of plants and/or a fence of solid construction as prescribed by the Town of Clarkdale upon application of the owner at the time the property is put to use.~~

F. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signs
4. Chapter 8 – Outdoor Lighting Code
5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

~~F. All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:~~

~~1. Chapter 4 – General Provisions~~
~~2. Chapter 5 – Conditional Use Permit~~
~~3. Chapter 7 – Signs~~
~~4. Chapter 8 – Outdoor Lighting Code~~
~~5. Chapter 9 – Landscape Design Standards~~
~~6. Chapter 11 – Design Review~~

**~~Signs. Sign requirements for this zone are outlined in Chapter 7, Signs. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #430 on 8/13/24; effective 9/14/24; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-10)~~**

~~Section 3-110Neighborhood Commercial District (NC)~~
~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~
~~District Intent:~~
~~Provide opportunities for commercial centers that offer everyday goods and services located within close proximity to residential neighborhood and that promote foot and bicycle traffic to those areas.~~
~~District Purpose:~~
~~This zone strives to provide service commercial uses while still providing a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. Adaptive reuse of residential structures is strongly encouraged with the intent to facilitate the use of mixed use areas to buffer residential areas.~~
~~A. PERMITTED USES Principal Permitted Uses~~
~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~
~~1. Artist Studios – art production on site is subject to the performance standards of the Commercial District~~
~~2. Assisted living facilities including convalescent homes, hospice care and retirement centers~~
~~3. Bed and Breakfast Country Inn~~
~~4. Commercial, trade or vocational schools~~
~~5. Community Supported Agriculture (CSA) disbursement locations, such as pre-sold agricultural product distribution to subscribing members. No on-site crop production is permitted~~
~~6. Farmers Markets~~
~~7. Funeral Parlors without a crematorium~~
~~8. Hotels and motels a maximum of two stories in height~~
~~9. Manufacturing, production and assembly of boutique consumable products using sustainable practices that minimize negative environmental impacts while conserving energy and natural resources. Re-use or re-purposing of by-products is encouraged. All such activity shall be conducted within completely enclosed building. A portion of the products manufactured on site shall be sold at retail on the premises.~~
~~10. Museums~~

~~11. Park and Ride facilities~~
~~12. Parking lots, subject to town standards.~~
~~13. Personal service uses, including barber shops and beauty parlors, day spas, dressmakers, tailors, tattoo parlors, and other personal service uses of a similar nature~~
~~14. Professional and business offices, including clinics, banks and financial institutions and medical/dental offices~~
~~15. Public garages including storage and repair~~
~~16. Religious institutions~~
~~17. Repair shops for household small appliances, bicycles, and personal items~~
~~18. Residential uses including single-family homes a maximum of two stories in height and multi-family a maximum of three stories in height or 35 feet whichever is less~~
~~19. Restaurants, taverns, bars and sidewalk cafes in conformance with Section 4-160. (Created 2/14/12 Resolution 1388-Ordinance 342; Effective 3/14/12)~~
~~20. Indoor R retail sales which do not involve any kind of manufacturing, processing, or treating of products other than that which is clearly incidental to the retail business conducted on the premises and are similar in scale and design to the adjacent residential uses~~
~~B. Accessory Uses (Not requiring a use permit)~~
~~Accessory dwelling units (ADUs) and caretaker's residence in conjunction with a permitted use~~
~~C. Conditional Uses (Use Permit Required)~~
~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~
~~1. Agriculture Tourism~~
~~2. Agritourism Enterprise~~
~~3. Amusement facilities within a structure with sound containment~~
~~4. Campsites and recreational vehicle parks for stays of thirty (30) days or less~~
~~5. Convenience stores/filling stations provided bulk storage of inflammable liquids is underground. No repair shop or vehicle storage shall be permitted except in conformance with the Zoning Code.~~
~~6. Croplands~~
~~7. Day Care Center (child or adult)~~
~~8. Dry cleaners~~

~~9. Halfway House with on-site staff (excluding treatment centers)~~
~~10. Laundry, self-service for individual use only~~
~~11. Medical Facilities, Licensed Inpatient and Outpatient~~
~~12. Outside display & sale of goods & merchandise for a limited period of time~~
~~13. Parking structures or garages, a maximum of two stories in height~~
~~14. Retail stores which involve any kind of manufacturing, processing or treating of products other than that which is clearly incidental to the retail business conducted on the premises~~
~~15. Any use not listed but determined by the Community Development Director to be similar in commercial character and use~~
~~DEVELOPMENT STANDARDS~~
~~D. Development Standards for the Neighborhood Commercial District:~~
~~1. Maximum Building Height: 35 feet~~
~~2. Minimum Lot Size: 6,000 square feet~~
~~3. Minimum Lot Frontage: 50 feet~~
~~4. Minimum Lot Depth: 120 feet~~
~~5. Minimum Yard Setbacks:~~
~~a. Front - 20 feet or minimum standards required by state or federal highway departments if abutting said highways, whichever is greater~~
~~b. Side – None. Where a lot adjoins a lot in a residential district or a residential use, whether single-family or multi-family along it's side lot line, there shall be a 15 foot side yard.~~
~~c. Rear - 20 feet~~
~~6. For parcels that front on SR 89A, direct or indirect access to State Route 89A must be provided through either an access permit from ADOT or interconnection of on-site circulation with adjacent parcels.~~
~~E. Performance Standards for Neighborhood Commercial.~~
~~1. Traffic and curbs - No development will be permitted which allows or encourages vehicular traffic to back into the highway right-of-way, or to otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.~~
~~2. Landscaping and paving Landscaping and paving - All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover, natural organic or inorganic material.~~

~~Twenty-five [25] percent of the total lot area or a minimum fifteen [15] foot wide strip of land adjacent to the street right of way. All landscaping shall be developed in accordance with the Town of Clarkdale's Landscape Ordinance (Chapter 9, Section 9-030).~~

~~3. Storage facilities-Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be screened from public view by an opaque enclosure such as a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence.~~

~~4. Illumination-Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare and light spill toward streets and adjoining properties and shall be in accordance with the Town of Clarkdale's Outdoor Lighting Code. (Chapter 8).~~

~~5. Nuisances - No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site. Any business in the Neighborhood Commercial Zone must be operated in accordance with all state and federal environmental regulations.~~

~~6. Liquids and solid waste - No wastes shall be discharged in the streets, drainage ways or property. No waste shall be discharged in the public sewage system that endangers the normal operation of the public sewage system.~~

~~7. Outdoor displays and seating - All sales, displays and seating shall be conducted within an enclosed area, unless outdoor activities are previously approved by the Community Development Director.~~

~~8. Site plan and design review - All development and redevelopment in the Neighborhood Commercial Zone is subject to Site Plan and Design Review per Chapter 11 of the Town of Clarkdale Zoning Code.~~

~~9. Highway Access - In any Neighborhood Commercial areas which are immediately adjacent to any state or federal highway, the owner shall, upon use of said property, construct, at their own expense, any required improvements in accordance with state and federal regulations.~~

~~10. Odors – No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or in such a manner as to create a nuisance or hazard at the lot lines.~~

~~J. The Sign Standards for Neighborhood Commercial are outlined in Chapter 7 of the Town of Clarkdale Zoning Code. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #430 on 8/13/24; effective 9/14/24; prior code § 3-11)~~

~~Reference same chapters as above (i.e. ch 4, ch 8, ch 9, ch 7)~~

~~Section 3-120Highway Commercial District (HC) TO BE DISCUSSED~~

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~A. District Intent:~~

~~To provide opportunities for regional, automobile-oriented, commercial business development.~~

~~District Purpose:~~

~~The Highway Commercial District is intended for establishments offering accommodations, supplies, or services, specialized automotive and related sales and service establishments, all of which serve persons coming to them from large trading areas. Such uses ordinarily do not seek sites in shopping centers and therefore must be provided at independent locations. The Highway Commercial district will be located along major thoroughfares.~~

~~PERMITTED USES~~

~~B. Principal Permitted Uses (Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~1. Amusement facilities~~

~~2. Artist Studios – art production on site is subject to the performance standards of the Commercial District~~

~~3. Assisted living facilities including convalescent homes, hospice care and retirement centers~~

~~4. Auto, trailer, boat, and farm implement display, sales and rental~~

~~5. Bed and Breakfast Country Inn~~

~~6. Commercial, trade or vocational schools~~

~~7. Community Supported Agriculture (CSA) disbursement locations~~

~~8. Farmers Markets~~

~~9. Funeral Parlors without a crematorium~~

~~10. Hotels and motels a maximum of two stories in height~~

~~11. Manufacturing, production and assembly of boutique consumable products using sustainable practices that minimize negative environmental impacts while conserving energy and natural resources. Re-use or re-purposing of by-products is encouraged. All such activity shall be conducted within completely enclosed building. A portion of the products manufactured on site shall be sold at retail on the premises.~~
~~12. Medical Facilities, Licensed Inpatient and Outpatient~~
~~13. Museums~~
~~14. Park and Ride facilities~~
~~15. Parking lots~~
~~16. Personal service uses, including barber shops and beauty parlors, day spas dressmakers, tailors, tattoo parlors, and other personal service uses of a similar nature~~
~~17. Professional and business offices, including clinics, banks and financial institutions and medical/dental offices~~
~~18. Public garages, including storage and repair, a maximum of two stories in height~~
~~19. Religions institutions~~
~~20. Repair shops for household small appliances, bicycles, and personal items~~
~~21. Residential uses including single-family and multi-family a maximum of two stories in height~~
~~22. Restaurants, taverns, bars and sidewalk cafes (Created 2/14/12 Resolution 13388-Ordinance 342; Effective 3/14/12)~~
~~23. Retail sales~~
~~24. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution (Created by Ordinance #358 on 3/11/14; Effective 4/11/14)~~
~~C. Accessory Uses in the Highway Commercial District~~
~~1. Accessory dwelling units (ADUs) and caretaker's residence in conjunction with a permitted use~~
~~D. Conditional Uses [Use Permit Required]~~
~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~
~~(Revised by Ord #384; Res 1543; Adopted 5/9/17; Eff 6/9/17)~~
~~1. Agriculture Tourism~~

~~2. Agritourism Enterprise~~
~~3. Campsites and recreational vehicle parks for stays of thirty (30) days or less~~
~~4. Car wash-automatic or self-service~~
~~5. Convenience stores/filling stations provided bulk storage of inflammable liquids is underground. No repair shop or vehicle storage shall be permitted except in conformance with the Zoning Code.~~
~~6. Croplands~~
~~7. Day Care Center (child or adult)~~
~~8. Dry cleaners~~
~~9. Halfway House with on-site staff (excluding treatment centers)~~
~~10. Laundry, self-service for individual use only~~
~~11. Outside display & sale of goods & merchandise for a limited period of time~~
~~12. Public Utilities~~
~~13. Storage facilities in accordance with Subsection 1: Performance Standards #3:Storage facilities~~
~~14. Any use not listed but determined by the Community Development Director to be similar in commercial character and use.~~
~~E. Development Standards for Highway Commercial~~
~~1. Maximum Building Height: 50 feet~~
~~2. Minimum Lot Size: 12,000 square feet~~
~~3. Minimum Lot Frontage: 100 feet~~
~~4. Minimum Lot Depth: 120 feet~~
~~5. Minimum Yard Setbacks: 20 feet~~
~~a. Front - 20 feet or minimum standards required by state or federal highway departments if abutting said highways, whichever is greater~~
~~b. Side - None~~
~~c. Rear - 20 feet~~
~~6. For parcels that front on SR 89A, direct or indirect access to State Route 89A must be provided through either an access permit from ADOT or interconnection of on-site circulation with adjacent parcels.~~
~~F. Performance Standards for Highway Commercial.~~
~~1. Traffic and curbs - No development will be permitted which allows or encourages vehicular traffic to back into the highway right-of-way, or to~~

~~otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.~~

~~2. Landscaping and paving - All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover, natural organic or inorganic material. Twenty [20] percent of the total lot area or a minimum fifteen [15] foot wide strip of land adjacent to the street right of way. All landscaping shall be developed in accordance with the Town of Clarkdale's Landscape Ordinance (Chapter 9, Section 9-030).~~

~~3. Storage facilities - Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be screened from public view by an opaque enclosure such as a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence.~~

~~4. Illumination - Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare and light spill toward streets and adjoining properties and shall be in accordance with the Town of Clarkdale's Outdoor Lighting Code. (Chapter 8).~~

~~5. Nuisances - No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site. Any business in the Highway Commercial Zone must be operated in accordance with all state and federal environmental regulations.~~

~~6. Liquids and solid waste - No wastes shall be discharged in the streets, drainage ways or on private property. No waste shall be discharged in the public sewage system that endangers the normal operation of the public sewage system.~~

~~7. Outdoor displays and seating - All sales, displays and seating shall be conducted within an enclosed area, unless outdoor activities are previously approved by the Community Development Director.~~

~~8. Site plan review and design review - All development and redevelopment in the Highway Commercial Zone is subject to Site-Plan and Design Review per Chapter 11 of the Town of Clarkdale Zoning Code~~

~~9. Highway access - In any Highway Commercial areas which are immediately adjacent to any state or federal highway, the owner shall, upon use of said property, construct, at their own expense, any required improvements in accordance with state and federal regulations.~~

~~10. Odors – No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or in such a manner as to create a nuisance or hazard at the lot lines.~~

~~G. The Sign Standards for Neighborhood Commercial are outlined in Chapter 7 of the Town of Clarkdale Zoning Code. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #430 on 8/13/24; effective 9/14/24; prior code § 3-12)~~

~~**Section 3-13089A Corridor Commercial Overlay District**~~

~~**(Repealed by Ordinance #430)**~~

**Section 3-140Industrial ~~District~~ (I)**

Purpose aAnd iIntent:

This district is intended to provide for areas of manufacturing, fabrication, warehousing, distribution, research, and other industrial activities. The district accommodates uses that may generate higher levels of noise, traffic, or outdoor storage than commercial districts. Development is intended to ensure compatibility with surrounding properties through performance standards, screening, and appropriate site design.

A.

B. Permitted Uses

~~A. Principal Uses permitted: (Not requiring a use permit).~~

~~1. Any principal permitted use in the Commercial district, except residences, manufactured home parks, and recreational vehicle parks.~~

1. ~~2. Wholesale establishments, warehouses and self-storage units.~~Any principal permitted use in the Commercial district, except residences, manufactured home parks, and recreational vehicle parks.
2. Wholesale establishments, warehouses and self-storage units.
3. ~~3.~~ Laboratories, research, design and ~~testing when~~testing conducted completely within an enclosed building.
4. Industrial and manufacturing establishments.

5. Outdoor storage yards.

6. Heavy construction equipment yards.

~~4. Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.~~

~~5. Manufacture or assembly of boats, bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products and sheet metal products.~~

~~6. Manufacture or storage of food products including candy, dairy and ice cream and fruit and vegetable processing and canning.~~

~~7. Manufacture of rugs, mattresses, pillows, quilts, millinery, clothing, hosiery and fabrics, and printing and finishing of textiles and fibers into fabric goods.~~

~~8. Manufacture and/or fabrication of boxes, crates, furniture, cabinets, baskets, veneer and other wood products of a similar nature.~~

~~9. Manufacture of clay, stone or glass products including brick, cement, lime or composites.~~

7. ~~10.~~ Truck stop, transfer terminal or freight warehouse.

8. ~~11.~~ Lumber yards and mill work plants.

9. ~~12.~~ Sexually oOriented bBusinesses.

10. ~~13.~~ Medical or rRecreation mMarijuana pProcessing fFacility. ~~(Created Ordinance #409 11-10-20 – Effective 12-10-20)~~

11. ~~14.~~ Marijuana tTesting fFacility.

~~B.~~ Accessory uUses pPermitted~~:: (Not requiring a use permit).~~

Accessory uses, buildings or structures customarily incidental to any use permitted by this section. ~~1. Accessory dwelling units (ADUs) and caretaker's facilities clearly incidental and secondary to the use of the premises for business purposes.~~

~~C. Conditional Uses Permitted: (Use Permit Required). (Amended 7/9/13 by Ord #352; Eff 8/9/13); (Revised by Ord #384; Res 1543; Adopted 5/9/17; Eff 6/9/17)~~

C.

D. Conditional uses permitted:

1. ~~1.~~ Agriculture tTourism.

2. ~~2.~~ Agritourism eEnterprise.

3. ~~3.~~ Compounding of chemicals, petroleum, coal, and allied products~~,~~ such as~~:~~ acids and derivatives, ammonia, chlorine~~,~~ distillation, manufacture or refining of coal, tar, asphalt or wood; refining or wholesale storage of petroleum, gasoline or lubricating oils.

4. ~~4.~~ Croplands.

5. Data Centers subject to the provisions of Chapter 4.

6. ~~5.~~ Quarrying, extracting, grinding or crushing of earth or minerals.

7. ~~6.~~ Reduction, refining, smelting, or alloying of metal and metal ores.

8. ~~7.~~ Auto salvage or junkyard.

~~Data Centers subject to the provisions of Chapter 4.~~

~~8. Wireless Communication Tower that meets or exceeds Federal Communications Commission standards. (Created 7/9/13 by Ordinance #352; Effective 8/9/13)~~

~~a. Facilities within Zone A as indicated on the following map shall not exceed 200 (two hundred) feet.~~

~~b. Facilities in all other areas of the Industrial Zoning District shall not exceed 65 (sixty-five) feet.~~

~~9. Any use not listed by determined by the Community Development Director to be similar in industrial character and use. (The Board of Adjustment shall have authority to hear and decide appeals where it is alleged by the appellant that there is error in any order or decision made by an administrative official of the Town of Clarkdale based on or made in the enforcement of the Zoning Ordinance. (Created 7/9/13 by Ordinance #352; Effective 8/9/13)~~

~~10. Any use not listed but determined by the Community Development Director to be similar in commercial character and use. (Revised by Ord #384; Res 1543; Adopted 5/9/17; Eff 6/9/17)~~

~~1.~~ Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. Development ~~s~~Standards:

1. ~~D.~~ Maximum Building Height: 50 feet~~.~~

2. ~~E.~~ Minimum Lot Size: 35,000 square feet~~.~~

3. ~~F.~~ Minimum Lot Frontage: 200 feet~~.~~

4. ~~G.~~ Minimum Lot Width: 150 feet~~.~~

5. ~~H.~~ Minimum Yard Setbacks~~s Required~~:

a. Front - 30 feet, if a~~A~~ny property or parcel is abutting any State or U.S. Highway the property owner must fulfill the state and federal requirements for all structures.

b. Side - None, unless residential use or adjacent to residential use, then 20 feet.

~~c. All other, 30 feet from front property line; Side-None, unless residential use or adjacent to residential use, then 10-15 feet;~~ Rear - 20 feet.

F. ~~I.~~ Performance s~~S~~tandards for Industrial Districts:

1. ~~1.~~ Traffic and Curbs: ~~-~~No Industrial development ~~will be permitted which permits~~shall permit or encourages vehicular traffic to back into the street right-of-way, or otherwise unduly restricts or interrupts the normal flow of traffic. Curbs shall be installed in front of each developed parcel ~~(as required by staff)~~.

2. ~~2.~~ Landscaping and Paving: ~~-~~All open areas of an improved lot shall be maintained in a dust free conditions by landscaping with trees, shrubs, or suitable groundcover. Undisturbed natural growth is encouraged, however, covering with material which will provide an all-weather surface as an alternative.

3. ~~3.~~ Storage Facilities: ~~-~~Outside storage and display shall be permitted provided:

a. ~~a.~~ It is setback from the street or public right-of-way so as not to obstruct pedestrian or vehicular traffic and to allow necessary visibility of traffic signal, signs and approaching traffic.

b. ~~b.~~ Display or storage areas are kept free of litter and debris.

c. ~~c.~~ Goods, merchandise and materials are properly secured against theft, vandalism or ~~lost~~loss.

d. ~~d.~~ Display or storage areas are established and maintained in conformance with fire access standards of the currently adopted ~~2003~~ International Fire Code.

4. ~~4.~~ Illumination: ~~-~~of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward street and adjoining properties.

~~5. Noise-At no point on the boundary of residential or business property zones shall the sound pressure level of an individual operation or plant exceed the decibel levels~~

in the designated octave banks show below (excluding operation of motor vehicles or other transportation facilities):

Maximum Sound Pressure_

| Octave Cycles | | Bank Per Second | Level in Decibels .0002 Dynes Per CM2 |
|---|---|---|---|
| 0 | to | 75 | 72 |
| 75 | to | 150 | 67 |
| 150 | to | 300 | 59 |
| 300 | to | 600 | 52 |
| 600 | to | 1200 | 46 |
| 1200 | to | 2400 | 40 |
| 2400 | to | 4800 | 34 |
| Above | | 4800 | 32 |

Access. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be capable of being accurately measured with equipment. Noises capable of being so measured, for the purposes of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus, or minus, two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

6. Smoke-No emission of smoke from any source shall be permitted to exceed a greater density that described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to, but, not darker than No. 2 on the Ringleman Chart for not more than four (4) minutes in any thirty (30) minute period. For the purpose

~~of grading the density of smoke, the Ringleman Chart as published by the U.S. Bureau Mines shall be the standard.~~

~~7. Glare or Heat-Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along the lot lines.~~

~~8. Odors-No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or in such manner as to create a nuisance or hazard along the lot lines.~~

~~9. Vibration-No vibration shall be permitted which is discernible beyond the lot line to the human sense of touch for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 am to 7:00 pm, or of thirty (30) seconds or more duration in any one (1) hour period during the hours between 7:00 pm to 7:00 am.~~

~~10. Fly, Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution- No emission shall be permitted which can cause damage to persons, animals or vegetation or other forms of property.~~

~~11. Liquids and Solid Wastes-No wastes shall be discharged into the streets, drainage ways or onto any property which is dangerous to the public health and safety, and no waste shall be discharged into the public sewer system which endangers the normal operations of the public sewer system.~~

5. ~~12.~~ In any Industrial area, access from any state or federal highway shall maintain a minimum distance of 400 feet between driveways~~shall be a minimum four hundred 400 feet between driveways~~ and shall be approved by the ~~Zoning Administrator~~Community Development Director or designee of the Town of Clarkdale.

6. ~~13.~~ Screening: ~~-~~An owner of industrial property adjacent to any property having a zoning classification other than industrial shall, at the time of development or redevelopment of his property and at his own expense, construct a screen or barrier between his and the adjoining property. The screen ~~may consist of plants and/or~~shall be a fence or wall of solid construction ~~as described by the Town of Clarkdale upon application of the owner at the time his property is developed or redeveloped~~.

G. Applicable Provisions. ~~J.~~ All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. Chapter 4 – General Provisions
2. Chapter 5 – Conditional Use Permit
3. Chapter 7 – Signs
4. Chapter 8 – Outdoor Lighting Code
5. Chapter 9 – Landscape Design Standards
6. Chapter 11 – Design Review

~~6.~~

~~**Signs: Signs in conformance with Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; prior code § 3-14)**~~

**Section 3-150 Open Space ~~District~~ (OS)**

A. Purpose and intent: This district is intended to provide for areas of manufacturing, fabrication, warehousing, distribution, research, and other industrial activities. The district accommodates uses that may generate higher levels of noise, traffic, or outdoor storage than commercial districts. Development is intended to ensure compatibility with surrounding properties through performance standards, screening, and appropriate site design.

B. ~~A. Principal Uses Permitted:~~Permitted uses:

1. ~~1.~~ Outdoor public uses, including open space and parking areas.
2. ~~2.~~ Ranching, farming, keeping of animals.
3. ~~3.~~ Historic and archaeological sites.
4. ~~4.~~ Water treatment, wastewater treatment facilities, and flood control structures.
5. Municipal facilities, including public buildings, fire stations, visitor centers, and cemeteries.

C. ~~B.~~ Accessory u~~U~~ses p~~P~~ermitted~~:~~:

1. ~~1.~~ Accessory dwelling units (ADU~~s~~) and caretaker's residence where clearly incidental, subordinate and secondary to the principal permitted use of the property.

2. ~~2.~~ Restrooms, storage buildings, and barns, as per Section ~~2-0102~~-010, Definitions, and Section ~~4-0104~~-020, ~~General Provisions,~~ Accessory Structures ~~Standards~~.

~~C.~~ Conditional uUses pPermitted:
~~1.~~ Outdoor recreational facilities, including horse stables, golf courses, and campgrounds.
D. ~~2. Municipal facilities, including public buildings, fire stations, visitor centers, and cemeteries.~~

E. ~~D.~~ Development sStandards:
1. ~~1.~~ For any development other than undisturbed open space, the development standards for Maximum building Height, Minimum Lot Size, Minimum Lot Frontage, Minimum Lot Width, and Minimum Yards Required shall be the same as the adjacent use district, and where more than one adjacent use district is indicated, the more restrictive district shall be used;
2. ~~2.~~ Landscaping: Subject to ~~Section~~ Chapter ~~9~~9, Landscape Standards. For development within open space areas, a development envelope shall be designated for purposes of identifying undisturbed native plant area and area subject to landscaping requirements. All areas disturbed by the development or construction process, including building areas, parking areas, and staging areas, shall be included in the required calculations for landscaping, and shall be subject to landscaping requirements.
3. ~~3.~~ Parking: Subject to ~~Section 4-120~~the provisions of Chapter 4.
~~4. Parking and Loading.~~

~~**5. Signs: Subject to the Sign Code in Section 7. (Revised by Ordinance #436 on 12/10/24; effective 1/10/25; prior code § 3-15)**~~

**~~Article~~Section 3-160**

**Arts and~~&~~ Entertainment Overlay (AE)~~District~~**

A. Purpose and intent: The purpose of this overlay district is threefold:
1. To promote economic development in the Clarkdale central commercial area;
2. To preserve the historic look of the Central Business District;

3. To allow for the approval of exemptions from the distance restrictions prescribed in Arizona State Statute (A.R.S.) § 4-207(C)(4) regarding the location of establishments serving alcoholic beverages in relation to schools and churches.

B. District boundaries: The Clarkdale Historic District was listed on the National Register of Historic Places in 1998. The Central Business District, a zoning district, lies within this historic designation. The Central Business District originally provided a wide variety of services for residents of the original Clarkdale Town Site.
The Arts & Entertainment District is an overlay district encompassing all of the Central Business District, some adjacent property with commercial zoning and residential property in close proximity to the Central Business District with the potential to transition, through a rezone process, to commercial uses and extending along Broadway Road into the Industrial Zoning District.

C. Design guidelines: Properties within the Clarkdale Arts & Entertainment District shall closely consider the surrounding context of the existing structures when designing new or remodeled buildings. Incorporation of the following features is recommended:
1. Establishment of a relationship to adjoining spaces
2. Continuity of street scape along Main Street through inclusion of benches and appropriate landscaping
3. Brick façades and/or partial brick inlays
4. Clerestory windows
5. A strong pedestrian connection to existing sidewalks or extension of the sidewalk system
6. A main entrance from a public sidewalk
7. Rounded arches
8. Large storefront windows
9. Varied roof lines
10. New development in the Arts & Entertainment District shall conform to the following standards:
a. Place public parking behind buildings or participate in the development of new central public parking areas.

b. The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.

c. Landscaping shall include shade trees along the front boundary. These trees shall be from the approved plant list in Chapter 9 of the Zoning Code.

11. All other development and performance standards are as found in the underlying zoning district.

D. Exemptions: Pursuant to A.R.S. § 4-207(C)(4), restrictions on licensing premises near school or church buildings, the Clarkdale Town Council may approve exemptions on liquor license applications to the distance restrictions in this section of state statute for businesses within the Arts & Entertainment District. Requests for exemptions must be submitted in writing to the Town Council. Review of the exemption requests will be scheduled on a Council agenda upon verification that the property owner and/or business owner is up to date on all utility fees due to the Town, the business owner has a current business license, and there are no current code enforcement issues regarding the subject property.

E. Art and Entertainment Overlay map is on the next page.

~~3-160-010 Purpose~~

~~3-160-020 District Boundaries~~

~~3-160-030 Design Guidelines~~

~~3-160-040 Exemptions~~

~~(Created by Ordinance #354; approved 9/24/13; Effective 10/245/13)~~

~~Section 3-160-010 Purpose~~

~~The purpose of this overlay district is three fold:~~

~~• To promote economic development in the Clarkdale central commercial area;~~

~~• To preserve the historic look of the Central Business District;~~

~~• To allow for the approval of exemptions from the distance restrictions prescribed in Arizona State Statute (A.R.S.) § 4-207(C)(4) regarding the location of establishments serving alcoholic beverages in relation to schools and churches. (Prior code § 3-16-1)~~

~~Section 3-160-020 District Boundaries~~

~~The Clarkdale Historic District was listed on the National Register of Historic Places in 1998. The Central Business District, a zoning district, lies within this historic~~

~~designation. The Central Business District originally provided a wide variety of services for residents of the original Clarkdale Town Site.~~

~~The Arts & Entertainment District is an overlay district encompassing all of the Central Business District, some adjacent property with commercial zoning and residential property in close proximity to the Central Business District with the potential to transition, through a rezone process, to commercial uses and extending along Broadway Road into the Industrial Zoning District. (Prior code § 3-16-2)~~

~~Section 3-160-030 Design Guidelines~~

~~Per the 2012 Clarkdale General Plan: 'The context of a place considers its history as well as its future.'~~

~~Properties within the Clarkdale Arts & Entertainment District shall closely consider the surrounding context of the existing structures when designing new or remodeled buildings. Incorporation of the following features is recommended:~~

~~• Establishment of a relationship to adjoining spaces~~

~~• Continuity of street scape along Main Street through inclusion of benches and appropriate landscaping~~

~~• Brick façades and/or partial brick inlays~~

~~• Clerestory windows~~

~~• A strong pedestrian connection to existing sidewalks or extension of the sidewalk system~~

~~• A main entrance from a public sidewalk~~

~~• Rounded arches~~

~~• Large storefront windows~~

~~• Varied roof lines~~

~~Where feasible, as determined during the Site Plan Review process, new development in the Arts & Entertainment District shall conform to the following standards:~~

~~• Place public parking behind buildings or participate in the development of new central public parking areas.~~

~~• The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.~~

~~• Landscaping shall include shade trees along the front boundary. These trees shall be from the approved plant list in Chapter Nine of the Zoning Code.~~

~~All other development and performance standards are as found in the underlying zoning district. (Prior code § 3-16-3)~~

~~Section 3-160-040 Exemptions~~

~~Pursuant to A.R.S. § 4-207(C)(4), restrictions on licensing premises near school or church buildings, the Clarkdale Town Council may approve exemptions on liquor license applications to the distance restrictions in this section of state statute for businesses within the Arts & Entertainment District. Requests for exemptions must be submitted in writing to the Town Council. Review of the exemption requests will be scheduled on a Council agenda upon verification that the property owner and/or business owner is up to date on all utilities fees due to the Town, the business owner has a current business license, and there are no current code enforcement issues regarding the subject property. (Prior code § 3-16-4)~~

~~Article 3-170 TO BE MOVED TO Its OWN CHAPTER~~

~~HISTORIC PRESERVATION DISTRICT (HPD)~~

~~3-170-010 Purpose~~

~~3-170-020 Historic Preservation Overlay District Designation~~

~~3-170-030 Development Standards~~

~~3-170-040 Application Process~~

~~3-170-050 Certificate of Appropriateness~~

~~3-170-060 Demolition and Moving of Buildings and Structures~~

~~Section 3-170-010 Purpose~~

~~The purpose of this article is to support the preservation of buildings, structures, and sites identified in the Historic Resource Survey of Clarkdale (Ryden, 1989) and the National Register of Historic Places Designation (January 1, 1988), and to identify, preserve, and enhance the Town's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Clarkdale by:~~

~~1. Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;~~

~~2. Encouraging the identification and recognition of significant historic resources;~~

~~3. Encouraging the sensitive adaptation of historic properties to modern uses;~~

~~4. Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District are carried out in a manner which is not detrimental to the historic integrity of the district;~~

~~5. Encouraging the identification and protection of prehistoric and historic archaeological resources and enhancing the value of the Historic District and properties;~~

~~6. Protecting and preserving those properties within the Town that are valuable to the preservation of the community character and identity;~~

~~7. Preserving and enhancing the attractiveness of the Town to potential home buyers and business interests; and~~

~~8. Supporting historic tourism and promoting commercial development and economic benefit to the Town. (Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

~~Section 3-170-020 Historic Preservation Overlay District Designation~~

~~The Historic Preservation District is an overlay zone. Overlay zones supplement the existing zoning by establishing additional requirements that are applied to the underlying zoning district. Participation by property owners in the Historic District is voluntary. To participate and obtain the benefits provided by this article, property owners must sign an opt-in form. If a property owner signs an opt-in form and later decides not to participate in the Historic District, their participation can be withdrawn by signing an opt-out form. Property owners within the boundaries of the Historic Preservation District may opt-in or opt-out at any time.~~

~~A. Historic Preservation District Boundaries. The Historic Preservation District, which is subject to the regulations set forth herein, is designated by the boundaries identified in Exhibit 1, Historic Preservation District.~~

~~1. All provisions of the entirety of this article apply to properties within the Clarkdale Historic Preservation District identified in the map of the Clarkdale Historic Preservation District at the option of the property owner. If the owner opts to apply the standards of this section, all applicable standards in the section shall be applied. An opt-in form must be signed by the property owner and submitted to the Town prior to issuance of any building permits under this article.~~

~~2. Those property owners that do not opt in are subject to the development standards for the underlying zoning classification.~~

~~3. Historic properties electing to adhere to the requirements of the Historic Preservation Ordinance (HPO) shall inure to the following benefits:~~

~~a. Waiver of building permit fees for applications that bring existing historic structures in compliance with adopted building codes;~~

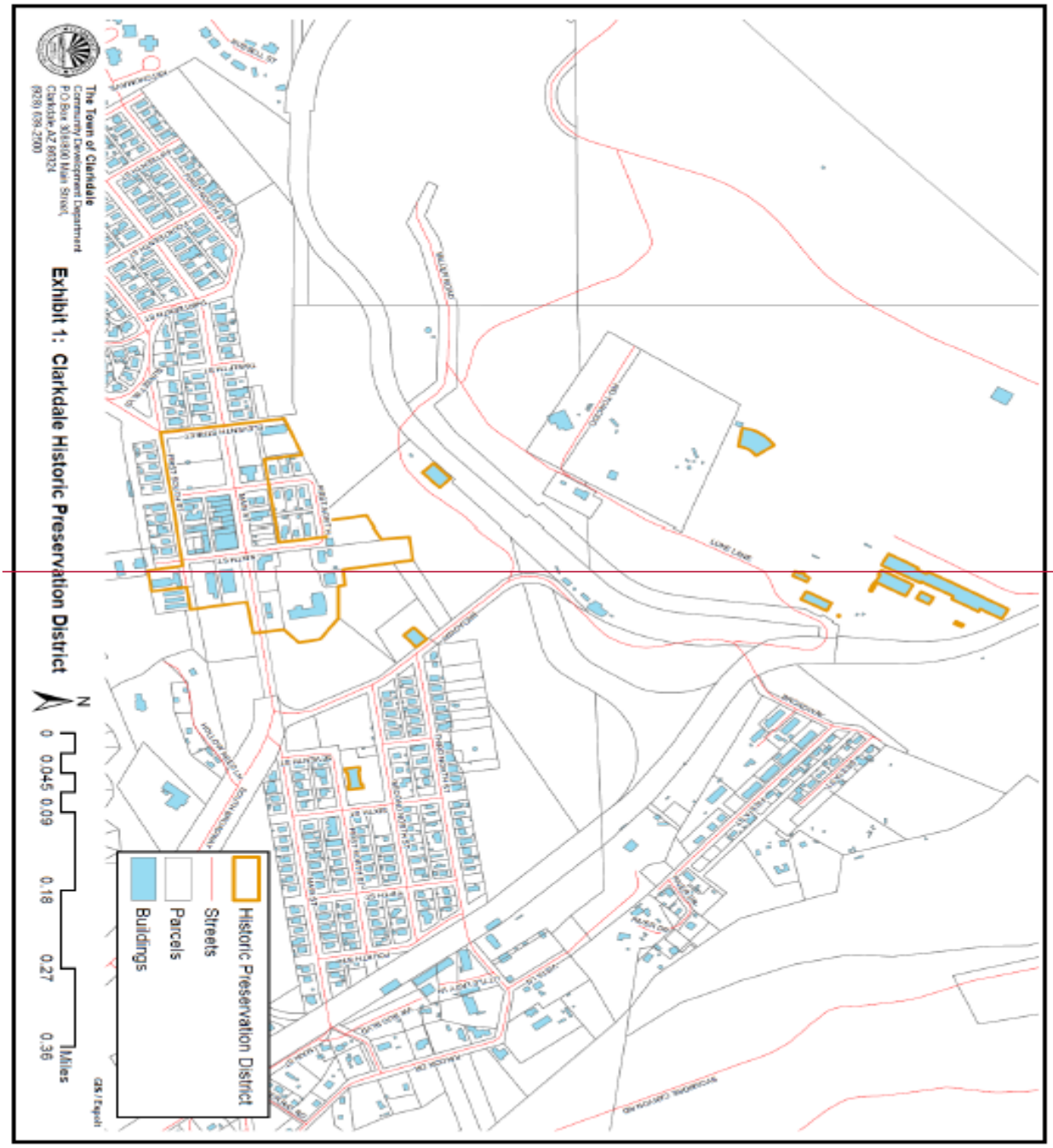
~~b. Accelerated review of historic preservation projects;~~

~~c. Accelerated permitting of historic preservation projects; and~~

~~d. Waived application fees for historic preservation projects.~~

~~B. The regulations set forth herein apply to all existing structures and to all new construction within the Historic District.~~

~~Exhibit 1: Clarkdale Historic Preservation District~~




~~C. The Historic Preservation Commission shall serve as the design review board for the Historic Preservation District. (Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

~~Section 3-170-030 Development Standards~~

~~Properties within the Clarkdale Historic Preservation District shall consider the context of the surrounding and existing structures with respect to architectural style,~~

~~building form, and building massing. Projects shall honor the Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

~~When designing new or remodeled buildings or considering an adaptive reuse of an existing building, the following design features and elements shall be incorporated:~~

~~A. Siting. Please refer to Exhibit 2, Town of Clarkdale Streetscape, for a graphic representation of the requirements of this subsection.~~

~~1. Establishment of a Relationship to Adjoining Spaces. For new construction, one- and two-story buildings are encouraged.~~

~~2. A connection to existing sidewalks or an extension of the sidewalk system.~~

~~3. Continuity of streetscape along Main Street.~~

~~4. The main entrance shall be from a public sidewalk.~~

~~5. The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.~~

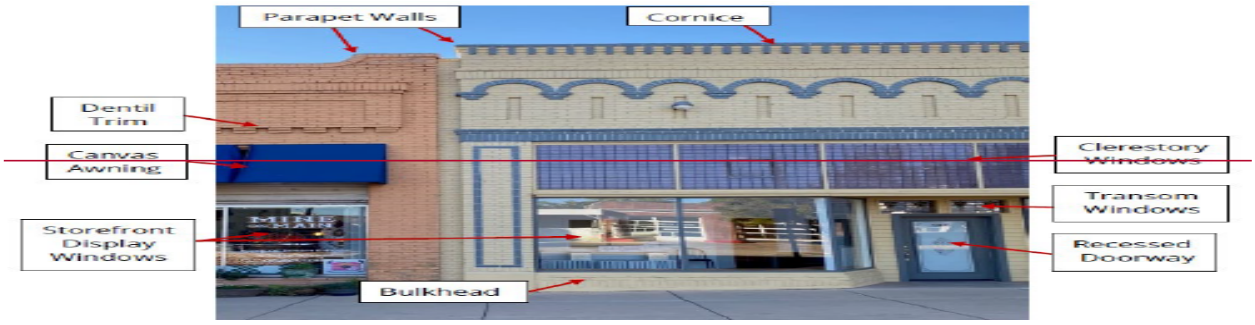
~~Exhibit 2: Town of Clarkdale Streetscape~~

~~B. Exterior Wall Design, Materials and Finishes. Please refer to Exhibit 3, Historic Building Architectural Elements, for a graphic representation of the requirements of this subsection.~~

~~1. To the extent possible, incorporation of design features such as parapet walls, cornices, friezes, dentil trim, metal canopies, canvas awnings, clerestory windows, transom windows, storefront display windows, recessed doorways and bulkheads should be utilized. New construction or additions should be compatible with, yet distinguishable from, existing buildings in the district.~~

~~2. Whenever possible, preservation of these features is required for rehabilitation or repair of existing structures.~~

~~Exhibit 3: Historic Building Architectural Elements~~




~~3. Masonry may be structural or veneer. Brick façades and/or partial brick inlays are encouraged.~~

~~4. Painting of brick is discouraged, unless replicating historic signage or installation of murals.~~

~~5. Stucco, wood, metal and other materials may be used as an accent.~~

~~Exhibit 4: Rooflines and Parapet Walls~~

~~C. Roof and Parapet. Please refer to Exhibit 4, Rooflines and Parapet Walls, for a graphic representation of the requirements of this subsection.~~

~~1. Varied roof lines and parapet walls are required for new construction.~~

~~2. Preservation and restoration of existing parapet walls are required.~~
~~3. Metal roofing is acceptable.~~
~~4. Rooftop mechanical equipment shall be screened from public view. For corner lots, equipment shall be screened from both front and side elevation.~~
~~D. Storefronts, Doors, Windows and Awnings. Please refer to Exhibits 5A, Wood Door Frame, and 5B, Storefront Detail, for a graphic representation of the requirements of this subsection.~~
~~1. Large storefront display windows may be recommended.~~
~~2. Wood is recommended for doors, trim and accenting the doorway and entry.~~
~~3. Windows shall be glass and shall be vertical in orientation and may be single, double hung, or fixed.~~
~~4. Steel may be used for doors and window frames if painted to match or anodized and compatible with the building.~~
~~5. Rounded arches are encouraged when feasible in new construction and preserved or restored in existing structures.~~
~~6. The use of wood for doors is strongly encouraged.~~
~~7. The use of canopies and awnings is allowed.~~
~~Exhibit 5: Door Frame and Entry Features~~

Exhibit 5A: Wood Door

Exhibit 5B: Storefront Detail

~~E. Site Features.~~

~~1. The purpose of this section is to provide instruction for site features to enhance new construction and maintain continuity within the district. These features include~~

but are not limited to walkways, benches, street lighting, paving materials, walls, stairs and landscaping. These features must be appropriate to the scale and character of the Historic Preservation District as follows:

a. Landscaping shall be drought tolerant. Building planter beds or containers are allowed and drip irrigation is recommended. The property owner is responsible for maintaining plants in live condition.

b. Lighting shall not detract from the historic character of the structure and must comply with Section 8-070.

c. Benches shall be of similar form and character with existing benches on Main Street and shall be securely fastened to concrete footings or sidewalk and shall not detract from the character of the Historic Preservation District.

d. Outdoor sidewalk cafes are allowed and regulated through a separate permit application and shall be compliant with Section 4-160. The application can be submitted concurrent with the review process set forth in Section 3-170-030.

2. All other development and performance standards are as found in the underlying zoning district. (Created by Ordinance #424 on 1/14/25; effective 2/13/25)

Section 3-170-040 Application Process

A. Prior to submitting a building permit application in the Historic Preservation District, the applicant shall schedule a pre-application review (PAR) meeting with the Community Development Department staff to review the required application submittals and review process.

B. All building permit applications for existing structures located in the Historic Preservation District, or proposed new construction located in the Historic Preservation District, shall be reviewed by the Historic Preservation Specialist, for classification as either a minor or major certificate of appropriateness as set forth in Section 3-170-050.

C. Plans showing the full scope of the proposed work shall be submitted at the time of application for a major or minor certificate of appropriateness. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accordance with the plan except that temporary facilities shall be permitted in conjunction with construction after approval of temporary facilities by the Historic Preservation Specialist.

1. When a building permit is sought from the Town to demolish, alter, remodel, move, build, renovate or otherwise develop or landscape property in the Clarkdale

~~Historic Preservation District, issuance of the permit shall be deferred until after a certificate of appropriateness is obtained.~~

~~2. Permits with special circumstances that require a variance, including but not limited to the size, height, locations and number of signs, the location of off-street parking, required screening and landscaping, the height of fences and walls, and the number of required off-street parking and loading spaces, may be recommended for approval through the certificate of appropriateness process. Such variances shall meet the following findings of fact:~~

~~a. Are not contrary to health, safety, or best interest of the public.~~

~~b. Enforcement of the provision shall cause an unnecessary hardship that is neither economic nor a self-imposed harm.~~

~~c. Condition unique to the property which was not created by the property owner.~~

~~d. The variance has no adverse effect on surrounding properties or the general public.~~

~~e. The variance does not conflict with the characteristics that make the property eligible for the National Register of Historic Places.~~

~~f. Practical difficulties or unnecessary hardship would result in having to comply strictly with the Zoning Ordinance.~~

~~g. No changes are made to underlying zoning districts or General Plan land use designations.~~

~~3. All other development and performance standards not found listed herein shall comply with the underlying zoning district.~~

~~4. Nothing in this article shall be construed to prevent ordinary maintenance, cleaning, or repair of any structure in the Historic Preservation District which does not alter or modify the historic character of the structure. (Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

~~Section 3-170-050 Certificate of Appropriateness~~

~~A. Applications for certificates of appropriateness shall be submitted to the Town of Clarkdale Community Development Department. The Historic Preservation Specialist will review the application for completeness and provide review comments to the Commission. Applications shall include the following items:~~

~~1. Site plan: Shall include topography, vegetation, property lines, building, on-site circulation, and adjacent building footprints, streets, rights-of-way, curb cuts, driveways, sidewalks, signage, lighting, fences, and walls.~~

~~2. Exterior elevations: Shall include doors, windows, architectural features, and elevation marks from finished grade to highest point of eaves, roof ridge, or parapet walls.~~

~~3. Rehabilitation, remodel, or restoration plans: Shall include identification of features proposed for preservation and proposed for replacement.~~

~~4. Floor plans: For reference only, to help understand the overall plan.~~

~~5. Materials and colors: Shall depict proposed building façade, materials and colors.~~

~~6. Historic photographs: Shall provide project context, elements and compatibility with adjacent properties.~~

~~7. Color renderings: Provide finished project illustrations to show post-improvement compatibility with adjacent properties.~~

~~8. Landscape plan: May be required; Chapter 9, Landscape Design Standards, will apply.~~

~~9. Other requirements, depending on scope of project and at the discretion of the Community Development Director:~~

~~a. Traffic impact analysis.~~

~~b. Preliminary and final plats or development plans.~~

~~B. Minor Certificate of Appropriateness. The minor certificate of appropriateness (Minor COA) is subject to the review and approval of the Community Development Department and the Building Official. All proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District as per the following minor certificate standards:~~

~~1. The proposed work is clearly within the development standards.~~

~~2. Limited to work that does not significantly alter the character and appearance of the property.~~

~~3. Approval authorizes the issuance of permits required by the Building Official.~~

~~4. Approval of a minor COA also serves as design review approval.~~

~~5. The public will be notified of approval, approval with stipulations, or denial of application at the next regular meeting of the HPC after approval by the Historic Preservation Specialist.~~

~~6. If a minor COA is not issued, a major certificate of appropriateness (major COA) shall be required.~~

~~C. Major Certificate of Appropriateness. The major certificate of appropriateness (major COA) shall be subject to the review and approval of the Historic Preservation Commission for all major new construction, significant restoration, alteration, demolition, or other major construction activity in the Clarkdale Historic Preservation District.~~

~~1. All proposed work shall not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District.~~

~~2. All work is subject to review and approval by the Building Official, Public Works Director, Town Engineer, and any other agency having jurisdiction over the project.~~

~~3. The major COA includes anything that constitutes substantial work, including but not limited to alteration, restoration, new construction, demolition, or other significant activities.~~

~~4. The major COA requires a public hearing before the Historic Preservation Commission. Notice shall be given in conformance with the notification process for public hearings before the Planning Commission.~~

~~5. The Historic Preservation Commission shall recommend approval of the application, approval with stipulations, or denial of the application. The Commission may also send the application back to the Historic Preservation Specialist for additional work.~~

~~6. The application shall then be forwarded to Town Council with a recommendation of approval, approval with stipulations, or denial.~~

~~D. The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the adopted design guidelines for the district. A certificate of appropriateness shall be recommended if the Historic Preservation Commission determines that the proposed work:~~

~~1. Is compatible with the relevant historic, cultural, educational, or architectural qualities and characteristics of the property; and~~

~~2. Does not diminish or adversely impact the integrity of the Clarkdale Historic Preservation District;~~

~~3. Prior to forwarding the decision of the Historic Preservation Commission to the Town Council, the Historic Preservation Commission shall affirm whether the project conforms to the following findings of fact:~~

a. Conforms to the Design Guidelines for the Historic Preservation District.
b. Meets all applicable adopted building codes of the Town of Clarkdale.
c. Does not diminish or adversely impact the integrity of the Historic Preservation District.
E. Approval of a Certificate of Appropriateness authorizes the issuance of permits required by the Building Official. (Created by Ordinance #424 on 1/14/25; effective 2/13/25)
Section 3-170-060 Demolition and Moving of Buildings and Structures
It is the intent of this article to preserve the historic and architectural resources within the Historic Preservation District. However, it is recognized there can be circumstances beyond the control of a property owner that may result in the necessary demolition of a structure within the Historic Preservation District. These circumstances include a building which constitutes an imminent safety hazard, which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or that imposes hardship on its owners as follows:
A. No permit shall be issued to move or demolish all or any part of a building, or other structure in the Historic Preservation District, without approval of a major or minor certificate of appropriateness as established in Section 3-170-050.
B. Request for a demolition permit shall be exempt from these requirements if the Building Official determines, according to the criteria set forth in adopted codes, that the building is an imminent safety hazard to the public and that necessary repairs would be impractical. The Building Official shall first notify the Historic Preservation Specialist in writing before issuing the demolition permit.
C. If demolition approval is not granted, then no demolition permit shall be issued for a period of one (1) year. A subsequent demolition application may be made and granted for a property that has previously been the subject of a one (1) year demolition permit denial if new facts or circumstances can be presented in support of the application.
D. If demolition approval is granted on any basis other than that of an imminent hazard, hardship, or upon expiration of a restraint of demolition, a demolition permit shall not be issued until a redevelopment or reuse plan for the property has received a certificate of appropriateness.
1. The redevelopment or reuse plan cannot be comprised of vacant land or propose no use to replace the demolished structure.

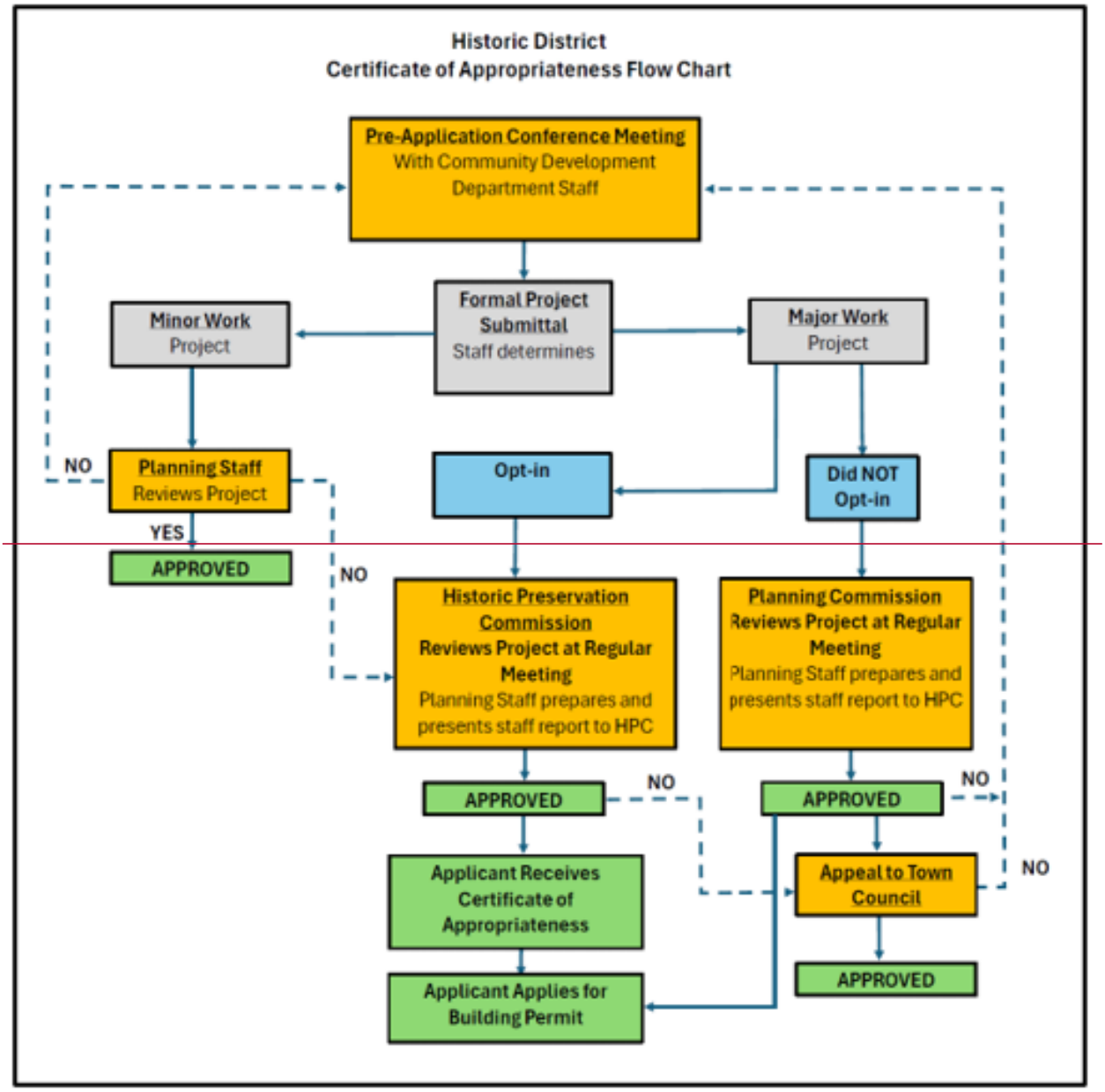
~~2. A redevelopment or reuse plan shall consist of a site plan illustrating the location of building, parking, walls, and landscaping, as well as building elevations that depict roof lines, doors, windows, and other architectural details.~~

~~3. A redevelopment or reuse plan shall also meet the requirements for Site Plan Review as set forth in Section 11-110.~~

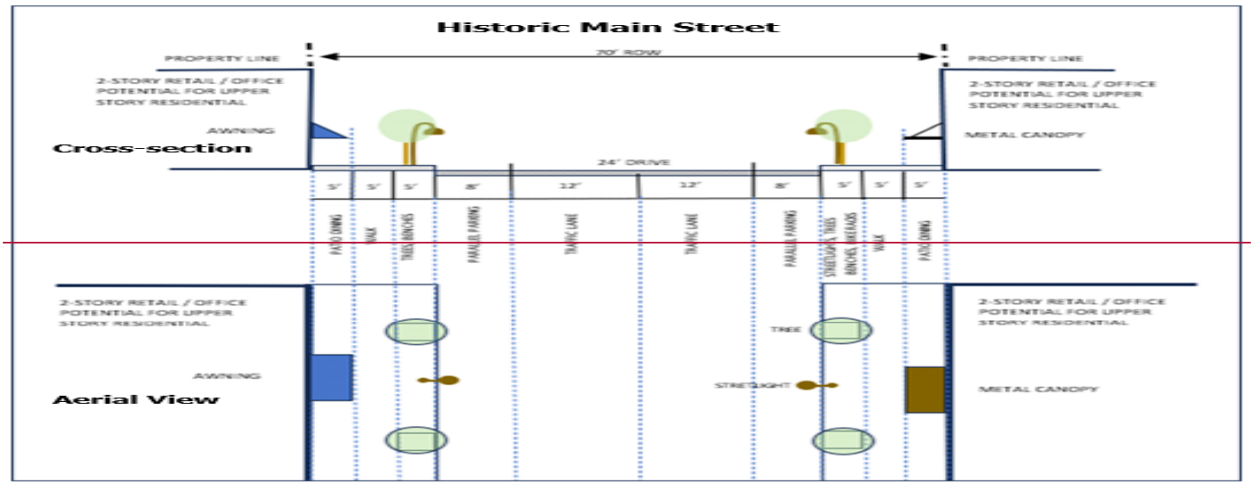
~~4. A demolition approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation, including photo documentation, or for agreed upon removal of artifacts.~~

~~E. Relocation of structures shall follow the process set forth in this subsection and also obtain a certificate of appropriateness as set forth in Section 3-170-050.~~

~~Exhibit 6: Certificate of Appropriateness Process~~




~~Exhibit 7: Historic Main Street Configuration~~




~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

~~The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.~~

~~Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.~~

~~Town Website: www.clarkdale.az.gov~~

~~Town Telephone: (928) 639-2400~~

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# EXHIBIT C
# CHAPTER 3
## ZONING DISTRICTS

**SECTIONS:**


3-010 Single-Family Residential (R1)

3-020 Single-Family Residential Alternate (R1A)

3-030 Single-Family Residential Limited (R1L)

3-040 Single-Family and Limited Multi-Family Residential (R2)

3-050 Multi-Family Residential (R3)

3-060 Manufactured Home Residential (R4)

3-070 Manufactured Home Residential Alternate (R4A)

3-080 Suburban Residential (RS3)

3-090 Central Business (CB)

3-100 Commercial (C)

3-110 Industrial (I)

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3-130 Arts and Entertainment Overlay (AE)


### SECTION 3-010 SINGLE-FAMILY RESIDENTIAL (R1)

A. **Purpose and Intent.** This district is intended to provide for low-density residential neighborhoods consisting primarily of site-built, detached single-family homes on standard-sized lots. The district is designed to preserve established neighborhood character and promote compatibility between residential uses and supporting public facilities such as parks, schools, and utilities. Limited accessory and home-based activities are permitted in a manner that maintains the residential character of the area.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.
3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Homes located on a public street.
5. Bed and Breakfast establishments in conformance with Section 4-110.
6. Keeping of fowl, subject to the standards in Article 6-3 of Town Code.
7. Public and private schools.
8. Public safety facilities.
9. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Code Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes located on a public street.
3. Churches, Synagogues, or other places of worship.
4. Medical Marijuana Caregiver Facility.
5. Applicant is required to obtain a Home Occupation License.
6. Unoccupied public utility buildings, structures, or appurtenances for public service use. Development standards may be modified through Conditional

Use Permit approval. Extension of public services lines in public or private right-of-way is exempt from this requirement.

7. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 2 ½ stories, not to exceed 35 feet
2. *Maximum Lot Coverage Ratio:* 30%
3. *Minimum Lot Size:* 10,000 square feet
4. *Minimum Lot Frontage:* 60 feet
5. *Minimum Average Lot Width:* 80 feet
6. *Minimum Yard Area Standards:*
    a. Front - 20 feet
    b. Interior Side - 10 feet
    c. Exterior Side (street side) - 15 feet
    d. Rear - 20 feet

F. **Applicable Provisions.** All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*

## SECTION 3-020 SINGLE-FAMILY RESIDENTIAL ALTERNATE (R1A)

A. **Purpose and Intent.** This district is intended to accommodate moderately sized residential lots that support site-built, detached single-family homes in a compact neighborhood setting. This district provides opportunities for

attainable housing while maintaining compatibility with surrounding residential areas.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.
3. Installation for sewer, water, gas electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Home.
5. Bed and Breakfast establishments in conformance with Section 4-110.
6. Keeping of fowl subject to standards in Article 6-3 of Town Code.
7. Public and private schools.
8. Public safety facilities.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes.
3. Churches, Synagogues, or other places of worship.
4. Medical Marijuana Caregiver Facility.
    a. Applicant is required to obtain a Home Occupation License.
5. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 2 ½ stories, not to exceed 35 feet

2. *Maximum Lot Coverage Ratio:* 40%
3. *Minimum Lot Size:* 5,000 square feet
4. *Minimum Lot Frontage:* 50 feet
5. *Minimum Average Lot Width:* 50 feet
6. *Minimum Yard Area Standards:*
    a. Front - 15 feet
    b. Interior Side - 5 feet
    c. Exterior Side (street side) - 10 feet
    d. Rear - 15 feet

F. **Applicable Provision.** All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*

## SECTION 3-030 SINGLE-FAMILY RESIDENTIAL LIMITED (R1L)

A. **Purpose and Intent.** This district is intended to provide for low-density residential development on larger lots in areas where rural character, open space, and reduced development intensity are desired. The district accommodates single-family homes and limited community-serving uses while maintaining greater lot area, setbacks, and open space to preserve neighborhood character.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Publicly owned or operated park, playground or community building.

3. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
4. Family Day Care Homes located on a public street.
5. Bed and Breakfast establishments in conformance with Section 4-110.
6. Keeping of fowl subject to standards in Article 6-3 of Town Code.
7. Public and private schools.
8. Public Safety or unoccupied Utilities facilities.
9. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes located on a public street.
3. Churches, Synagogues, or other places of worship.
4. Golf Courses, Country Clubs including social and dining activities.
5. Medical Marijuana Caregiver Facility.
    a. Applicant is required to obtain a Home Occupation License.
6. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 2 ½ stories, not to exceed 35 feet

2. *Maximum Lot Coverage Ratio:* 20%
3. *Minimum Lot Size:* One acre
4. *Minimum Lot Frontage:* 100 feet
5. *Minimum Average Lot Width:* 140 feet
6. *Minimum Yard Area Standards:*
    a. Front - 30 feet
    b. Interior Side - 10 feet
    c. Exterior Side (street side) - 15 feet
    d. Rear - 30 feet

F. **Applicable Provisions.** All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*

## SECTION 3-040 SINGLE-FAMILY AND LIMITED MULTI-FAMILY RESIDENTIAL (R2)

A. **Purpose and Intent.** This district is intended to provide for a mix of single-family and small-scale multi-family housing, including duplexes, triplexes, and fourplexes. The district supports moderate residential density while maintaining compatibility with surrounding neighborhoods. Development is intended to provide housing diversity, promote efficient land-use, and ensure appropriate transitions between lower and higher density areas.

B. **Permitted Uses.**

1. One single-family dwelling, excluding mobile or manufactured homes.
2. Two, three, and four family dwelling units, excluding mobile homes.
3. Publicly owned or operated park, playground or community building.

4. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
5. Family Day Care Homes and Group Day Care Homes.
6. Bed and Breakfast establishments in conformance with Section 4-110.
7. Keeping of fowl subject to standards in Article 6-3 of Town Code.
8. Public and private schools.
9. Public Safety or unoccupied Utilities facilities.
10. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Apartment buildings exceeding four units per building.
3. Churches, synagogues or other places of worship.
4. Hospitals.
5. Day Care Centers.
6. Medical Marijuana Caregiver Facility.
    a. Applicant is required to obtain a Home Occupation License.
7. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 2 ½ stories, not to exceed 35 feet
2. *Maximum Lot Coverage Ratio:* 40%
3. *Minimum Lot Size:*
    a. 8,000 square feet per single-family dwelling unit
    b. 4,000 square feet per dwelling unit for structures exceeding detached single-family homes
4. *Minimum Lot Frontage:* 30 feet
5. *Minimum Average Lot Width:* 60 feet
6. *Minimum Yard Area Standards:*
    a. Front - 20 feet
    b. Interior Side - 10 feet
    c. Exterior Side (street side) - 15 feet
    d. Rear - 20 feet

F. **Applicable Provisions.** All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*
5. *Chapter 9 – Landscape Design Standards*
6. *Chapter 11 – Design Review*

## SECTION 3-050 MULTI-FAMILY RESIDENTIAL (R3)

A. **Purpose and Intent.** This district is intended to accommodate higher-density residential development, including apartments and other multi-family housing

types. The district provides opportunities for a range of housing choices and supports proximity to commercial areas.

B. **Permitted Uses.**

1. Any use permitted by right in the R2 zone district.
2. Multi-family dwelling structures.
3. Churches, synagogues or other places of worship.
4. Convalescent homes and retirement centers.
5. Bed and Breakfast establishments, boarding and rooming houses.
6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080. For non-residential uses one illuminated, non-flashing identification on-premise sign not exceeding 64 square feet and indicating only the name or address of the use thereof in conformance with Chapter 7 - Signage.

D. **Conditional Uses.**

1. Home occupations which do not adhere to the provisions of Section 4-080.
2. Day Care Centers.
3. Cemeteries.
4. Hospitals.
5. Private clubs, fraternities, sororities and lodges, excepting those whose chief activity is a service customarily carried on as a business.
6. Medical Marijuana Caregiver Facility.
    a. Applicant is required to obtain a Home Occupation License.

7. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* three stories, not to exceed 45 feet
2. *Maximum Lot Coverage Ratio:* 40%
3. *Minimum Lot Size:*
    a. 8,000 square feet for single-family use
    b. 4,000 square feet per unit for two, three, or four family structures
    c. 3,000 square feet per unit for apartment structures, with a minimum of 18,000 square feet
    d. 20,000 square feet for non-residential uses
4. *Minimum Lot Frontage:* 30 feet
5. *Minimum Average Lot Width:* 60 feet
6. *Minimum Yard Area Standards:*
    a. Front - 20 feet
    b. Interior Side - 10 feet
    c. Exterior Side (street side) - 15 feet
    d. Rear – 20 feet
    e. All non-residential uses shall maintain a setback of 25 feet for all sides.
7. *Open space requirement:* 20%

F. **Applicable Provisions.** All provisions from the following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*

5. *Chapter 9 – Landscape Design Standards*
6. *Chapter 11 – Design Review*

## SECTION 3-060 MANUFACTURED HOME RESIDENTIAL (R4)

A. **Purpose and Intent.** This district is intended to provide for manufactured home subdivisions, manufactured home parks, and recreational vehicle parks in an organized setting. The district ensures manufactured housing is developed in a manner consistent with public health and safety standards, adequate infrastructure, and compatibility with surrounding land uses.

B. **Permitted Uses.**

1. Manufactured Home Parks.
2. Manufactured Home Subdivisions.
3. Recreational Vehicle Parks.
4. Public Safety or unoccupied Utilities facilities.
5. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Ordinance Section 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-080.

D. **Conditional Use Permit.**

1. Home occupations which do not adhere to the provisions in Section 4-080.
2. All uses other than principal uses require a Conditional Use Permit.
3. Medical Marijuana Caregiver Facility.
    a. Applicant is required to obtain a Home Occupation License.

4. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards for Manufactured Home Subdivisions.**

1. *Site Area Required.*
    a. Five acres
    b. 5,000 square feet of gross site area per Manufactured Home space
2. *Separation Requirements.*
    a. A Manufactured Home or any part thereof shall not be closer than 15 feet to any building or structure or occupy or encroach upon any portion of any required yard or driveway.
    b. A Manufactured Home or any part thereof shall not be closer than 25 feet to any other Manufactured Home or part thereof if face to face, and if end to end, 12 feet, except a temporary cabana having no side walls of any type may be erected and attached to a Manufactured Home, provided such temporary cabana shall not be closer than five feet to any other Manufactured Home or occupy or encroach upon any portions of any required yard or driveway.
3. *Maximum Building Height:* One story front elevation not to exceed 25 feet
4. *Maximum Lot Coverage Ratio:* 40%
5. *Minimum Lot Size:* 8,000 square feet
6. *Minimum Lot Frontage:* 30 feet
7. *Minimum Average Lot Width:* 50 feet
8. *Use of Manufactured Homes in Manufactured Home Subdivisions and Lots:*
    a. When authorized as provided elsewhere herein, such Manufactured Homes and use shall comply with the following requirements: Manufactured Homes shall be modern, minimum manufactured size 12 feet minimum width, 50 feet minimum length, used as a dwelling for not more than one family unit, and shall be located on the site in accordance with the requirements for a permanent building; they shall be blocked up

off the ground in a safe manner so that utility connections will not be rendered unsafe by settlements; and they shall be connected to Town sewer and water systems or as required by Town ordinance, accessory buildings and permanent add-ons shall be permitted as provided elsewhere, in the District in which located.

b. All Manufactured Homes located in the Town for a duration of 30 days or more shall be skirted within said 30 day period with material similar in appearance to the material used for siding on the Manufactured Home. The skirting shall completely enclose the space under the Manufactured Home.

c. Manufactured Homes shall, within 30 days after installation, be provided with anchors and tie-downs adequate to secure stability and prevent shifting. Owners of Manufactured Homes shall, within 30 days after installation, secure an inspection of tie-downs and anchors from the Town's Building Official.

d. Floor Area, for the purpose of this article, shall include permanently constructed enclosed cabanas which are attached to the Manufactured Home and used as living quarters.

F. **General Requirements for Recreational Vehicle Parks and Manufactured Home Parks.**

*1. Driveways, Interior Streets, and Access-Ways.*

a. Parks shall have direct access to a public street that the Town classifies as a highway, arterial, or collector street, except that no individual space within the park may have direct access to a public street. A minimum of two vehicular ingress/egress points shall be provided for each park, one of which may be kept closed to the general public if provision is made for emergency access per Fire District requirements.

b. A two-way interior street or access-way shall have a minimum width of 24 feet, and a one-way interior street or access-way shall have a minimum width of 20 feet. All interior streets or access-ways shall have a minimum vertical clearance of 13 feet 6 inches. Fire lanes shall be signed to prohibit parking per Fire District requirements.

c. All driveways and interior streets shall be surfaced in accordance with Town Standards.

d. All plans and traffic engineering shall be subject to approval by the Town Engineer.

e. Parking requirements subject to Town Standards shall apply. Tandem parking is allowed for required parking in individual spaces.

f. Street lighting shall comply with Chapter 8 of the Town Zoning Ordinance.

2. All parks shall be screened from any adjacent lot by a solid wall six feet in height, subject to fence requirements in the Town Zoning Ordinance.

3. Parks may include permanent buildings for office, recreational, laundry, shower, and restroom facilities constructed to currently adopted building and fire codes. Spaces in Manufactured Home Parks shall not be occupied by recreational vehicles, and spaces in Recreational Vehicle Parks shall not be occupied by Mobile Homes or Manufactured Homes.

4. All spaces shall be connected to electricity, water, and an approved sewage disposal facility.

5. All utility lines, cable TV, and electric transmission lines shall be placed underground within a park. An approved fire protections system shall be installed per Fire District requirements.

6. Landscaping provisions of Chapter 9 of the Zoning Ordinance shall apply.

7. Recreational vehicle storage areas, if provided, shall not exceed 25% of the area of the park and shall not be located within 50 feet from any street frontage. Storage areas shall be subject to Fire District requirements and shall be screened by solid screen wall or fence six feet in height.

8. Any open fire pits and barbecues shall be constructed according to currently adopted fire codes.

9. *Development standards for Manufactured Home Parks.*

a. Site Area Requirements:

i. 5 Acres minimum

ii. 3000 square feet of gross site area per Manufactured Home Park Space

b. Minimum Average Width of Space: 40 feet

c. Minimum Depth of Space: 60 feet

d. Minimum Manufactured Home Size: 320 square feet

e. Minimum Yard Setbacks:

i. Front - 15 feet

ii. Interior Side - 10 feet

iii. Exterior Side (street side) - 15 feet

iv. Rear - 10 feet

f. Attached canopies, awnings, covered porches, covered patios, carport roofs and similar attached building projections shall be measured the same as the main structure for setbacks.

g. With the exception on one side of the lot to the property line where an open sided covered metal carport with rain gutters will be allowed within the side yard setback as long as ten feet of separation is maintained to the nearest structure.

h. Uses of Manufactured Homes in Manufactured Home Parks and Lots:

i. When authorized as provided elsewhere herein, such Manufactured Homes and their use shall comply with the following requirements: Manufactured Homes shall be modern, used as a dwelling for not more than one family unit, and shall be located on the site in accordance with the requirements for a permanent building; they shall be blocked up off the ground in a safe manner so that utility connections will not be rendered unsafe by settlements; they shall be connected to the Town sewer and water systems or as required by Town ordinances; accessory buildings and permanent add-ons shall be permitted as provided elsewhere, in the District in which located.

ii. All Manufactured Homes located in the Town for a duration of 30 days or more shall be skirted within said 30 day period with material similar in appearance to the material used for siding on the Manufactured Home. The skirting shall completely enclose the space under the Manufactured Home.

iii. Manufactured Homes shall within 30 days after installation be provided with anchors and tie-downs adequate to secure stability and prevent shifting. Owners of Manufactured Homes shall, within 30 days after installation, secure an inspection tie-down and anchors from the Town's Building Official.

iv. Floor Areas, for the purpose of this section shall include permanently constructed, enclosed cabanas, which are attached to the Manufactured Home and used as living quarters.

*10. Development standards for Recreational Vehicle Parks.*

a. Site Area Requirements:

i. Three Acres minimum

ii. 1,800 square feet of gross site area per Recreational Vehicle Park Space

b. Minimum Setbacks:

i. Front - 15 feet

ii. Interior Side - 10 feet

iii. Exterior Side (street side) - 15 feet

iv. Rear - 10 feet

c. Minimum Average Width of Space: 30 feet

d. Minimum Spacing Between Recreational Vehicles (including attached structures): 10 feet

e. Attached canopies, awnings, covered porches, covered patios, carport roofs and similar attached building projections shall be measured the same as the main structure for setbacks.

G. **Certificate of Occupancy and Business License.** No Certificate of Occupancy or Business License shall be issued until the following requirements have been met:

1. Thirty percent of the Manufactured Home spaces planned in any part, or 10 such Manufactured Home spaces whichever is greater, shall have been completely prepared, constructed and equipped for use in all respects, and until such portion of the Manufactured Home Park's community facilities in the category of, but not limited to, driveways, laundry facilities, bath, wash and toilet rooms, shall have been completely prepared, constructed, and equipped for use in all respects.
2. A plan or permit for screening shall be reviewed and approved by the Building Inspector prior to final issuance of certificate or license.

H. **Applicable Provisions.** The following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*
5. *Chapter 9 – Landscape Design Standards*
6. *Chapter 11 – Design Review*

## SECTION 3-070 MANUFACTURED HOME RESIDENTIAL ALTERNATE (R4A)

A. **Purpose and Intent.** This district is intended to provide flexibility for manufactured housing development, including subdivisions and rental parks, while also allowing detached single-family homes. This district serves as a transitional residential district that accommodates a range of housing types.

B. **Permitted Uses.**

1. Manufactured Home Parks subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4).

2. Manufactured Homes subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4).
3. Manufactured Home Subdivisions subject to the development standards listed in Section 3-060 Manufactured Home Residential (R4).
4. One single-family home subject to R1 development standards.
5. Public Safety or unoccupied Utilities facilities.
6. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Ordinance Chapter 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-080.

D. **Conditional Uses.**

1. Home occupations which do not adhere to the provisions in Section 4-080.
2. Medical marijuana caregiver facility.
    a. Applicant is required to obtain a home occupation license.
3. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. **Applicable Provisions.** The following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*
5. *Chapter 9 – Landscape Design Standards*

6. *Chapter 11 – Design Review*

## SECTION 3-080 SUBURBAN RESIDENTIAL (RS3)

A. **Purpose and Intent.** The intent of this district preserve and promote very low-density residential development in a rural or semi-rural setting. The district accommodates single-family homes on large lots and permits limited agricultural activities consistent with maintaining open space, privacy, and rural character. Development is intended to minimize urban intensity and preserve natural landscape features.

B. **Permitted Uses.**

1. One single-family home, excluding mobile or manufactured homes.
2. Agricultural uses.
3. Keeping of large animals such as cattle and horses, not to exceed one head per 20,000 square feet of lot area.
4. Keeping of fowl subject to standards in Article 6-3 of the Town Code.
5. Public and private schools.
6. Publicly owned or operated park, playground or community building.
7. Installation for sewer, water, gas, electric and telephone main lines and incidental appurtenances, excluding electrical substations and treatment plants.
8. Family Day Care Homes.
9. Churches, synagogues, or other places of worship.
10. Bed and Breakfast Establishment in conformance with Section 4-110.
11. Public Safety or unoccupied Utilities facilities.
12. Cultivation, possession, consumption, processing, manufacturing, and transportation of recreational marijuana at an individual's primary residence for personal use, subject to additional regulations in Town Code Article 10-2, Smoking, and Article 8-8, Recreational Marijuana, and in Town Zoning Ordinance Section 4-180, Recreational and Medical Marijuana.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Home Occupations which do not adhere to the provisions of Section 4-080.
2. Group Day Care Homes located on a public street.
3. Golf Courses or Country Clubs including.
4. Cemeteries.
5. Medical Marijuana Caregiver Facility.
    a. Applicant is required to obtain a Home Occupation License.
6. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. **Development Standards.**

1. *Building Height Limitation:* 2 ½ stories, not to exceed 35 feet.
2. *Maximum Lot Coverage Ratio:* 20%
3. *Minimum Lot Size:* 3 acres per single-family dwelling unit
4. *Minimum Lot Frontage:* 150 feet
5. *Minimum Average Lot Width:* 200 feet
6. *Minimum Yard Area Standards:*
    a. Front and Rear:
        i. Minimum Combined Depth. The sum of the required front yard setback and required rear yard setback shall not be less than 130 feet.
        ii. Minimum Individual Setback. In no case shall the required front yard setback or the required rear yard setback be less than 30 feet.
    b. Interior Side - 25 feet

c. Exterior Side (street side) - 25 feet

G. **Applicable Provisions.** The following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*
5. *Chapter 9 – Landscape Design Standards*
6. *Chapter 11 – Design Review*

## SECTION 3-090 CENTRAL BUSINESS (CB)

A. **Purpose and Intent.** The intent of this district is to serve as a commercial, civic, cultural, and mixed-use heart of the Town. The district encourages a compact, pedestrian-oriented environment supporting retail, dining, lodging, residential, and commercial uses typical of historic downtowns.

B. **Permitted Uses.**

1. Artist Studios – art production on site is subject to the performance standards of the Commercial District.
2. Assisted living facilities including convalescent homes, hospice care and retirement centers.
3. Bed and Breakfast Country Inn.
4. Commercial, trade and vocational schools.
5. Community Supported Agriculture (CSA) disbursement locations. No on-site crop production is permitted.
6. Farmers markets, swap meets, and flea markets with property owners' permission and a special event permit.
7. Funeral parlors without a crematorium.
8. Hotels and motels.

9. Indoor recreational or amusement establishments such as bowling alleys, arcades, billiards parlors, and similar establishments.
10. Manufacturing, production and assembly of boutique consumable products using sustainable practices that minimize negative environmental impacts while conserving energy and natural resources. Re-use or re-purposing of by-products is encouraged. All such activity shall be conducted within completely enclosed building. A portion of the products manufactured on site shall be sold at retail on the premises.
11. Marijuana establishments.
12. Medical marijuana dispensary in a storefront location.
13. Museums and galleries.
14. Parking lots, subject to town standards. Parking structures are prohibited.
15. Personal service uses, including barber shops and beauty parlors, day spas, dressmakers, tailors, tattoo parlors and other personal service uses of a similar nature.
16. Professional and business offices, including clinics, banks and financial institutions and medical/dental offices.
17. Religious institutions.
18. Repair shops for household small appliances, bicycles, and personal items.
19. Residential uses including single-family and multi-family.
20. Restaurants, taverns, bars and sidewalk cafes in conformance with Section 4-120.
21. Retail sales including florist shops and greenhouses in connection with such shops. No outdoor display or outdoor storage is permitted.
22. Self-service laundry and cleaning establishments.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses.**

1. Agriculture Tourism.
2. Agritourism Enterprise.
3. Convenience stores/filling stations provided bulk storage of liquids is underground. No repair shop or vehicle storage shall be permitted.
4. Croplands.
5. Child or adult day care center.
6. Infusion of marijuana into food products by a marijuana establishment with a valid food establishment license in a storefront location.
7. Medical Facilities, Licensed Inpatient and Outpatient.
8. Outside display & sale of goods & merchandise: outside storage.
9. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution.
10. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 50 feet
2. *Minimum Lot Size:* None
3. *Minimum Lot Frontage:* 25 feet
4. *Maximum Floor Area Ratio:* None
5. *Minimum Yards Required:* None
6. *Frontage Road.* In those areas which are immediately adjacent to any state or federal highway, the owner shall, upon use of said property, construct at their own expense, a frontage road providing access to said highway. The frontage road shall be constructed according to Town standards.
7. *Screening* An owner whose property is immediately adjacent to any property having the zoning classification other than Industrial shall, at his own

expense, at the time of use of the property, construct a screen on his property to act as a barrier between his property and adjacent property having a more restrictive zoning classification. The screen shall be a fence of solid construction.

F. **Applicable Provisions.** The following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*
5. *Chapter 9 – Landscape Design Standards*
6. *Chapter 11 – Design Review*

## SECTION 3-100 COMMERCIAL (C)

A. **Purpose and Intent.** This district is intended to provide for a broad range of retail, service, office, lodging, and mixed-use development that serves the community and surrounding region. The district accommodates automobile-oriented and general commercial uses while ensuring compatibility with adjacent residential districts through performance standards and site design requirements.

B. **Permitted uses.**

1. All permitted uses allowed in the Central Business District (CB).
2. Automobile, trailer, boat, or farm implement display, sales or rentals.
3. Medical facilities, licensed inpatient and outpatient.
4. Park and ride facilities.
5. Parking lots, subject to town standards. Parking structures are allowed.
6. Public garages including storage and repair.

7. Publicly owned or operated park, playground or building including public garages and storage yards in conformance with the performance standards in Chapter 4.
8. Storage facilities in accordance with the performance standards in Chapter 4.
9. Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as an accessory dwelling unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-080.

D. **Conditional Uses Permitted.**

1. Agriculture tourism.
2. Agritourism enterprise.
3. Automatic or self-service car wash.
4. Campsites and recreational vehicle parks.
5. Convenience stores/filling stations provided bulk storage of liquids is underground. No repair shop or vehicle storage shall be permitted except in conformance with the Zoning Code.
6. Infusion of marijuana into food products with a valid food establishment license in a storefront location.
7. Croplands.
8. Child or adult day care center.
9. Outside display of goods and merchandise, outside storage.
10. Public Utilities.
11. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 50 feet

2. *Minimum Lot Size:* 24,000 square feet
3. *Minimum Lot Frontage:* 200 feet
4. *Minimum Lot Width:* 100 feet
5. *Minimum Yard Setbacks*:
    a. Front - 20 feet or minimum standards required by state or federal highway departments if abutting said highways, whichever is greater.
    b. Side – None, except where a lot adjoins a lot in a residential district or a residential use, whether single-family or multi-family along its side lot line, there shall be a 30 foot side yard.
    c. Rear - 20 feet
    d. For parcels that front on State Route 89A, direct or indirect access to State Route 89A must be provided through either an access permit from ADOT or interconnection of on-site circulation with adjacent parcels.
6. *Traffic and Curbs.* No Commercial development shall permit or encourage vehicular traffic to back into the highway right-of-way, or to otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.
7. *Landscaping and Paving.* All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover. Undisturbed natural growth is encouraged. Covering with material that will provide an all-weather surface is an alternative.
8. *Storage Facilities.* Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence; or as otherwise designated by the Board of Adjustment.
9. *Illumination.* Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward streets and adjoining properties.

10. *Access.* In any Commercial area, access from any state or federal highway shall maintain a minimum distance of 400 feet between driveways and shall be approved by the Community Development Director or designee.
11. *Screening.* An owner of Commercial property whose property is immediately adjacent to any property having the zoning classification other than Industrial shall at his/her own expense, at the time of use of the property, construct a screen on his/her property to act as a barrier between his/her property and adjacent property having a more restrictive zoning classification. The screen shall be a fence of solid construction.

F. **Applicable Provisions.** The following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:
   1. *Chapter 4 – General Provisions*
   2. *Chapter 5 – Conditional Use Permit*
   3. *Chapter 7 – Signage*
   4. *Chapter 8 – Outdoor Lighting Code*
   5. *Chapter 9 – Landscape Design Standards*
   6. *Chapter 11 – Design Review*

## SECTION 3-110 INDUSTRIAL (I)

A. **Purpose and Intent.** This district is intended to provide for areas of manufacturing, fabrication, warehousing, distribution, research, and other industrial activities. The district accommodates uses that may generate higher levels of noise, traffic, or outdoor storage than commercial districts. Development is intended to ensure compatibility with surrounding properties through performance standards, screening, and appropriate site design.

B. **Permitted Uses.**
   1. Any principal permitted use in the Commercial district, except residences, manufactured home parks, and recreational vehicle parks.
   2. Wholesale establishments, warehouses and self-storage units.

3. Laboratories, research, design and testing conducted completely within an enclosed building.
4. Industrial and manufacturing establishments.
5. Outdoor storage yards.
6. Heavy construction equipment yards.
7. Truck stop, transfer terminal or freight warehouse.
8. Lumber yards and mill work plants.
9. Sexually oriented businesses.
10. Medical or recreation marijuana processing facility.
11. Marijuana testing facility.

C. **Accessory Uses Permitted.** Accessory uses, buildings or structures customarily incidental to any use permitted by this section.

D. **Conditional Uses Permitted.**

1. Agriculture tourism.
2. Agritourism enterprise.
3. Compounding of chemicals, petroleum, coal, and allied products such as; acids and derivatives, ammonia, chlorine, distillation, manufacture or refining of coal, tar, asphalt or wood; refining or wholesale storage of petroleum, gasoline or lubricating oils.
4. Croplands.
5. Data Centers subject to the provisions of Chapter 4.
6. Quarrying, extracting, grinding or crushing of earth or minerals.
7. Reduction, refining, smelting, or alloying of metal and metal ores.
8. Auto salvage or junkyard.
9. Any other uses as determined by the Community Development Director to be similar to those uses listed above and not detrimental to the public's health, safety, and general welfare.

E. **Development Standards.**

1. *Maximum Building Height:* 50 feet
2. *Minimum Lot Size:* 35,000 square feet
3. *Minimum Lot Frontage:* 200 feet
4. *Minimum Lot Width:* 150 feet
5. *Minimum Yard Setbacks:*
    a. Front - 30 feet, if any property or parcel is abutting any State or U.S. Highway the property owner must fulfill the state and federal requirements for all structures.
    b. Side - None, unless residential use or adjacent to residential use, then 20 feet.
    c. Rear - 20 feet.

F. **Performance Standards for Industrial Districts.**

1. *Traffic and Curbs.* No Industrial development shall permit or encourages vehicular traffic to back into the street right-of-way, or otherwise unduly restricts or interrupts the normal flow of traffic. Curbs shall be installed in front of each developed parcel.
2. *Landscaping and Paving.* All open areas of an improved lot shall be maintained in a dust free conditions by landscaping with trees, shrubs, or suitable groundcover. Undisturbed natural growth is encouraged, however, covering with material which will provide an all-weather surface as an alternative.
3. *Storage Facilities.* Outside storage and display shall be permitted provided:
    a. Setback from the street or public right-of-way so as not to obstruct pedestrian or vehicular traffic and to allow necessary visibility of traffic signal, signs and approaching traffic.
    b. Display or storage areas are kept free of litter and debris.
    c. Goods, merchandise and materials are properly secured against theft, vandalism or loss.

d. Display or storage areas are established and maintained in conformance with fire access standards of the currently adopted International Fire Code.

4. *Illumination.* of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward street and adjoining properties.

5. *Access.* In any Industrial area, access from any state or federal highway shall maintain a minimum distance of 400 feet between driveways and shall be approved by the Community Development Director or designee.

6. *Screening.* An owner of industrial property adjacent to any property having a zoning classification other than industrial shall, at the time of development or redevelopment of his property and at his own expense, construct a screen or barrier between his and the adjoining property. The screen shall be a fence or wall of solid construction.

H. **Applicable Provisions.** The following chapters in the Town of Clarkdale Zoning Code, including but not limited to, shall apply:

1. *Chapter 4 – General Provisions*
2. *Chapter 5 – Conditional Use Permit*
3. *Chapter 7 – Signage*
4. *Chapter 8 – Outdoor Lighting Code*
5. *Chapter 9 – Landscape Design Standards*
6. *Chapter 11 – Design Review*

## SECTION 3-120 OPEN SPACE (OS)

A. **Purpose and Intent.** This district is intended to provide for areas of manufacturing, fabrication, warehousing, distribution, research, and other industrial activities. The district accommodates uses that may generate higher levels of noise, traffic, or outdoor storage than commercial districts. Development is intended to ensure compatibility with surrounding properties through performance standards, screening, and appropriate site design.

B. **Permitted Uses.**

1. Outdoor public uses, including open space and parking areas.
2. Ranching, farming, keeping of animals.
3. Historic and archaeological sites.
4. Water treatment, wastewater treatment facilities, and flood control structures.
5. Municipal facilities, including public buildings, fire stations, visitor centers, and cemeteries.

C. **Accessory Uses Permitted.**

1. Accessory dwelling units (ADU) and caretaker's residence where clearly incidental, subordinate and secondary to the principal permitted use of the property.
2. Restrooms, storage buildings, and barns, as per Section 2-010, Definitions, and Section 4-020, Accessory Structures.

D. **Conditional Uses Permitted.**

1. Outdoor recreational facilities.
2. Horse stables.
3. Golf courses.
4. Campgrounds.

E. **Development Standards.**

1. For any development other than undisturbed open space, the development standards for Maximum building Height, Minimum Lot Size, Minimum Lot Frontage, Minimum Lot Width, and Minimum Yards Required shall be the same as the adjacent use district, and where more than one adjacent use district is indicated, the more restrictive district shall be used;
2. *Landscaping.* Subject to Chapter 9, Landscape Standards. For development within open space areas, a development envelope shall be designated for purposes of identifying undisturbed native plant area and area subject to landscaping requirements. All areas disturbed by the development or

construction process, including building areas, parking areas, and staging areas, shall be included in the required calculations for landscaping, and shall be subject to landscaping requirements.

3. *Parking.* Subject to the provisions of Chapter 4 – General Provisions.

## SECTION 3-130 ARTS AND ENTERTAINMENT OVERLAY (AE)

A. **Purpose and Intent.** The purpose of this overlay district is threefold:

1. To promote economic development in the Clarkdale central commercial area;
2. To preserve the historic look of the Central Business District;
3. To allow for the approval of exemptions from the distance restrictions prescribed in Arizona State Statute (A.R.S.) § 4-207(C)(4) regarding the location of establishments serving alcoholic beverages in relation to schools and churches.

B. **District Boundaries.** The Clarkdale Historic District was listed on the National Register of Historic Places in 1998. The Central Business District, a zoning district, lies within this historic designation. The Central Business District originally provided a wide variety of services for residents of the original Clarkdale Town Site.

The Arts & Entertainment District is an overlay district encompassing all of the Central Business District, some adjacent property with commercial zoning and residential property in close proximity to the Central Business District with the potential to transition, through a rezone process, to commercial uses and extending along Broadway Road into the Industrial Zoning District.

C. **Design Guidelines.** Properties within the Clarkdale Arts & Entertainment District shall closely consider the surrounding context of the existing structures when designing new or remodeled buildings. Incorporation of the following features is recommended:

1. Establishment of a relationship to adjoining spaces.

2. Continuity of street scape along Main Street through inclusion of benches and appropriate landscaping.
3. Brick façades and/or partial brick inlays.
4. Clerestory windows.
5. A strong pedestrian connection to existing sidewalks or extension of the sidewalk system.
6. A main entrance from a public sidewalk.
7. Rounded arches.
8. Large storefront windows.
9. Varied roof lines.
10. New development in the Arts & Entertainment District shall conform to the following standards:
    a. Place public parking behind buildings or participate in the development of new central public parking areas.
    b. The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.
    c. Landscaping shall include shade trees along the front boundary. These trees shall be from the approved plant list in Chapter 9 of the Zoning Code.
11. All other development and performance standards are as found in the underlying zoning district.

D. **Exemptions.** Pursuant to A.R.S. § 4-207(C)(4), restrictions on licensing premises near school or church buildings, the Clarkdale Town Council may approve exemptions on liquor license applications to the distance restrictions in this section of state statute for businesses within the Arts & Entertainment District. Requests for exemptions must be submitted in writing to the Town Council. Review of the exemption requests will be scheduled on a Council agenda upon verification that the property owner and/or business owner is up to date on all utility fees due to the Town, the business owner has a current business license,

and there are no current code enforcement issues regarding the subject property.

E. Art and Entertainment Overlay Map.

# EXHIBIT D

# CHAPTER 4

## GENERAL PROVISIONS

**~~Articles~~Sections:**


4-010 Applicability

4-0210 ~~———~~Accessory Structures

4-0320 ~~———~~Campgrounds and Recreational Vehicle Parks

4-0430 ~~———~~Lot Standards~~s in Two Districts~~

~~4-040 Corner Lots~~

~~4-050 Reducing Lot Areas~~

4-0560 ~~———~~Swimming Pools

4-060 Responsibility for Outside Consultant Fees

4-070 ~~4-070 Payment By Owner Of Professional Services Deemed Necessary By Town Council~~

~~4-080 Fence Height~~Fences and Walls

~~4-090 Miscellaneous Projections of an Architectural Member~~

~~4-100 Yard Encroachments~~

4-~~110~~ 080 ~~—~~Home Occupation Standards

4-~~120~~ 090 ~~Off-Street~~ Parking and Loading

4-100 Traffic and Pedestrian Access

~~4-121 Traffic and Pedestrian Access~~

~~4-130 Parking Lots and Driveways Abutting Residence District~~

~~4-140 Rear Yards In Business and Commercial Zones-Loading and Unloading~~

4-~~150~~ 110 ~~—~~Bed and Breakfast Establishments

4-~~160~~ 120 ~~—~~Sidewalk Café Permit

4-~~170~~130 ~~-010~~ ~~—~~Standards for Golf Course Developments

~~4-170-020 Design and Construction Standards~~

~~4-170-030 Construction Documents~~

~~4-170-040 Water Balance Study~~

4-~~180~~ 140 ~~—~~Wireless Communication ~~Tower~~Structure

4-~~190~~ 150 ~~—~~Temporary Uses and Temporary Structures

4-160 Performance Standards

~~4-200 Noise~~

~~4-210 Hazardous, Special, and Radioactive Materials~~

4-~~220~~ 170 ~~Storage of Materials~~Outdoor Storage

4-~~230~~ 180 ~~—~~Recreational and Medical Marijuana ~~(Created by Ordinance #409 11-10-20 – Effective 12-10-20)~~

4-~~240~~ 190 ~~–~~Tiny Houses~~; Tiny Houses on Wheels; Tiny House Recreational Vehicles~~

4-200 Data Centers

4-~~250~~ 210 ~~–~~Commercial and Residential Flagpoles

4-220 Accessory Dwelling Unit (ADU)

4-230 Trash Enclosures

4-240 Agriculture Tourism, Agritourism Enterprise and Cropland Uses

**Section 4-010**

~~**4-250-010 Purpose and Intent**~~

~~**4-250-020 Permissible Locations**~~

~~**4-250-030 Construction Standards**~~

~~**4-250-040 Permit Requirements**~~

~~**4-250-050 Preexisting Nonconforming Flagpoles**~~

~~**4-260 Accessory Dwelling Units (ADUs)**~~

~~**4-260-010 Accessory Dwelling Units (ADUs)**~~

**Applicability~~.~~**

Except as expressly provided herein, no land, building, structure, or portion thereof shall be used, constructed, reconstructed, erected, altered, enlarged, relocated, demolished, or otherwise modified except in compliance with the provisions of this Ordinance; the standards applicable to the zoning district in which it is located; and all adopted building, fire, and related technical codes of the Town.

Uses not expressly identified as permitted or conditionally permitted within a zoning district are prohibited.

A. **Use Restrictions.**

1. *Permitted Uses.~~:~~* Those uses listed as "Permitted Uses" shall be allowed to be established within any zoning district in which they are listed, subject to the specific requirements of this Ordinance. All other uses shall be prohibited except as otherwise provided in this Ordinance.
2. *Conditional Uses.~~:~~* Uses identified as "Conditional" within a zoning district may be allowed only upon approval of a Conditional Use Permit.
    a. Approval shall be granted in accordance with the procedures established in this Ordinance.

b. The Planning and Zoning Commission and/or Town Council may impose conditions necessary to protect the public health, safety, and welfare and to ensure compatibility with surrounding uses.
c. The use shall be developed and operated in accordance with the approved conditions.

3. *Accessory Uses.:* Accessory uses and structures are permitted in any zoning district where a principal use is lawfully established, provided such accessory use is incidental and subordinate to the principal use; is located on the same lot as the principal use; and does not alter the character of the principal use.
   a. No accessory structure shall be constructed on a lot prior to the establishment of the principal structure or use.
   b. A lot shall not contain an accessory structure or use without a lawful principal use.

   *Unspecified Uses.:* If a proposed use is not specifically identified within a zoning district, the Planning and Zoning Commission shall determine the most appropriate classification based on similarity in character, intensity, and impact to listed uses. Such determination shall be made through minute action. In making its decision, the Commission shall consider the purpose and intent of the zoning district and comparable listed uses.

4.

**A. Nonconforming Lots oOf Record.**

1. A lot lawfully created and recorded prior to the effective date of this Ordinance may be developed with a permitted use within its zoning district, even if the lot does not meet current minimum lot area or width requirements.
2. Development on such lot shall comply with all applicable setback, lot coverage, height, and other dimensional standards unless otherwise authorized.
3. Where two or more contiguous lots under common ownership are proposed to be developed with a building that would cross lot lines, the lots shall be legally combined prior to submittal of development or building permit applications.
4. Lots proposed for combination shall have the same zoning designation prior to approval of the lot combination.
5. Any lot that has more than one zoning designation, shall be rezoned to the appropriate zoning district prior to any other project related approvals.

**Rediviging oOf Recorded Lots.**

1. No lot shall be divided in a manner that results in a parcel that fails to comply with the standards of this Ordinance.

2. Lots may be divided or combined only in accordance with the procedures established in Chapter 12 (Subdivision Regulations) or other applicable Town procedures.
3. ~~**Lots shall not be combined and re-divided by the same owner.**~~

**Access a~~A~~nd Street Requirements.**

1. All newly created lots shall:
    a. Abut a public street connected to the Town's street system; or
    b. Be served by a recorded permanent, nonexclusive access easement of sufficient width and design to accommodate an access way constructed to Town and Fire District standards.
    c. Clearly assign maintenance responsibility for any private access easements to the benefiting property owners.
2. No building permit shall be issued for a lot that does not have direct frontage on a dedicated public street unless:
    a. The lot is served by a compliant access way;
    b. The access way is contained within a recorded permanent nonexclusive easement; and
    c. The access way is constructed to Town standards and provides adequate emergency access.
3. As a condition of rezoning or development approval, the Town ~~Council~~ may require dedication of rights-of-way, utility easements, or other public improvements reasonably necessary to serve the proposed development, subject to the Town's Engineering Standards. ~~.~~

**Site ~~Suitabilitiy~~Suitability.**

1. Land determined by the Community Development Director or Planning ~~and Zoning~~ Commission to be unsuitable for development due to conditions including but not limited to; flood hazards, concentrated or inadequate drainage, unstable soils or rock formations, steep or hazardous topography, low percolation rates, insufficient bearing capacity, erosion potential, or other physical conditions that may endanger public health, safety, or welfare shall not be developed until such conditions are adequately addressed.
    a. The applicant shall submit technical studies and proposed mitigation measures demonstrating that identified hazards can be corrected or mitigated.
2. Approval of development may be conditioned upon implementation of corrective measures, construction standards, or ongoing maintenance requirements necessary to ensure site stability and public safety.

**Yard, Lot, aAnd Area Requirements.**

1. No building or structure shall be erected, constructed, reconstructed, enlarged, relocated, or structurally altered except in compliance with the yard, lot, area, height, and building placement standards applicable to the zoning district in which the property is located, unless expressly authorized elsewhere in this Ordinance. Required open space and yard areas shall not be reduced below the minimum standards established for the zoning district.

~~1.~~ Required ~~No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zoning district in which such building or open space is located, except as otherwise specifically provided.~~

2. Yards:
    a. Except as provided in this Section, required yards shall remain open and unobstructed from the ground upward.
    b. Landscaping, trees, shrubs, and permitted accessory structures shall not be considered obstructions when allowed by this ordinance.
    c. A required yard or open space provided to satisfy the requirements of this Ordinance for one building shall not be used to satisfy yard or open space requirements for any other building.
    d. Required yards shall be located on the same lot as the building they serve and shall not be credited to adjacent lots.

~~2.~~ ~~Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc., and accessory structures as allowed in this Ordinance shall not be considered obstructions. No yard or other open space provided around any building, for the purpose of complying with the provisions of these restrictions, shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.~~

3. Projections Into~~Over~~ Required Yards: The following architectural features may encroach into required yards, subject to the limitations below and compliance with applicable building and fire codes:
    a. The following may project up to five feet into a required side or rear yard. Such projections shall not extend closer than three feet to any lot line and shall not encroach into a required front yard:
        i. Awnings

ii. Fire balconies
iii. Fire escape stairs
iv. Window-mounted mechanical units
v. Roof-mounted or suspended evaporative coolers
vi. Similar minor architectural features

~~a.~~

b. ~~Awnings, open fire balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and similar features may project not more than five feet over any required side or rear yard, however, they shall not be closer than three feet from any lot line and shall not project into any required front yard.~~Canopies, cornices, eaves, and similar architectural detailing may project up to three feet into any required yard, provided they remain at least three feet from any lot line.

c. ~~Architectural details such as canopies, cornices, and eaves may project not more than three feet over any required yard, however, they shall not be closer than three feet from any not line~~Sills, belt courses, leaders, and similar decorative elements may project up to six inches into a required yard.

~~c.~~

~~3. Sills, leaders, belt courses, and similar ornamental features may project not more than six inches over or into any required yard.~~

4. Porches, Patios, Steps ~~and Steps:~~and Balconies that ~~Architectural features~~ provid~~inge~~ a transition between interior and exterior spaces are permitted, subject to the following standards:~~from the outside to the inside of buildings are permitted, subject to the following conditions:~~

a. Uncovered porches, patios, terraces, steps, or similar features not exceeding three feet in height above adjacent grade may project into any required yard. Projections shall remain at least three feet from any lot line. Projections into a required front yard shall not extend more than ten feet from the primary building wall.

b. Covered porches, patios, terraces, and similar features may project up to ten feet into a required front, side or rear yard, provided:

i. The structure remains at least five feet from a front lot line;
ii. The structure remains at least ten feet from a rear lot line;
iii. The structure remains at least five feet from a side lot line;
iv. The feature does not encroach into a required landscape yard unless specifically permitted elsewhere in this Ordinance; and

~~i.~~v. The front and sides of the structure remain open and are not enclosed by walls, windows, or screening materials.

c. In multi-family residential developments, covered or uncovered balconies may project into a required street frontage landscape yards, provided:

i. The balcony maintains a minimum vertical clearance of ten feet above grade;

ii. The projections does not exceed ten feet from the primary building wall;

iii. The projection remains at least five feet from any lot line; and

iv. The front and sides remain open and are not enclosed.

~~b. Unroofed porches, terraces, patios, steps, or similar features not over three feet in height above grade, may project into any required yard, provided the projections shall be no closer than three feet from any lot line. Projections into required front yards shall not exceed ten feet from the main wall of the building.~~

~~c. Unless restricted by this Ordinance, covered porches, terraces, patios, steps, or similar covered features may project up to ten feet into a required front or rear yard, provided the projection shall be no closer than five feet from any front lot line and ten feet from any rear lot line. Projections shall not encroach on a required landscape yard, unless otherwise allowed by this Ordinance, and the front and sides of the structure shall remain open; not to be enclosed with windows, walls, screens, or similar materials.~~

~~d. For multi-family residential development, covered and uncovered balconies with a minimum height clearance of ten feet from grade, may project over required street frontage landscape yards provided the projection shall not exceed ten feet from the main wall of the building and be no closer than five feet to any lot line. The front and sides of the balcony shall remain open and shall not be enclosed with windows, walls, screens, or similar materials.~~

d. All projections permitted under this Section shall comply with applicable building and fire codes. Required safety railings shall be permitted and shall not be considered an enclosure, provided they comply with applicable height limitations. ~~indicated in subsections XXXXX, including all similar features, shall be subject to current building and fire codes. Any~~

railing required by building code shall be allowed and not considered an enclosure, provided the railing does not exceed height requirements.

e.

**Section 4-010**

**Accessory Structures**

A. Accessory structures and accessory uses may be permitted only when clearly incidental and subordinate to a lawful principal use on the same lot, and shall comply with this Ordinance as well as all adopted Town Codes and Fire District requirements.

A. *Accessory Structures Standards.*

B. General Requirements for detached accessory structures in residential zones (not including Accessory Dwelling Units):

1. Accessory structures shall not be located in a required front yard. On corner lots, accessory structures shall not be placed within a required yard that abuts a street frontage.

2. Unless required in a specific zoning district for an approved development plan requiring greater setbacks, detached accessory structures ten feet or less in height shall be setback at least:

a. Five feet from interior side lot lines

b. Five feet from the rear lot line

i. 1. Within the R1A Zoning District, a rear setback of zero feet

c. SixFive feet from the main structure

3. d. Accessory structures over ten feet in height must meet all front, side, and rear yard requirements for the principal building in that zoning district.

a. Within the R1A, a rear setback of zero feet

4. e. In the residential XXXXXXXXXXXXX zoning districts, no accessory structurebuilding or aggregate of accessory buildingsstructures shall exceed 2,000 sq.ft. except by approval of a Cconditional Uuse Ppermit.

5. f. In the central business, XXXXXXXXcommercial and industrial zoning districts, no accessory structurebuilding or aggregate of accessory structures buildings shall exceed 3,000 sq.ft. except by approval of a Cconditional Uuse Ppermit.

6. g. In the manufactured home MH, XXXXX, zoning districts, no single accessory buildingstructure or aggregate of accessory structurebuildings shall exceed 750 sq.ft. except by approval of a Cconditional Uuse Ppermit.

7. ~~h.~~ Accessory structures constructed of reflective or unfinished metal, ~~(~~including galvanized zinc-coated finishes,~~)~~ shall be painted or otherwise finished to reduce glare.

8. ~~i.~~ Accessory structures and uses may not be established prior to the principal structure or use being completed.

C. Accessory structures in Commercial and Industrial zoning districts:

a. Any detached accessory structure in a commercial or industrial zone shall not be located in the required front yard, shall be at least ten feet from the main structure, and shall be at least five feet from the rear and interior side lot lines. Street side setbacks shall be as required for the main structure in that zoning district.

b. Detached accessory structures may be located a minimum of five feet from the main structure, if the following criteria are met:

1. The aggregate area of the detached accessory structures, within a proximity of five feet of each other, is less than 200 sq.ft.

2. The accessory structure must be constructed with noncombustible or fire rated walls, subject to the approval of the Building Official and Fire District; and

3. There is no impact to site circulation or other required development standards.

c. Accessory structures and uses may not be established prior to the principal structure or use being completed.

D. Attached Accessory Structures:

a. A private automobile garage, carport, or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.

~~b. An attached accessory dwelling unit may encroach on a side or rear yard if permitted by the zoning district's development standards.~~

c. The determination of yard requirements shall not include covered front porches, patios, and decks permitted to project into a front yard setback area, where allowed by this Ordinance.

E. All accessory structures, whether attached or detached, shall comply with the development standards of the zoning district in which they are located.

~~1. Accessory structures, if permitted in a district, are approved, provided:~~

~~a. They are not in a front yard.~~

~~b. They shall be distant at least three (3) feet from all alley lines.~~

~~c. They shall be distant at least three (3) feet from adjoining lot lines with exception of zone R1A, where they may be distant at zero (0) feet from all alley lines.~~

~~d. They are not erected more than six (6) months prior to the erection of the principal building.~~

~~e. They are located as specified in a Conditional Use Permit.~~

~~f. They do not exceed fifteen (15) feet in height.~~

~~g. For specifications regarding fowl, coops, maintenance and setbacks see Section 6-3-1, Permit for Livestock, Poultry, and Fowl – Limitations, of the Town Code.~~

2. Multiple dwelling units are required to have storage facilities as follows:
   a. Minimum of twenty-four (24) square feet per unit.
   b. One (1) side must be at least four (4) lineal feet.
   c. Minimum of one (1) exterior entrance.
   d. Conform to all other requirements of codes in effect. ~~(Revised by Ordinance #433 on 12/10/24; effective 12/10/24; prior code § 4-1)~~

**Section 4-020**

**Campgrounds ~~and Recreational Vehicle Parks~~**

~~A.~~ **Purpose and Intent.** The purpose of this section is to provide regulations and standards for development of campgrounds ~~and recreational vehicle parks~~, and accessory uses such as recreational and community sanitary facilities. For the purposes of this section, the words “space,” “stall,” or “site” shall indicate the individual area used by ~~a single RV or as~~ a single campsite and shall be used interchangeably.

~~B. No recreational vehicle shall by any definition be deemed a residence, and use of such as a residence is prohibited in all zoning districts except in accordance with Section 10-1-20 of the Town Code.~~

A. ~~C. Recreational vehicles may be used as temporary residences during construction and only so long as a valid building permit for construction remains in force, and not to extend beyond the date of the issuance of a certificate of occupancy. Power for the recreational vehicle shall be provided through the establishment of a temporary power connection of adequate amperage, on a freestanding pole of adequate construction.~~

B. ~~D.~~ **General Requirements.**

~~1. Campgrounds and recreational vehicle parks shall be developed in accordance with Chapter 6, Standards for Planned Unit Development and Planned Area Development, Section 6-020, Standards for Planned Area Development.~~

1. No recreational vehicle shall by any definition be deemed a residence, and use of such as a residence is prohibited in all zoning districts except in accordance with the Section below.
2. Recreational vehicles may be used as temporary residences during construction and only so long as a valid building permit for construction remains in force, and not to extend beyond the date of the issuance of a certificate of occupancy. Power for the recreational vehicle shall be provided through the establishment of a temporary power connection of adequate amperage, on a freestanding pole of adequate construction.

~~1. 2.~~ No certificate of occupancy shall be issued until the developer can demonstrate compliance with all health laws and regulations of the State of Arizona and Yavapai County.

3.

~~2. 3.~~ Each lot, parcel, or tract of land used for a campground ~~or RV park~~ shall have a minimum of three (3) acres.

4.

~~3. 4.~~ Service buildings associated with the campground ~~or RV park~~, including utilities, management office, repair shop, equipment storage, sanitary facilities, laundry facilities, and recreational facilities are permitted accessory uses. Maximum building height shall not exceed two (2) stories or 35 feet, regardless of zoning district.

5.

~~4. 5.~~ Campgrounds shall provide plumbed sanitary facilities in a permanent structure and shall provide one (1) men's and one (1) women's, or two (2) all-gender (separately locking) toilets, lavatories, and showers for each fifteen (15) spaces, subject to the requirements of the adopted building and plumbing codes.

6.

~~5. 6.~~ No campground ~~or RV park space,~~ site, or plot shall be occupied unless and until thirty percent (30%) of the total planned area or ten (10) spaces, sites, or plots are completely prepared and equipped for use in all respects, as well as all driveways, on-site circulation features, laundry facilities, and bath, wash, and toilet facilities.

7.

8. ~~7.~~ A financial assurance may be required at the discretion of the Community Development Director.

C. ~~E.~~ **Development Standards.**

~~1. Each RV space shall have an area of not less than 1,800 square feet, and a width of no less than 25 lineal feet.~~

~~1.~~ 2. Each camping space shall have an area of not less than 1,000 square feet, and a width of no less than 25 lineal feet.

1.

~~2.~~ 3. Maximum lot coverage, including all buildings, ~~RV spaces and~~ campsites, and paved areas shall not exceed the greater of sixty percent (60%) of the lot area or the maximum allowable lot coverage of the lot's zoning designation.

2.

~~3.~~ 4. The maximum density shall be 12~~twelve (12)~~ sites per acre.

3.

~~4.~~ 5. All utility lines, cable TV and electric transmission lines under 12,000 volts shall be placed underground within a campground ~~or park~~.

4.

5. ~~6.~~ On-site circulation and parking shall be as follows:

a. ~~a.~~ A minimum of two ~~(2)~~ off-street parking spaces will be provided on each camping ~~or RV~~ site. The parking spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material and may be configured in a tandem design.

b. ~~b.~~ Guest parking shall be provided at a minimum ratio of one ~~(1)~~ parking space for each five ~~(5)~~ camping ~~or RV~~ spaces and surfaced with dust-free materials.

c. ~~c.~~ Interior drives or roadways within a campground ~~or RV park~~ shall be paved to a minimum width of ~~22~~ 24 feet.

d. ~~d.~~ A minimum of two ~~(2)~~ vehicular entrances shall be provided; one ~~(1)~~ entrance may be used as an emergency access and closed to the public.

e. ~~e.~~ Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Chapter ~~88~~, Outdoor Lighting Code.

6. ~~7.~~ The minimum distance from any portion of the camping ~~or RV~~ space from lot lines shall be as follows:

a. ~~a.~~ From front space line: five~~5~~ feet from the nearest edge of an interior drive or roadway.

b. ~~b.~~ From the rear space line: five~~5~~ feet.

c. ~~c.~~ From other space boundaries not in common with the edge of an interior drive or roadway: five~~5~~ feet.

d. ~~d.~~ From an exterior boundary of the park abutting public streets: 20 feet; from all other exterior park boundaries: 10 feet.

e. ~~e.~~ From another recreational vehicle on an adjoining space: 10 feet.

7. ~~8.~~ Landscaping and signage requirements are as follows:

a. ~~a.~~ Landscaping shall be installed in accordance with Chapter ~~9~~9, Landscape Design Standards.

I. ~~i.~~ Refuse collection areas shall be central to the campground ~~or RV park~~ and screened from public view.

II. ~~ii.~~ Campgrounds ~~and RV parks~~ shall be screened in an attractive manner from surrounding lots by a solid wall, fence, or suitable ~~plantning~~planting as follows:

i. ~~A.~~ Front yards and street facing yards: not less than five~~4~~ feet in height nor greater than six~~6~~ feet in height;

ii. ~~B.~~ Any other yard: six~~6~~ feet in height;

iii. ~~C.~~ A 20-foot landscaping strip shall be maintained as a landscaped area on the perimeter of all campgrounds ~~or RV parks~~; and

iv. ~~D.~~ When adjacent to any single-family residential district, the finished side of the fence or wall shall face the residential use and be set back from the property boundary by a 20-foot buffer area. The buffer area shall be landscaped in accordance with the requirements of Chapter ~~9~~9, Landscape Design Standards.

b. ~~b.~~ Signage shall be in compliance with Chapter ~~7~~7, Signages. ~~(Revised by Ordinance #411 on 6/8/21; effective 7/9/21; prior code § 4-2)~~

**Section 4-030**

**~~Lots in Two Districts~~Lot Standards**

~~A. Where a district boundary line divides a lot which was in single ownership and of record at the time a district boundary line becomes effective thereon, the other district requirements applying to the most restricted portion of such lot shall be considered as extending to the entire lot. (Prior code § 4-3)~~

A. ~~A.~~ Any existing lot that has been developed prior to adoption of this Ordinance where a district boundary divides the lot, the more restrictive district requirements shall apply to future development.

B. Any existing, undeveloped lot where a district boundary divides the lot is required to be rezoned to a single district prior to development.

**Section 4-040**

**Corner Lots**

A. On every corner lot there shall be provided, along the side street adjacent to the side containing the front entry door, a side yard equal in depth permitted in the R4A Zoning District.

B. Corner Visibility: On any corner lot in a "Residence" District, no building, fence, structure, shrubbery or planting, such as will obstruct street traffic visibility, within a radius of twenty (20) feet of the intersection of any two (2) street lines shall be permitted higher than four (4) feet. (Prior code § 4-4)

B. A. On any corner lot, a visibility triangle shall be maintained at the intersection of two streets.

C. B. The visibility triangle shall be formed by:

1. 1. The street frontage property line;
2. 2. The intersecting side street property line; and
3. 3. A straight line connecting points measured 25 feet along each property line from their point of intersection.

D. C. No fence, wall hedge, shrubbery, landscaping, berm, sign, or other structure that exceeds two2 feet in height above the elevation of the adjacent street at the intersection shall be placed within the visibility triangle.

**Section 4-050**

**Reducing Lot Areas**

A. No lot shall hereafter be so reduced in area after a building permit is granted as to cause any open space required by this Ordinance to be less in any dimension that is herein required for the District and lot in question. (Prior code § 4-5)

E. A. No lot shall be reduced in area after issuance of a building permit in a manner that causes any required yard, setback, or open space to be less than the minimum required by the applicable zoning district.

**Section 4-060**

**Swimming Pools**

A swimming pool in any zoning district shall not be located in the required front yard.

Swimming pools shall be at least five feet away from the main structured, rear lot lines, and interior side lot lines. Street side set backssetbacks shall be maintained the same as that for the main structure in that zoning district.

A. To prevent uninvited or uncontrolled access, all swimming pools shall be enclosed by a solid wall, wood, or chain link fence, not less than five feet nor more than six feet in height.

B. All swimming pools shall adhere to adopted Building and Fire Codes.

~~A. In a Residential District:~~

~~1. Shall be owned and operated by a public agency, or~~

~~2. Shall be an accessory to a residential use, or~~

~~3. Shall be an accessory to a non-residential use which is permitted in such a district,~~

~~4. Shall be located no nearer than ten (10) feet to any property line~~

~~5. Shall be so walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property.~~

~~B. In a Commercial or Business District:~~

~~1. Shall comply with the regulations set forth in Section 4-060A above if the pool is for residential use.~~

~~2. If the pool is for commercial use, it shall be enclosed by a solid wall, fence, or chain link fence a minimum of six (6) feet in height. (Prior code § 4-6)~~

**Section 4-070**

**~~Payment By Owner Of Professional Services Deemed Necessary By Town Council~~Responsibility for Outside Consultant Fees**

~~A.~~ In the event any property owner, developer, or real property development with the Town or applicant applies to the Town for subdivision approval or development approval or enters into a contract or agreement with the Town related to construction, including but not limited to development agreements, subdivision agreements, and site plan and design review approvals, said applicant shall be responsible for the payment of any fees for outside consultant services incurred with the review, processing, implementation, or interpretation of development projects and/or enforcement or revision of ordinances, resolutions and contracts.~~In the event the Building Official or the Town Council finds it necessary to use the professional services of any person, either in their regular employ or retained outside of their regular~~

~~employ, in connection with approval and acceptance of any lot, structure, or performance standard, said services shall be paid for by the owner of the property under consideration. (Prior code § 4-7)~~

**Section 4-080**

**~~Fence Height~~ Walls and Fences**

A. **Permits.~~:~~**

1. A fence permit shall be required before a fence or wall may be constructed, reconstructed, or altered within the Town of Clarkdale.
2. A legible drawing shall be submitted showing all fence dimensions, gates, lot lines, setbacks, meter boxes and buildings on the property and all adjacent streets and alleys. The drawing shall also indicate the height of the fence and the type of materials from which it is to be constructed. Block or concrete wall may be subject to additional requirements per adopted Building Codes.
3. Fences intended for the keeping of livestock within agricultural zoning districts shall be exempt from permit requirements, however, shall comply with all applicable height, location, and safety requirements of this Section.
4. Existing fences, with a previously approved permit, may be reconstructed, repaired, or replaced if done in the same manner, and with the same materials as indicated on the previously approved permit.

B. **Height.~~:~~**

1. The height limitations of subsection 4-040 shall apply to all fences located on corner lots.
2. Fences located in front yards:

~~Fences shall not exceed four feet in height within required front yard areas adjacent to streets.~~

a. Fences exceeding four feet in height but no taller than six feet may be permitted within required front yard areas adjacent to streets with Conditional Use Permit approval and ~~-~~provided:

I. ~~1.~~ The fence is a minimum of 80% ~~open~~open, or the upper two feet of the fence is not opaque or solid.~~;~~

II. ~~2.~~ A sight distance triangle is maintained at the intersection of two streets, or a street and alley, measured 35 feet along the edges of the easement or right-of-way, the third side being a diagonal connection of the first two.

I. 3. A sight distance triangle is maintained at the intersection of a street and a driveway measured 20 feet along the edge of the right-of-way or easement and driveway, the third side being a diagonal connecting the two; and

III.

IV. 4. The property is developed to allow vehicles to enter and exit the street in a forward direction~~The property is developed such that access to streets may be taken in a forward manner~~.

~~3. Fences may not exceed four feet in height within required front yard areas adjacent to streets if they:~~

~~a. Are less than 80 percent open; or~~

~~b. Are located within the sight distance triangles described in this Section.~~

~~A fence up to six feet in height may be located nearer to the street line than the required front yard setback line only if the upper two feet of the fence is not opaque or solid, and shall require approval of a conditional use permit.~~

3. Fences located along street side yards (corner lots) and exterior side yards (reverse corner lots):
   a. Fences within a required street side yard of a corner lot shall not exceed four feet in height unless otherwise allowed by this Section or approved through a Cc~~c~~onditional Uu~~s~~e P~~p~~permit or D~~d~~esign R~~r~~review as applicable.
   b. Fences along the exterior side yard of a reverse corner lot shall not exceed four feet in height.
4. No fence shall exceed six feet in height in any rear or interior side yard.
5. Fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.
6. Fences within I~~i~~ndustrial ~~areas~~districts may exceed the above heights with Design Review approval.
7. The height limitations shall not apply when fences of greater height are approved through Design Review to provide adequate screening.
8. Maximum fence height in residential districts may not exceed six feet, except at gated entryways, where pillars or posts and a single crossbar only, may exceed such 6 foot height.

9. All fences exceeding six feet in height must meet minimum standards for wind load and design standards, as certified by a State of Arizona licensed engineer.

C. **Fire Equipment.** No Person shall place a fence near any fire hydrant, fire department connection, or fire protection system valve that would prevent such equipment or hydrant from being immediately discernable or in any other manner that would deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three feet of clear space shall be maintained around the circumference of the fire hydrant except as otherwise required and approved by the Fire Code Official.

D. **Hazardous Materials.** ~~:~~ No fence shall contain barbed wire, electrical current or charge of electricity, broken glass, or ~~similarly~~similar hazardous materials or devices, except that fences enclosing storage areas in industrial or commercial zoning districts ma~~b~~y contain barbed wire so long as such wire is located not less than six feet above grade, and angled inward toward the property or remains vertical. Fences containing electrical current or barbed wire may be allowed within agricultural zones with conditional use permit approval.

E. **Materials and Design.** ~~:~~ Fences in all zoning districts shall be constructed of wood, chain-link, or masonry materials in good condition. The Community Development Director may approve fences made of comparable or superior materials on an individual basis.

~~A. Fence height in the R1L and RS3 zone districts shall be as follows:~~

~~1. Fences exceeding four (4) feet in height may be permitted in required front yard areas adjacent to streets provided:~~

~~a. They are a minimum 80% open (chain link, split rail, pipe, wrought iron and stock fences are examples);~~

~~b. A sight distance triangle is maintained at the intersection of two (2) street, or a street and alley, measured thirty-five (35) feet along the edges of easement or right-of-way, the third side being a diagonal connection the first two (2);~~

~~c. A sight distance triangle is maintained at the intersection of a street and a driveway measured twenty (20) feet along the edge of the right of way or easement, and driveway, the third side being a diagonal connecting the two (2); and~~

~~d. The property is developed such that access to streets may be taken in a forward manner.~~

2. Fences may not exceed four (4) feet in height in required front yard areas adjacent to streets or exterior side yards of a reverse corner lot, if they:

a. Are less than 80% open; or

b. They are located within a sight distance triangle as defined in Section 4-080 A 1. b or c are maintained.

B. Fence height in residential districts other than the R1L or RS3 zone districts shall be as follows:

1. Fences may not exceed four (4) feet in height in required front yard areas.

2. Fences may exceed four (4) feet in height along the exterior side yard of a corner lot provided sight distance triangles as defined in Section 4-080 A 1. b or c are maintained;

3. Fences may not exceed four (4) feet in height along the exterior side yard of a reverse corner lot;

4. Fences may exceed four (4) feet in height along the rear yard of a through lot provided:

a. All adjacent through lots have their front yards facing the same street; and

b. Sight distance triangles as defined in Section 4-080 A 1.b or c are maintained.

C. Maximum fence height in residential districts may not exceed six (6) feet, except at gated entryways, where pillars or posts and a single crossbar only, may exceed such 6 foot height.

D. Fences adjacent to streets in the Commercial (C) and Industrial (I) zone districts may exceed four (4) feet provided sight distance triangles as defined in Section 4-080 A 1. b or c. are maintained.

E. All fences exceeding six (6) feet in height must meet minimum standards for wind load and design standards, as certified by a State of Arizona licensed engineer.

F. The use of barbed wire and similar materials is not allowed unless specifically approved, in writing, by the Community Development Department. The use of electric fences is strictly prohibited.

G. Height Limit Exceptions: Height limitations shall not apply to fire stations, church spires, domes, belfries, monuments, water tank towers, fire towers, observation towers, transmission towers. (Prior code § 4-8)

## Section 4-090

## Miscellaneous Projections of an Architectural Member

A. Any architectural member or feature otherwise permitted to project into a yard shall be distant not less than three (3) feet from any lot line. (Prior code § 4-9)

~~**Section 4-100**~~

~~**Yard Encroachments**~~

~~A. Cornices, canopies, eaves, or any architectural features may extend into a front yard for a distance not to exceed two (2) feet, six (6) inches.~~

~~B. A landing or uncovered porch may extend into the front yard to a distance of six (6) feet measured from the front line of the building, across one-half (½) the width of the lot.~~

~~C. Open, unroofed stairs leading from the ground to said landing or porch may project beyond the said six (6) feet. An open-work railing no higher than three (3) feet may be placed around said landing or porch. Outside stairways, unroofed and unenclosed, shall not project more than four (4) feet into any rear yard or side yard, or be closer than three (3) feet to any lot line. Terraces, steps, uncovered porches, or other similar features not over three (3) feet above the average natural grade and distant at least five (5) feet from every lot line, may project into a required side yard.~~

~~D. In the R4A zoning districts the stairs leading from the ground to the landing shall be installed to ensure pedestrian traffic be directed away from the street adjacent to the structure. Landings and stairs shall be permitted to encroach on the established ten (10) foot side yard setback a maximum of three (3) feet. (Prior code § 4-10)~~

**Section 4-110**

**Home Occupation Standards**

~~A.~~ Home Occupations, where permitted, shall be subject to all of the following provisions:

A. ~~**1.**~~ **Home Occupations.~~:~~** The business shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes; and not change the character of the exterior of the structure.

B. ~~**2.**~~ **Area.~~:~~** No more than twenty-five percent (25%) of the gross floor area of the dwelling and no more than twenty-five percent (25%) of the property shall be devoted to the Home Occupation.

~~A.~~ ~~**3.**~~ **Employees.~~:~~** ~~There shall be no more than two (2) part-time employees, each working no more than thirty-two (32) hours per week~~. There shall be no employees other than members of the immediate family residing on the premises.

C.

~~B.~~ ~~**4.**~~ **Delivery Vehicles.~~:~~** No business shall be conducted which requires delivery vehicles or other services not customary to a residence.

D.

~~C. 5.~~ **Nuisances.:** there shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, fumes, vibrations, or other nuisances discernable beyond the property line.

E.

~~**6. SIGNS: One non-illuminated sign, not to exceed two (2) square feet in area.**~~

~~D. 7.~~ **Traffic.:** The business shall not generate traffic which unreasonably disrupts the neighborhood.

F.

~~E. 8.~~ **Hours oOf Operation.:** Noise shall not be generated before sunrise or after sunset.

G.

~~F. 9.~~ **Parking.:** Off-street parking is required as set forth in the Town Zoning Code Section ~~4-1204~~-120. For one ~~(1)~~ family and two ~~(2)~~ family dwellings, two ~~(2)~~ parking spaces per family dwelling unit is required. For multi-family dwellings or condominiums of three ~~(3)~~ or more family units, one & one-half ~~(1 ½)~~ parking spaces per family dwelling unit is required.

H.

I. ~~10.~~ **Fire Inspections.:** The Town shall conduct fire safety inspections of all structures where Home Occupations will be conducted. ~~(Prior code § 4-11)~~

## Section 4-120

## ~~Off-Street~~ Parking and Loading

A. In all zoning districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. Any existing building or use which is enlarged, altered, increased in capacity, or in which the use or occupancy is changed to the extent of increasing off-street parking requirements, additional off-street parking shall be provided as required in this section. ~~shall provide additional off-street parking space.~~

~~1. *Standards for Off-Street Parking.*~~

~~a. *Residential Uses.*~~

| | |
|---|---|
| ~~Multi-Family, Efficiency and 1-Bed~~ | ~~1.5/dwelling unit~~ |
| ~~2 or More Bedroom Units~~ | ~~2/dwelling unit~~ |
| ~~Manufactured Home Units~~ | ~~2/dwelling unit~~ |
| ~~Fraternity, Boarding House~~ | ~~1/sleeping unit~~ |
| ~~Group Care Facilities~~ | ~~1/2 sleeping units + 1/employee~~ |

b. *Office and Service Uses.*

| | |
|---|---|
| General Offices | 1/250 square feet |
| Medical Offices | 4/practitioner + 1/2 employees |
| Day Care Centers | 1/each 8 clients + 1/employee |
| Veterinary Hospitals, Clinics | 3/practitioner |
| Hotel, Motel | 1/sleeping unit |
| Beauty, Barber Shop | 3/practitioner |
| Mortuary | 1/3 seats + 1/business vehicle |
| Self-Service Laundry | 1/4 machines |
| Restaurant, Bar, Nightclub | 1/4 seating capacity + 5 stacking spaces per drive-through lane |
| Hospital | 1/bed + 1/2 employees |

c. *Retail Sales and Services.*

| | |
|---|---|
| General Retail | 1/200 square feet |
| Banks, Financial Institutions | 1/250 square feet + 5 stacking spaces per drive-through lane |
| Motor Vehicle and Machinery Sales | 1/200 square feet of indoor office/display area |
| Motor Vehicle Repair, Accessory Installation | 2/service stall, min. of 6 spaces |
| Furniture, Major Appliance Stores | 1/400 square feet |
| Car Wash | 4/bay + 1/employee |

d. *Education, Religious, Recreation, Assembly.*

| | |
|---|---|
| Elementary and Jr. High Schools | 2/classroom |
| High Schools | 1/4 students |
| Colleges, Universities | 10/classroom |

| | |
|---|---|
| Place of Worship | 1/4 seats + assembly |
| Fitness Center | 3/4 capacity |
| Golf Course | 59/9 holes |
| Commercial Recreation Facility | 1/4 total capacity |
| Fraternal Lodge | 1/4 total capacity |
| Auditorium, Sports Arena, Theater, Stadium | 1/4 seats (24"/seat) |
| Exhibition Hall, Assembly (Nonfixed seating) | 1/100 sq. ft., or 1/5 occ. (Fire code) |

e. *Industrial Uses.*

| | |
|---|---|
| Manufacturing, Fabrication | 1/1,000 sq. ft., or 1.5 employees, whichever is greater |
| Warehouse | 1/2,000 sq. ft. + parking for vehicles used on site |
| Self-Storage, Mini-Warehouse | 24-ft.-wide aisles + caretaker parking |

GENERAL REGULATIONS

f. MFor mixed use developments.: Required off-street parking spaces shall be the sum of those for individual uses, unless it is demonstrated that intended uses are compatible for shared parking facilities.

g. *Uses nNot mMentioned.* The required off-street parking for any building, structure or use of land of a type not listed in this subsection shall be determined by the Zoning Administrator Community Development Director. The Zoning Administrator Community Development Director shall be guided by comparison with the parking standards for similar uses which are listed in this or other zoning codes.

h. *Exempted aAreas.* Lots 1 through 10, Block 44, and lots the westerly half of Lot 710 and Lots 11 through 16, Block 45, Clarkdale Subdivision, are exempt from the standards specified in number one of the section below.subsection a of this section.

2. *Design Standards for Off-Street Parking.*

a. All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas adjacent to parking spaces shall be arranged in accordance with the diagrams contained in this section. Ingress, egress, internal traffic circulation, off-street parking and loading facilities, and pedestrian ways shall be designed so as to promote safety and convenience so that traffic visibility is not obstructed.

b. All driveways shall be of sufficient width to permit access into spaces, but in no case less than 10 feet wide for one (1) way travel and 20 feet wide for two (2) way travel.

c. Each parking space shall consist of an area of not less than nine feet in width by 20 feet in length, except that the length may be reduced to 18 feet where the front or rear of a vehicle hangs over a berm or curb. No part of the vehicle shall extend over or beyond any property line. Parking spaces shall be exclusive of driveways required to make such space accessible from a street, alley or public thoroughfare.

d. A minimum space of 10 feet in width, 35 feet in length, and 14 feet in height with access useable at all times to a street, alley, or public thoroughfare shall be deemed a loading space for one (1) vehicle.

e. *Surfacing.* All off-street parking areas, except residential dwelling units, shall be surfaced with a permanent, dust free pavement striped to requirements herein.

f. *Illumination.* All light used to illuminate parking space shall be so arranged as to reflect the light away from adjoining lots in residential districts.

g. Parking areas with more than two (2) spaces must be arranged so that it is not necessary for vehicles to back into the street.

h. Parking stalls and aisle layout must conform to the following standards:

| Parking Angle | Stall Width | Stall Depth | Lane Width | Direction |
|---|---|---|---|---|
| 90 degree | 9'-0" | 20'-0" | 24'-0" | two-way |
| 60 degree | 9'-0" | 20'-0" | 18'-0" | one-way only |
| 45 degree | 9'-0" | 20'-0" | 12'-0" | one-way only |
| 30 degree | 9'-0" | 20'-0" | 12'-0" | one-way only |

i. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.

j. Parking areas for nonresidential use must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack (tandem) parking may be permitted for resident parking in conjunction with residential uses if both spaces are assigned to the occupants of the same dwelling unit.

k. Provisions must be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways.

3. *Location Standards for Off-Street Parking.*

a. Off-street parking space required herein shall be located on the lot, except that required parking space for any use amounting to ten (10) such spaces or more may be located in any permissible location not farther than 300 feet distant in a direct line from the nearest part of such use. A parking agreement approved by the Town is required if parking is to be located off-site.

b. Parking lots should be located to the side or rear of the building. Parking lots should not be located between the building and the street.

c. The use of shared parking, shared driveways, and the cross-connection of parking lots is encouraged. A shared parking agreement approved by the Town is required if parking is to be shared.

d. Parking lots on adjoining lots may be connected by access ways not exceeding 24 feet in width. No parking or maneuvering will take place in the setback areas.

e. Spaces utilized for ingress and egress for a parking area shall not exceed 40 feet in width measured along the street frontage and shall not constitute more than fifty percent (50%) of the total frontage of the parking area.

f. All parking spaces, access drives, and impervious surfaces must be located at least five feet from any side or rear lot line, except where standards for buffer yards require a greater distance.

g. No parking spaces or asphalt type surface shall be located within five feet of the front property line.

h. All garages or other space allocated for the parking of vehicles, within buildings, basements or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.

Exceptions for uses located near public parking lots: The Community Development Director may administratively approve a reduction of up to

50% of required off-street parking for non-residential uses located within 300 feet of a Town of Clarkdale owned public parking lot, as measured from the building entrance to the parking lot. Appeal of the decision of the Director shall be to the Planning and Zoning Commission.

Location: Required off-street parking shall be located within three (300) feet of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot.

Off-site parking: The Community Development Director may approve the location of required off street parking spaces on a separate lot from the lot on which the principal use is located subject to the following conditions:

Off-site parking spaces shall be located within three hundred (300) feet of the use served and adequate, safe and convenient pedestrian access shall be provided from the parking area to the use.

Off-site parking shall not be permitted for residential uses unless approved through a Planned Area Development rezoning. Required handicap-accessible parking spaces shall not be located off-site.

Off-site parking must be located within a zoning classification that permits the parking lot ~~use~~use. ~~A~~and ~~a~~ll other requirements of site development must be met.

Off-site Parking Agreement: The developer(s) shall submit a written agreement requiring that the off-site parking spaces shall be maintained as long as the uses requiring the parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this Ordinance. Such written agreement addressing the rights and responsibilities for each property shall be submitted to the Community Development Director and approved by the Town Attorney for recordation by the Yavapai County Recorder prior to the issuance of a building permit or certificate of occupancy and prior to establishment of the use(s). A copy of the recoded agreement shall be filed in the project review file at the Community Development Department. The agreement shall, at a ~~minimum~~minimum, include the following:

List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;

Provide a legal description of the properties;

Include a complete site plan showing the area of the parking parcel and the relationship to all related uses;

Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

Assure the continued availability of the spaces for intended use;

Describe the obligations of each party, including the maintenance responsibilities;

Describe the method by which the covenant shall, if necessary, be revised;

Include the Town of Clarkdale as either a party in the agreement or as a third-part beneficiary; and

Provide that the agreement may not be cancelled or modified without the Town's approval.

Off-Street Parking Spaces shall be situated in a manner which will not result in automobiles backing onto public street, except the Community Development Director and the Town Engineer may administratively waive this requirement under the following conditions:

The road is unlikely to be extended in the future due to geographical, legal, or other limitations.

The location is within 1,500 feet of the end of a street and the Average Daily Trips (ADT) of the street is less than 1,000.

The back out parking would not create any safety hazards such as site distance issues, etc., as determined by staff.

The speed limit of the street is 25mph or less.

Surfacing: All off-street parking areas, access ways and driveways shall be improved with compacted ABC base, not less than four (4) inches thick and surfaced with a minimum 2" asphaltic concrete in a manner satisfactory to the Town Engineer. The surfacing of the parking area shall be of sufficient grade so that there will be no impoundment of surface water and all surface drainage shall be into a public street or improved drainage channel or structure. All surfaces must be permanently marked with required and appropriate markings to designate parking stalls, drive aisles, fire lanes, etc. This performance criteria applies to all new developments requiring more than ten (10) new parking spaces. New developments requiring ten (10) or fewer parking spaces and additions or expansions to existing developments may use a chip seal treatment. New developments requiring more than ten (10) new parking spaces may request the use of chip seal treatment to the Planning and Zoning Commission. The Commission will evaluate the request based on the nature

of the use, the amount of traffic generated or expected, the grading and drainage plan for the parking lot and other relevant factors.

Porous paving and surfacing options for parking, drive aisles, and sidewalks may be approved by the Town Engineer as alternatives to the above asphalt and chip seal requirements.

In reviewing appropriateness of proposed alternative materials, the Town Engineer shall consider:

The size of intended delivery vehicles;

Visibility from the public right-of-way;

Whether the proposed materials will allow for proper drainage of the site;

Whether the proposed materials are appropriate for the climate;

Whether any proposed bumpers, wheel stops and stall markings are appropriate for the use and ~~site, and~~site, and are permanent and safe.

All surfaces must be able to be permanently marked with required and appropriate markings to designate parking stalls, drive aisles, fire lanes, etc.

All alternative materials must be dust-free.

Any alternative surfaces must meet the following minimum requirements in addition to any ~~additional~~ requirements imposed by the ~~Copper Canyon~~ Fire District and Medical District having authority ~~in the interest of fire and life safety~~:

All Fire Lanes are required to be at least 20 feet wide and have a 13-foot, 6-inch vertical clearance; however, there may be cases where such lanes will be required to be at least 26 feet wide, per~~in~~ the discretion of the Fire District having authority.

All Fire Lanes must be capable of supporting fire apparatus weighing up to 80,000 pounds Gross Vehicular Weight (GVW).

All turning radii shall be a minimum of 28 feet.

Full submittals for any Fire Lanes require written approval from the Fire District.

Access: Access to off-street parking from a public or private street shall be from a two-way driveway with a minimum width of 24 feet and a maximum width of 32 feet, or two one-way driveways which with a minimum width of 12 feet and a maximum width of 20 feet. No access driveway shall be located closer than 150 feet from a street intersection, or closer than 20 feet from another access driveway, or closer than 10 feet from an interior property line. At locations where the minimum driveway distance is not attainable due to property size, configuration, or other factors as determined by staff, a reduced minimum driveway location may be allowed if approved by the Community Development Director and the Town~~City~~ Engineer.

4. The Town will require engineered plans for grading, parking space and striping design, drainage retention/detention facilities, culvert location and size, etc., for off-street parking facilities within the Town of Clarkdale and must be designed by a registered professional engineer. These plans may require the need for a hydrologic study by a licensed professional in conformance with the Yavapai County Drainage Criteria Manual.
5. The Town Engineer shall review such plans for adequacy and may require additional documentation. If the submitted plan is approved by the Town Engineer, no design changes for construction will be permitted unless approved by the Town Engineer.
6. Upon completion of the development of the parking area and other required physical improvements, the developer's engineer of record shall provide and certify a set of "as-built" construction plans to the Town Engineer, stating that all the required improvements have been completed in conformance to the specifications and standards as submitted for construction. This shall include horizontal as well as vertical verification of improvements.

7. No certificate of occupancy shall be issued until the "as-built" plans have been submitted and approved by the Town Engineer. ~~(Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; prior code § 4-12)~~

~~Compact Car Stalls: Up to ten percent (10%) of the required number of parking spaces may be used to accommodate compact cars, if specifically marked, with stall sizes of a minimum width of 7'6" and a minimum length of 15'~~

1. Reduction of Requirements: Requests to reduce the otherwise applicable parking requirements may be granted by the Community Development Director after the applicant shows that:

Because of the unique nature of the specific existing or proposed land use, the size, shape, or location of the property, or due to an unusually large number of pedestrian or transit trips, below-normal parking demands will be generated; and

The reduced parking supply will still accommodate the vehicular traffic without increasing traffic or on-street parking problems in adjacent areas and neighborhoods.

1. It shall be the responsibility of the applicant requesting such reduction to prove that the above conditions have satisfactorily been meet.

Loading and Unloading

A. In a central business, commercial and industrial district, every building erected on an interior lot, extending back to an alley or on a lot eighty (80) feet or more in depth, located at the intersection of a street with an alley shall provide on such lot, adequate space for loading and unloading of trucks and commercial vehicles serving such building. Such loading space, unless otherwise adequately provided for, shall include a rear yard space extending at least fourteen (14) feet in height above the grade of the alley and at least twenty-five (25) feet in depth back from the alley line, along fifty percent (50%)

of such alley frontage of an interior lot and along twenty percent (20%) of such alley frontage of a lot eighty (80) feet or more in depth located at the intersection of a street with an alley.

B. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall or other buildings of limited loading space requirements.

BICYCLE PARKING

1. Purpose: These standards are intended to ensure bicycles may be parked and
stored in a manner that is safe, convenient and secure.

2. Applicability: The provisions of this Section shall apply to all buildings, site plans, landscape plans and other plans which are to be hereafter developed within
the Town of Clarkdale, as follows:

a. Proposed Development: The provisions of this Section shall apply to proposed new commercial, civic and institutional development that is subject to the Design Review process.

b. Existing Properties: The provisions of this Section shall apply to proposed expansion and modification of existing commercial, civic and institutional development that is subject to the Design Review process, where such changes otherwise require additional vehicle parking spaces. Bicycle parking facilities shall be required at a minimum based on the extent of expanded on-site parking requirements.

c. Exempt Uses. Certain uses shall be exempt from bicycle parking requirements, including residential uses, historic properties and districts, self-storage facilities and where determined as not practical or feasible.

3. General Standards.

a. For group commercial centers, shopping centers and similar multi-tenant commercial uses, shared bicycle parking facilities shall be provided for common use. Bicycle parking facilities shall be distributed in multiple locations where necessary to ensure such facilities are in convenient, safe and secure locations near each use.

b. Bicycle parking facilities shall not be located in a manner that impedes accessible routes, as per Americans with Disabilities Act (ADA) standards.
c. The bicycle parking area shall be hard surfaced and maintained in a smooth, durable, and well-drained condition. Asphalt, concrete, masonry paving blocks or similar surfaces shall be acceptable. Stabilized decomposed granite, compacted crushed store or similar treatments may be acceptable surface materials for bicycle parking areas where integrated into an approved landscape plan for the site.
d. Bicycle parking in proximity to vehicular use areas shall be separated from vehicular parking and drive areas by a barrier or be located a sufficient distance from vehicular uses to prevent damage to the vehicles and bicycles. Examples of acceptable barriers include curbs, bollards, concrete planters, landscape buffers or other suitable barrier devices.
e. Bicycle parking facilities shall be maintained in good condition and kept clear of trash and debris.
4. Location Criteria. Required bicycle parking shall be:
a. Located outside the building;
b. Within 50 feet of the primary building entrance as measures along the most direct pedestrian access route.
c. Clearly visible from the adjacent sidewalk, parking lot, building entrance and/or building; and,
d. Where buildings have more than one public entrance or a site has more than one building, bicycle parking shall be distributed so that at least one (1) bicycle parking rack is within 50 feet of each public entrance.
e. A clearance space of at least four (4) feet in width must be provided from bicycle parking facilities for pedestrian access and circulation. An access aisle at least five (5) feet wide must be provided between two rows of bicycle parking.
5. Number of Spaces.
a. The number of bicycle parking spaces shall be at least ten (10) percent of the total number of vehicle spaces required, with a minimum of two (2) bicycle parking spaces required.
b. Where the total number of required bicycle spaces results in a fractional

number, the next highest whole number shall be used.
6. Bicycle Racks. Bicycle racks shall comply with the following criteria:
a. Bicycle racks shall be securely anchored to the ground, floor, or wall;
b. The bicycle frame and one wheel can be clocked to the rack with a security, U-shaped lock if both wheels are left of the bicycle;
c. A bicycle up to six (6) feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components;
d. Each required bicycle parking space shall be at least two (2) feet by six (6) feet;
e. A bicycle rack shall be a minimum of two and one half (2 ½) feet from a wall or other obstruction;
f. A single rack, loop or device may be designed and located to accommodate two (2) bicycles;
g. Racks shall not have sharp edges that can be hazardous to pedestrians; and
h. Artistic, unique or custom-designed bicycle racks may be acceptable provided they meet the criteria described this Section, and the custom rack is approved by the Community Development Director or designee, as per Design
Review criteria.
7. Exceptions. The Community Development Director or designee may allow exceptions to the
standards based on a finding that the proposed location or use is consistent with
the best practices pertaining to bicycle parking, particularly in regard to visibility, security, and convenience for bicyclists. Modifications to standards may
be considered as follows:
a. Number of Spaces. The total number of bicycle parking spaces may be reduced where determined that a
use classification does not generally require the full number of spaces.
b. Distance from Use. Allow bicycle parking to be more than 50 feet from a public entrance where such location is not feasible and alternate location

meets the standards for visibility, security and convenience for bicyclist.
8. Shade and Weather Protection. Bicycle parking facilities are encouraged to provide shade and weather protection where feasible, including locating to take advantage of building shade, under roof overhangs, canopies, awnings, or near large shade trees, or inside buildings or in bicycle lockers, or within or under other structures.
9. Signage. On-site signs providing direction to bicycle parking facilities may be installed subject to the provisions of Chapter 7 - Signage.
10. Lighting. Bicycle parking facilities located outdoors are encouraged to provide
night lighting for safety and security. Where provided, outdoor lighting must be in
compliance with Chapter 8 - Outdoor Lighting Code. ~~ADD BICYCLE PARKING REQUIREMENTS????~~

1. ~~*Standards for*~~*Schedule of Off-Street Parking.*

a. *Residential Uses.*

| | |
|---|---|
| Multi-Family, Efficiency and 1-Bed | 1.5 per ~~/~~dwelling unit |
| 2 or More Bedroom Units | 2 per ~~/~~dwelling unit |
| Manufactured Home Units | 2 per ~~/~~dwelling unit |
| Fraternity, Boarding House | 1 per ~~/~~sleeping unit |
| Group Care Facilities | 1 per ~~/~~2 sleeping units + 1 per ~~/~~employee |

b. *Office and Service Uses.*

| | |
|---|---|
| General Offices | 1 per ~~/~~250 square feet |
| Medical Offices | 4 per ~~/~~practitioner + 1 per ~~/~~2 employees |
| Day Care Centers | 1 per~~/each~~ 8 clients + 1 per ~~/~~employee |

| | |
|---|---|
| Veterinary Hospitals, Clinics | 3 per /practitioner |
| Hotel, Motel | 1 per /sleeping unit |
| Beauty, Barber Shop | 3 per /practitioner |
| Mortuary | 1 per /3 seats + 1 per /business vehicle |
| Self-Service Laundry | 1 per /4 machines |
| Restaurant, Bar, Nightclub | 1 per /4 seating capacity + 5 stacking spaces per drive-through lane |
| Hospital | 1 per /bed + 1 per /2 employees |

c. *Retail Sales and Services.*

| | |
|---|---|
| General Retail | 1 per /200 square feet |
| Banks, Financial Institutions | 1 per /250 square feet + 5 stacking spaces per drive-through lane |
| Motor Vehicle and Machinery Sales | 1 per /200 square feet of indoor office/display area |
| Motor Vehicle Repair, Accessory Installation | 2 per /service stall, min. of 6 spaces |
| Furniture, Major Appliance Stores | 1 per /400 square feet |
| Car Wash | 4 per /bay + 1 per /employee |

d. *Education, Religious, Recreation, Assembly.*

| | |
|---|---|
| Elementary and Jr. High Schools | 2 per /classroom |
| High Schools | 1 per /4 students |
| Colleges, Universities | 10 per /classroom |
| Place of Worship | 1 per /4 seats + assembly |

| | |
|---|---|
| Fitness Center | 3 per ~~/~~4 total capacity |
| Golf Course | 59 per ~~/~~9 holes |
| Commercial Recreation Facility | 1 per ~~/~~4 total capacity |
| Fraternal Lodge | 1 per ~~/~~4 total capacity |
| Auditorium, Sports Arena, Theater, Stadium | 1 per ~~/~~4 seats (24"/seat) |
| Exhibition Hall, Assembly (Nonfixed seating) | 1 per ~~/~~100 sq. ft., or 1 per ~~/~~5 total capacity ~~occ. (Fire code)~~ |

e. *Industrial Uses.*

| | |
|---|---|
| Manufacturing, Fabrication | 1 per ~~/~~1,000 sq. ft., or 1.5 per employee~~s~~, whichever is greater |
| Warehouse | 1 per ~~/~~2,000 sq. ft. + parking for vehicles used on site |
| Self-Storage, Mini-Warehouse | 24-ft.-wide aisles + caretaker parking |

## ~~Section 4-120~~

## ~~Off-Street Parking and Loading~~

~~A. In all zoning districts there shall be provided at the time any new building or structure is erected off-street parking spaces as set forth in the following subsections. Any existing building or use which is enlarged, altered, increased in capacity, or in which the use or occupancy is changed to the extent of increasing off-street parking requirements shall provide additional off-street parking space.~~

~~1. *Standards for Off-Street Parking.*~~

~~a. *Residential Uses.*~~

| | |
|---|---|
| ~~Multi-Family, Efficiency and 1-Bed~~ | ~~1.5/dwelling unit~~ |
| ~~2 or More Bedroom Units~~ | ~~2/dwelling unit~~ |

| | |
|---|---|
| Manufactured Home Units | 2/dwelling unit |
| Fraternity, Boarding House | 1/sleeping unit |
| Group Care Facilities | 1/2 sleeping units + 1/employee |

b. *Office and Service Uses.*

| | |
|---|---|
| General Offices | 1/250 square feet |
| Medical Offices | 4/practitioner + 1/2 employees |
| Day Care Centers | 1/each 8 clients + 1/employee |
| Veterinary Hospitals, Clinics | 3/practitioner |
| Hotel, Motel | 1/sleeping unit |
| Beauty, Barber Shop | 3/practitioner |
| Mortuary | 1/3 seats + 1/business vehicle |
| Self-Service Laundry | 1/4 machines |
| Restaurant, Bar, Nightclub | 1/4 seating capacity + 5 stacking spaces per drive-through lane |
| Hospital | 1/bed + 1/2 employees |

c. *Retail Sales and Services.*

| | |
|---|---|
| General Retail | 1/200 square feet |
| Banks, Financial Institutions | 1/250 square feet + 5 stacking spaces per drive-through lane |
| Motor Vehicle and Machinery Sales | 1/200 square feet of indoor office/display area |
| Motor Vehicle Repair, Accessory Installation | 2/service stall, min. of 6 spaces |
| Furniture, Major Appliance Stores | 1/400 square feet |

| | |
|---|---|
| Car Wash | 4/bay + 1/employee |

d. *Education, Religious, Recreation, Assembly.*

| | |
|---|---|
| Elementary and Jr. High Schools | 2/classroom |
| High Schools | 1/4 students |
| Colleges, Universities | 10/classroom |
| Place of Worship | 1/4 seats + assembly |
| Fitness Center | 3/4 capacity |
| Golf Course | 59/9 holes |
| Commercial Recreation Facility | 1/4 total capacity |
| Fraternal Lodge | 1/4 total capacity |
| Auditorium, Sports Arena, Theater, Stadium | 1/4 seats (24"/seat) |
| Exhibition Hall, Assembly (Nonfixed seating) | 1/100 sq. ft., or 1/5 occ. (Fire code) |

e. *Industrial Uses.*

| | |
|---|---|
| Manufacturing, Fabrication | 1/1,000 sq. ft., or 1.5 employees, whichever is greater |
| Warehouse | 1/2,000 sq. ft. + parking for vehicles used on site |
| Self-Storage, Mini-Warehouse | 24-ft.-wide aisles + caretaker parking |

f. For mixed use developments: Required off-street parking spaces shall be the sum of those for individual uses, unless it is demonstrated that intended uses are compatible for shared parking facilities.

g. *Uses Not Mentioned.* The required off-street parking for any building, structure or use of land of a type not listed in this subsection shall be

determined by the Zoning Administrator. The Zoning Administrator shall be guided by comparison with the parking standards for similar uses which are listed in this or other zoning codes.

h. *Exempted Areas.* Lots 1 through 10, Block 44, the westerly half of Lot 10 and Lots 11 through 16, Block 45, Clarkdale Subdivision, are exempt from the standards specified in subsection a of this section.

2. *Design Standards for Off-Street Parking.*

a. All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas adjacent to parking spaces shall be arranged in accordance with the diagrams contained in this section.

b. All driveways shall be of sufficient width to permit access into spaces, but in no case less than 10 feet wide for one (1) way travel and 20 feet wide for two (2) way travel.

c. Each parking space shall consist of an area of not less than nine feet in width by 20 feet in length, except that the length may be reduced to 18 feet where the front or rear of a vehicle hangs over a berm or curb. No part of the vehicle shall extend over or beyond any property line. Parking spaces shall be exclusive of driveways required to make such space accessible from a street, alley or public thoroughfare.

d. A minimum space of 10 feet in width, 35 feet in length, and 14 feet in height with access useable at all times to a street, alley, or public thoroughfare shall be deemed a loading space for one (1) vehicle.

e. *Surfacing.* All off-street parking areas, except residential dwelling units, shall be surfaced with a permanent, dust free pavement striped to requirements herein.

f. *Illumination.* All light used to illuminate parking space shall be so arranged as to reflect the light away from adjoining lots in residential districts.

g. Parking areas with more than two (2) spaces must be arranged so that it is not necessary for vehicles to back into the street.

h. Parking stalls and aisle layout must conform to the following standards:

| Parking Angle | Stall Width | Stall Depth | Lane Width | Direction |
|---|---|---|---|---|
| 90 degree | 9'-0" | 20'-0" | 24'-0" | two-way |
| 60 degree | 9'-0" | 20'-0" | 18'-0" | one-way only |
| 45 degree | 9'-0" | 20'-0" | 12'-0" | one-way only |
| 30 degree | 9'-0" | 20'-0" | 12'-0" | one-way only |

i. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.

j. Parking areas for nonresidential use must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack (tandem) parking may be permitted for resident parking in conjunction with residential uses if both spaces are assigned to the occupants of the same dwelling unit.

k. Provisions must be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways.

3. *Location Standards for Off-Street Parking.*

a. Off-street parking space required herein shall be located on the lot, except that required parking space for any use amounting to ten (10) such spaces or more may be located in any permissible location not farther than 300 feet distant in a direct line from the nearest part of such use.

b. Parking lots should be located to the side or rear of the building. Parking lots should not be located between the building and the street.

c. The use of shared parking, shared driveways, and the cross-connection of parking lots is encouraged.

d. Parking lots on adjoining lots may be connected by access ways not exceeding 24 feet in width. No parking or maneuvering will take place in the setback areas.

e. Spaces utilized for ingress and egress for a parking area shall not exceed 40 feet in width measured along the street frontage and shall not constitute more than fifty percent (50%) of the total frontage of the parking area.

f. All parking spaces, access drives, and impervious surfaces must be located at least five feet from any side or rear lot line, except where standards for buffer yards require a greater distance.

g. No parking spaces or asphalt type surface shall be located within five feet of the front property line.

4. The Town will require engineered plans for grading, parking space and striping design, drainage retention/detention facilities, culvert location and size, etc., for off-street parking facilities within the Town of Clarkdale and must be designed by a registered professional engineer. These plans may require the need for a hydrologic study by a licensed professional in conformance with the Yavapai County Drainage Criteria Manual.

5. The Town Engineer shall review such plans for adequacy and may require additional documentation. If the submitted plan is approved by the Town Engineer, no design changes for construction will be permitted unless approved by the Town Engineer.

6. Upon completion of the development of the parking area and other required physical improvements, the developer's engineer of record shall provide and certify a set of "as-built" construction plans to the Town Engineer, stating that all the required improvements have been completed in conformance to the specifications and standards as submitted for construction. This shall include horizontal as well as vertical verification of improvements.

7. No certificate of occupancy shall be issued until the "as-built" plans have been submitted and approved by the Town Engineer. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; prior code § 4-12)

## Section 4-121

## Traffic and Pedestrian Access

A. *Pedestrian Circulation.* The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with sidewalks, if they exist or are planned in the vicinity of the project.

1. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

2. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

3. *Sidewalks.* Where a proposed project driveway interrupts an existing or planned public sidewalk, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk.

B. *Vehicular Circulation.*

1. *Adequacy of Roadway System.* Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development. The developer shall be responsible for the acquisition of any private easements necessary to provide adequate access to the proposed development. Each commercial/multi-family development shall provide for adequate traffic circulation based on average daily traffic (ADT) and the classification system below.

**STREET CLASSIFICATION AND MINIMUM DESIGN STANDARDS**

| STREET CLASS_CATEGORY_LANE WIDTH_PARKING LANE WIDTH_IMPROVED WIDTH | CURB OR SHOULDER | GRADED AREAS OR SIDEWALK | SURFACE | ROW/EASEMENT WIDTH | MAXIMUM AVG. DAILY TRAFFIC (ADT) | DESIGN SPEED MPH | | | |
|---|---|---|---|---|---|---|---|---|---|
| I | ARTERIAL | 12' | NONE | 60' | VERTICAL | SIDEWALK | | 76' | 3,000+ | 55 |
| II | INDUSTRIAL | 12' | 12' | 48' | ROLLED | GRADED | | 64' | 3,000 | 40 |

| STREET CLASS_CATEGORY_LANE WIDTH_PARKING LANE WIDTH_IMPROVED WIDTH | CURB OR SHOULDER | GRADED AREAS OR SIDEWALK | SURFACE | ROW/EASEMENT WIDTH | MAXIMUM AVG. DAILY TRAFFIC (ADT) | DESIGN SPEED MPH | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| III | COMMERCIAL | 12' | 8' | 40' | VERTICAL | SIDEWALK | | 60' | 3,000 | 40 |
| IV | RESIDENTIAL COLLECTOR | 16' | NONE | 28' | VERTICAL | SIDEWALK | 2" W/6" BASE OR 3"W/4" BASE | 40' | 3,000 | 40 |

a. Any streets determined to be necessary to support the new development shall be constructed, by the developer, to the street classification and minimum design standards set below herein and adopted by the Town or any other standards adopted by the Town. Upon completion of any access roads to these standards, the roadway, upon acceptance by the Town, shall be dedicated to the Town as public right-of-way.

b. Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development.

c. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a level

~~of service of C or better prior to the development must function at a minimum level of service D after development.~~

~~d. If any such intersection is functioning at a level of service D or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Site Plan Review Committee if the Committee determines that the project will not have an unnecessary adverse impact on traffic flow or safety.~~

~~e. A development not meeting this requirement may be approved if the applicant demonstrates that:~~

~~i. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or~~

~~ii. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.~~

2. *Access into the Site.* Vehicular access to and from the development must be safe and convenient.

a. Any driveway or proposed street must be designated so as to provide the minimum sight distance according to the Town's standards, to the maximum extent possible.

b. Points of access and egress must be located to avoid conflicts with existing truing movements and traffic flows. Shared entryways are strongly encouraged.

~~c. The grade of any proposed drive or street must be not more than +/- three percent (3%) for a minimum of two (2) car lengths, or 40 feet, from the intersection.~~

~~d. The intersection of any access/egress drive or proposed street must function:~~

~~i. At a level of service of C following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or~~

~~ii. At a level that will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.~~

e. – Where lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards.

f. – Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets. special care to be given to ensure traffic does not directly impact adjoining residential street system.

g. – Access ways must be designated and have sufficient capacity to avoid queuing of entering vehicles on any public street.

h. – The following criteria must be used to limit the number of driveways serving the proposed project:

i. – No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) driveway onto a single roadway. Such driveway must be no greater than 30 feet wide.

ii. – No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of egress to a single roadway. The combined width of all access ways must not exceed 60 feet.

3. – *Access Way Location and Spacing.* Access way must meet the following standards:

a. – Private entrances/exits must be located at least 120 feet from the closest unsignalized intersection and 160 feet from the closest signalized intersection, as measured from the point of tangency from the corner to the point of tangency for the access way.

b. – Private access ways in or out of a development must be separated by a minimum of 120 feet where possible.

4. – *Internal Vehicular Circulation.* The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

a. – Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of forty (40) foot wheelbase vehicles.

b. – Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane – no parking).

c. – The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

d. – All roadways must be designed to harmonize with the topographic and natural features of the site. ~~(Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)~~

## ~~Section 4-130~~

## ~~Parking Lots and Driveways Abutting Residence District~~

~~A. Whenever a parking lot or a driveway to a parking lot is hereafter established in other that a R1, R2, R3, R4, or R4A District so as to adjoin the side or abut the rear line of a lot in one (1) of these listed Districts, a solid masonry wall, or substantial solid fence six (6) feet high, shall be constructed and maintained along said side or rear lot line up to, but not beyond, the front setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings of R1, R2, R3, R4, or R4A Districts. (Prior code § 4-13)~~

## ~~Section 4-140~~

## ~~Rear Yards In Business and Commercial Zones-Loading and Unloading~~

~~A. In a business and industrial district, every building erected on an interior lot, extending back to an alley or on a lot eighty (80) feet or more in depth, located at the intersection of a street with an alley shall provide on such lot, adequate space for loading and unloading of trucks and commercial vehicles serving such building. Such loading space, unless otherwise adequately provided for, shall include a rear yard space extending at least fourteen (14) feet in height above the grade of the alley and at least twenty-five (25) feet in depth back from the alley line, along fifty percent (50%) of such alley frontage of an interior lot and along twenty percent (20%) of such alley frontage of a lot eighty (80) feet or more in depth located at the intersection of a street with an alley.~~

~~B. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall or other buildings of limited loading space requirements. (Prior code § 4-14)~~

**Section 4-150**

**Bed and Breakfast Establishments**

A. A ~~Homestay Regulations:~~ Bed & Breakfast ~~Homestays~~, as defined in Chapter 22~~, Section 2-010~~, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, & C~~-~~B. Said Bed & Breakfast ~~Homestay~~ facility shall comply with the following regulations and performance standards:

1. Facility shall be owner-occupied with no more than 50% of the floor area of the primary structure used for guest quarters or Bed and Breakfast purposes.
2. State and County Health Department approval and permits are required.
3. Building shall meet the requirements of the International Building Code.
4. When changing the use or occupancy, both zoning compliance check and building safety clearance is required prior to commencement of the use.
5. No more than three ~~(3)~~ guest units shall be available for rent at any time. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
6. In addition to the required parking ~~for the owner of the Homestay~~, per zoning code district, one ~~(1)~~ parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance.
7. One ~~(1)~~ sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three ~~(3)~~ feet above grade.
8. ~~Necessary to have~~ A~~a~~ current business license is required.

B. ~~Bed & Breakfast Inn Regulations:~~ Bed and Breakfast Inns, as defined in Chapter 22~~, Section 2-010~~, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, and C~~-~~B. Said Bed & Breakfast~~-~~ Inn facility shall comply with the following regulations and performance standards.

1. Facility shall be owner-occupied with no more than 75% ~~seventy five percent (75%)~~ of the floor area or structural coverage to be used for guest quarters or Bed and Breakfast purposes.
2. Building shall meet the requirements of the International Building Code.

3. When changing the use of or occupancy, both zoning compliance check and building safety clearance are required prior to commencement of the use.
4. No more than five ~~(5)~~ guest units shall be available for rental at any time. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
5. In addition to the required parking ~~for the owner of the Bed & Breakfast Inn~~, per zoning code district, one ~~(1)~~ parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance
6. One ~~(1)~~ sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three ~~(3)~~ feet above grade.
7. A ~~Necessary to have a~~ current business license is required.

C. Bed and Breakfast Country Inn Regulations: Country Inns, as defined in Chapter ~~22, Section 2-010~~, are permitted in the following Zones: C, I, & C-B. Said Bed and Breakfast Country Inn facility shall comply with the following regulations and performance standards.

1. Installation of commercial kitchen facilities, as well as acquisition of necessary permits per County and State Health Department requirements.
2. Building shall meet the requirements of the International Building Code.
3. When changing the use of or occupancy, both zoning compliance check and building safety clearance required prior to commencement of the use.
4. Signage shall meet applicable sign code standards
5. In addition to the required parking ~~for the owner of the Bed & Breakfast Country Inn~~, per zoning code district, one ~~(1)~~ parking space per guest unit and employee shall be provided on site in accordance with the parking standards of the Ordinance.
6. ~~Necessary to have a current business license. (Prior code § 4-15)~~A current business license is required.

## Section 4-160
## Sidewalk Café Permit

~~(Created 2/14/12 by Resolution 1388 – Ordinance 342; Effective 3/14/2012)~~

A. Purpose and intent: This section shall apply to the establishment, operation and maintenance of all sidewalk/outdoor café dining areas accessory and incidental to lawful restaurants/dining establishments within the Town's rights-of-way directly in

front of and/or adjacent to the specific business to which they pertain. The purpose of this section is to promote general economic development, protect the public health, safety and general welfare and the atmosphere of the Town for the benefit of all businesses and our citizens and visitors. No rights of individuals or individual businesses are created therein.

B. Definitions:

1. Furniture means tables, umbrellas, chairs, benches or other objects used for the purpose of seating or of supporting the dining business.
2. Sidewalk cafe means a dining experience created within a portion of the public right-of-way kept, used, maintained and held out to the public as a place for sidewalk dining, where food, beverages or other refreshments are served for consumption on the premises adjacent to a business licensed to operate as an eating and/or refreshment establishment.
3. Removable barrier or barrier means a physical separator that can easily be lifted and moved immediately without the assistance of tools.
4. Sidewalk means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings.
5. Operator means the persons or businesses permitted to operate a specific sidewalk café.
6. Applicant means persons or businesses applying for a permit to operate a specific sidewalk café.

C. Permit required and fees: An annual permit issued by the Town to operate a sidewalk café is required and may be issued only to a business that holds all current Federal, State and local licenses required to operate said business wishing to establish a sidewalk cafe on the public or private property directly adjacent to the business to be used by the general public.

1. Permit application: The application shall follow all Design Review submittal requirements, in addition to: ~~contain the following information~~:

~~a. The name, home and business address, email address, and telephone number of the applicant/operator, and the name, email address, telephone number and address of the owner/operator of the business, if other than the applicant.~~

~~b. The name, home address, email address, and telephone number of a responsible person whom the Town may notify or contact at any time concerning the applicant's permit.~~

~~c. A copy of the current business license to operate a business establishment which is the subject of the application.~~

d. A statement of how the sidewalk dining area will be supervised and maintained.

e. Proof of current liability insurance, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the Town from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the sidewalk dining permit. Such insurance shall name the Town as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advanced written notice to the Town. The amount of coverage shall be determined at the time of application review.

~~f. Two copies and an original sketch to scale of the proposed location showing the layout and dimensions of the proposed sidewalk cafe area.~~

g. Proof of any required permit from the Arizona Department of Liquor Licenses and Controls.

~~h. Photographs, drawings, or manufacturer's brochures fully describing the appearance of all proposed dining area furniture or other objects related to the operation of the sidewalk dining area by the applicant.~~

i. Non-refundable annual fee as shown in the Town of Clarkdale fee schedule: The applicant must pay necessary water and/or sewer capacity fees for additional seats within the sidewalk dining area. In ~~addition~~addition, the applicant must pay monthly sewer fees as agreed in order for the permit to remain valid. Failure to pay sewer fees as agreed shall result in the immediate revocation of the permit.

2. Permit process: All sidewalk café applications shall be reviewed and approved by the Planning Commission for compliance with design review regulations prior to commencement of operations of the sidewalk café. DRB application fees are one (1) time unless the operator wishes to make significant changes (i.e. to the approved layout) such as increasing the number of tables or

area of service or overall theme/design of the café. Appeals of the application decision by the Planning Commission may be made by the applicant to the ~~Town Council~~Board of Adjustment within fifteen (15) days of the meeting at which the decision is made.

D. Furniture: Use of furniture and any other objects of such quality, design, materials, and workmanship that are approved as part of design review, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are prohibited ~~not allowed~~.

~~E. Signage: One temporary, single-sided sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding four feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall be placed within the permitted area and shall not be placed on the adjacent building or on any permanent structure and shall be displayed only while the sidewalk café is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations.~~

F. Hours: Sidewalk cafes may operate during the regular business hours of the restaurant operating the sidewalk café, but no later than 11:00 p.m. No orders for food and/or beverages shall be taken after 10:00 p.m. for service at the sidewalk cafe.

G. Lighting: Lighting shall be that from the existing business or street lamps. For safety reasons, no extension cords or free standing temporary lighting will be permitted. Battery operated lights attached to the umbrella poles so as to minimize impact on dark skies and adjacent properties will be permitted.

H. Other restrictions:

~~—~~All permitted encroachments shall maintain a minimum clear distance of sidewalk width of 5 feet.

1. No outdoor cooking of any type is permitted within the sidewalk café area.

All services to support sidewalk cafes shall be supplied from within the adjacent building. Temporary service equipment such as beverage containers or welcome stands may be used if included in the Design Review approval.

2. No amplified music is permitted within the sidewalk café area. Single acoustic instruments such as a guitar will be allowed so long as musicians have a contractual arrangement with the owner
3. *Liquor Service.* Each sidewalk cafe serving alcoholic beverages shall provide all services in compliance with relevant local, state, and federal laws, including but not limited to the compliance with State Liquor License requirements and the verification of the legal drinking age of all patrons. No alcoholic beverages shall be removed from the sidewalk café in which they were served. Food service shall be available at all times commensurate with alcohol service. The operator of the sidewalk café shall comply with all barriers as may be required with an extension of premises of the relevant liquor license.
4. *Health Codes Compliance.* Each sidewalk café shall ensure compliance with all applicable Yavapai County Health Codes and obtain any necessary extension/expansion permits required by the County.
5. *Trash removal.* The operator of the sidewalk café shall ensure all trash is removed from the sidewalk café area at the close of operating hours daily.
6. *Sidewalk Café Location Restrictions.* The café shall not block or restrict the sidewalk to less than applicable Americans with Disabilities Act (ADA) requirements or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window. Clearances should take into consideration nearest immovable object on the sidewalk. The encroachment area shall not extend laterally beyond the business's building frontage.
7. *Smoking.* The availability of smoking areas shall be in compliance with applicable federal, state and local laws.
8. Any outdoor heating devices need Fire District and Building Official review and approval.

The Town may temporarily suspend an encroachment permit or a sidewalk café approval when construction, street repair, or utility work in the area would create a hazard.

I. Indemnity and Liability: As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business. ~~(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 4-16)~~

**Section 4-170-~~010~~**

**Standards for Golf Course Developments**

~~(Created 10/9/12 by Resolution 1414 – Ordinance 344; Effective 11/9/2012)~~

A. Purpose: To ensure that every golf course be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part, and specifically to ensure that no depletions to the aquifer occur from the irrigation of golf courses, and to encourage the use or reuse of effluent.

B. General Requirements: The following requirements shall apply to the development and processing of golf courses in conjunction with a Planned Area Development proposal or any other golf course development:

1. Applicant will be required to submit plans that demonstrate that the proposed project meets the standards set by the Arizona Department of Water Resource for golf courses in the Active Management Areas including limiting water usage to no more than five ~~(5 )~~ irrigated acres per hole times the turf water allotment presented in the water allotment table.
2. Applicant to obtain a report of physical availability of water from the Arizona Department of Water Resources demonstrating an adequate water supply for the entire development including the golf course prior to recording the Final Plan/Final Site Plan and prior to construction of the golf course.
3. Applicant to demonstrate that the proposed development will be of an appropriate size and scale and reasonable or appropriate for a given area to generate sufficient effluent or re-use water to meet the entire irrigation needs of the golf course or demonstrate that an alternative supply of effluent or other renewable source of water will be available.
4. Applicant will be required to submit a water balance study to demonstrate that sufficient water supply other than groundwater will be available for use on

the golf course. The format and standard assumptions and criteria will be used as a guide to complete the water balance study. These format and standard assumptions and criteria are attached in Section ~~4-170-040~~4-170-040.

5. Applicant will be required to conduct a monitoring program as it pertains to surface water and groundwater quality and quantity. The monitoring program will be developed in concert with the appropriate approval authorities.

6. Applicant will be required to conduct monitoring program as it pertains to the performance of the wastewater treatment plant including effluent discharge quality and quantity for review and approval by the Community Development Department and Building staff or other appropriate agencies. (Prior code § 4-17-1)

**C. ~~Section 4-170-020~~**

**Design and Construction Standards**

A. Applicant will be required to submit plans demonstrating that the golf course is designed, constructed and maintained in accordance with environmental practices as set out in Environmental Principles for Golf Courses in the United States or United States Golf Association guidelines or similar and which meet the following conditions:

1. Emphasis shall be placed upon the design of irrigation, drainage and retention systems that provide for the efficient use of water. Drainage and storm water retention systems should be incorporated to help provide for both the short and long term irrigation needs of the maintained turf and the un-maintained areas of the course. Storm water retention systems may require an appropriate surface water right from the Arizona Department of Water Resources.

2. The course shall be designed with sustainable maintenance in mind. The design shall incorporate resource conservation strategies that are environmentally responsible, efficient and cost effective. (Prior code § 4-17-2)

**D. ~~Section 4-170-030~~**

**Construction Documents**

Conceptual grading, drainage, irrigation, clearing and landscaping plans will be required as part of the Final Site Plan application and in conjunction with a development plan. Plans must have sufficient detail to demonstrate that the design, construction and maintenance will incorporate environmental principles and meet

the intent of the water use standards for golf courses specified in this document. ~~(Prior code § 4-17-3)~~

**E. ~~Section 4-170-040~~**

**Water Balance Study**

The applicant shall conduct a water balance study to demonstrate that the development has a sufficient supply of water other than groundwater to meet the water requirements of the golf course.

A. Water Allotments-five (5) irrigated acres per hole is the maximum acreage allotment, except when considering a previous water right allotment for surface water rights. The allotments presented in the table are for purposes of calculating the water balance for the facility and assume a seventy-five percent (75%) efficient irrigation system. If the applicant cannot meet the water requirements of a typical golf course with effluent, consideration will be given for a demonstration of reduced water use (for example, reducing the area irrigated).

**Water Allotments for Turf Facilities**

| Type of Use | Water Allotment Facilities at 4,000 to 5,500 feet above MSL (ac-ft/acre) | Water Allotment Facilities at 3,000 and up to 4,000 feet above MSL (ac-ft/acre) |
|---|---|---|
| Turf | 4.9 | 5.2 |
| New Turf (1st year) | 5.9 | 6.2 |
| Artificial Lakes | 5.5 | 5.8 |
| Low Water Use Landscaping | 1.5 | 1.5 |

B. Leaching Requirement-Turf may require the occasional leaching of salts from the root zone. Although treated effluent may not be as efficient as groundwater, even low quality water can be appropriately used for leaching. If the applicant believes that a leaching allotment is necessary, the applicant will have to demonstrate a sufficient amount of renewable water supply. The standard

equation utilizing electrical conductivity of the water shall be used to compute the leaching requirement.

1. Additional Leaching =(1/(1-(ECw/(5ECe-ECw)))-1)*CU/.75Allotment
2. Where: ECw = Electrical Conductivity of the water used ECe =Tolerance of the crop to soil salinity in electrical conductivity of the soil saturation extract (millimhos per centimeter) CU = Consumptive use of the crop.

C. Effective Precipitation - Precipitation that is effective in offsetting the irrigation water demands is included in the water allotments in the table above. Consideration will be given if the applicant can demonstrate an additional amount of precipitation is effective in offsetting irrigation demands.

D. Additional Precipitation Allowance - If the applicant plans to capture additional runoff or off-site precipitation for use on the golf course, the applicant shall demonstrate adequate storage capacity, probability and volume of the captured water, and legal right to conduct the capture activity.

E. Effluent Production - The standard water requirements of a new housing development shall be computed according to the standard water use rates specified in the Prescott AMA Third Management Plan. Only the interior water use requirements (interior gallons per capita-day) will be considered to be a contribution to the effluent re-use system. Outside water use will be considered lost and non-recoverable. An average value of 2.5 persons per household will be the standard housing unit occupancy level. Consideration will be given if the applicant has good evidence that the development water use and effluent capture rates are different from the values presented.

| Type of Residential Unit | Interior Gallons per Capita-day | Average Persons per Housing Unit | Exterior use (Gallons per Housing Unit per Day) | Total Water Use per Housing Unit (Gallons per Day) |
|---|---|---|---|---|
| Single-Family Homes | 57 | 2.5 | 75 | 217.5 |

| Type of Residential Unit | Interior Gallons per Capita-day | Average Persons per Housing Unit | Exterior use (Gallons per Housing Unit per Day) | Total Water Use per Housing Unit (Gallons per Day) |
|---|---|---|---|---|
| Town Homes | 57 | 2.5 | 58 | 200.5 |

F. Seasonal fluctuations-Typical golf course water requirements have a peak water use period during the hot-dry part of the summer that is much greater than the average annual water use. However, effluent production does not typically match this high peak. The applicant should demonstrate that available effluent is sufficient to meet the summer peak water use requirements of the golf course (approximately 1 acre-foot/acre during the one month period from June 15-July 15, or 3 acre-feet/day for a 90 acre golf course). (Prior code § 4-17-4)

**Section 4-180**

**Wireless Communication ~~Tower~~ Structure**

~~(Created 7/9/13 by Ordinance #352; Effective 8/9/13)~~

~~Wireless Communication Facilities~~

**A. Purpose.**

1. The purpose of this Section is to regulate the placement, construction, and modification of wireless communication facilities in order to:
   a. Protect public health and safety;
   b. Minimize visual and aesthetic impacts;
   c. Encourage co-location and shared use of facilities;
   d. Preserve neighborhood character; and
   e. Ensure compliance with applicable federal and state law.
2. This Section shall be interpreted and ~~applied consistent~~applied consistently with the Telecommunications Act of 1996, the Spectrum Act, and applicable Federal Communications Commission (FCC) regulations.
3. Nothing in this Section shall be interpreted or applied in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, consistent with 47 U.S.C. § 332(c)(7).

**B. Applicability.**

1. This Section applies to all wireless communication towers, monopoles, antennas, small wireless facilities, and related equipment installed within the Town.
2. Amateur radio antennas and receive-only antennas used for residential purposes are exempt from this Section but shall comply with applicable height limits and building codes.
3. The Town shall not regulate the placement, construction, or modification of wireless communication facilities on the basis of radio frequency emissions where such facilities comply with FCC regulations concerning such emissions.

**C. Definitions.**

For purposes of this Section:

1. Wireless Communication Facility (WCF) means any facility used for transmission or reception of wireless signals.
2. Tower means any structure designed primarily to support antennas.
3. Small Wireless Facility means a facility meeting the size, height, and equipment thresholds established by federal or state law for small cell deployment.
4. Co-location means the installation of additional antennas or transmission equipment on an existing tower or structure.
5. Substantial Change shall have the meaning set forth in 47 C.F.R. § 1.6100, as amended. In the event of a conflict between this Code and federal law, federal law shall control.

**D. Approval Requirements.**

1. New Towers.
   Construction of a new wireless communication tower shall require a Conditional Use Permit and Design Review approval.
2. Co-location.
   Co-location on an existing tower or structure that does not constitute a substantial change shall be subject to administrative review.

3. Small Wireless Facilities.
   Small wireless facilities shall be reviewed administratively in accordance with federal and state law.
4. Eligible Facilities Requests.
   a. The Town shall approve an application for modification of an existing wireless tower or base station that qualifies as an eligible facilities request under Section 6409(a) of the Spectrum Act and 47 C.F.R. § 1.6100.
   b. Such applications shall be processed administratively and shall not require a Conditional Use Permit or discretionary review.
   c. The Town shall act upon eligible facilities requests within the timeframes required by federal law.

**E. Location Standards.**

1. Preferred Siting Hierarchy.
   Applicants shall demonstrate that the following siting preferences have been evaluated:
   a. Co-location on existing towers;
   b. Co-location on existing buildings or structures;
   c. Placement on existing utility poles;
   d. Construction of new monopole towers.
2. Residential Areas.
   New towers shall not be permitted within residential zoning districts unless the applicant demonstrates that no feasible alternative location exists and that visual impacts are mitigated to the greatest extent practicable.
3. Highway Corridor.
   Wireless communication facilities located within five hundred (500) feet of the centerline of State Route 89A shall be subject to enhanced design review standards to minimize visual impacts; however, such facilities shall not be categorically prohibited where the applicant demonstrates a significant coverage gap or capacity need consistent with federal law.
4. Required Yards.
   Towers shall not be located within required front yards.

**F. Setbacks and Height.**

1. Towers shall comply with the setback requirements of the underlying zoning district.
2. Unless otherwise required by federal law, a tower shall not be located closer to a residential dwelling than a distance equal to the height of the tower unless approved through Conditional Use Permit with findings of necessity and mitigation.
3. Towers shall not exceed the maximum height permitted in the zoning district unless approved through Conditional Use Permit upon demonstration of need.

**G. Design Standards.**

1. All wireless communication facilities shall incorporate stealth or concealment techniques to minimize visual impacts, including:
   a. Monopole design rather than lattice towers unless structurally necessary;
   b. Flush-mounted antennas where feasible;
   c. Color matching to surrounding structures;
   d. Concealment within architectural or landscape features where practicable.
2. Equipment Enclosures.
   Ground-mounted equipment shall be screened by walls, fencing, or landscaping sufficient to prevent visibility from public rights-of-way and adjacent residential properties.
3. Lighting.
   Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other governmental authority. Security lighting, if provided, shall be fully shielded.
4. Signage.
   Only signage required by federal law or necessary for safety identification shall be permitted.

**H. Application Requirements for Conditional Use Permit.**

An application for a Conditional Use Permit for a new tower shall include:

1. An accurate site plan showing tower location, height, setbacks, and supporting facilities.

2. A coverage map demonstrating existing facilities within ten (10) miles and identifying the service gap addressed.
3. Scaled elevation drawings of the proposed tower and equipment, including concealment features.
4. Environmental review documentation as required by federal regulations.
5. Proof of FCC license or authorization.
6. A signed certification that the facility will comply with FCC radio frequency emission standards.
7. Letter of authorization from the property owner.

**I. Removal of Abandoned Facilities.**

1. A wireless communication facility that is not operated for a continuous period of one hundred eighty (180) days shall be considered abandoned.
2. The owner shall remove the facility within ninety (90) days after notice from the Town.
3. Failure to remove an abandoned facility shall constitute a violation of this Code, and the Town may remove the facility at the owner's expense.

~~A. *Purpose.* To minimize the impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, compatibility, and appearance while encouraging the availability of broadband wireless connectivity for residents and visitors.~~

~~B. *Permitted Zones.* Wireless communication facilities are permitted in the Commercial and Industrial Zoning Districts with a Conditional Use Permit, but are not allowed to be placed within five hundred (500) feet on either side of the centerline of State Route 89A. Co-location of providers is encouraged. A Conditional Use Permit shall also be required for any substantial change to an existing Wireless Communication Tower; a substantial change means any change or cumulative changes over time: (1) changing the physical dimensions (height or width) of the Wireless Communication Tower or its supporting structures by more than ten percent (10%); or, (2) changing the design of the Wireless Communication Tower that would make it significantly more obtrusive.~~

A conditional use permit for Wireless Communication Tower shall include:

- An accurate site plan showing the exact location of the tower and supporting facilities with dimensions for each structure and setbacks from property boundaries.
- A map of all locations owned, leased or operated by the applicant and their coverage located within 10 miles of the proposed site.
- A detailed drawing, scaled to not less than one-inch equal to 100 feet, of the exterior of the proposed Wireless Communication Tower, including a cross-section detail of the tower, including height from grade, number of poles and number of arms, and features to make the tower visually unobtrusive. Aerial photographs and renderings may augment the drawing.
- An environmental assessment of the site, per the specifications of Section 1.1307 of the rules of the Federal Communication Commission and the Federal Aviation Administration rules regarding antenna structures.
- Exterior paint or finish samples.
- Letter of authorization from the property owner.
- A signed statement stating the radio frequency emissions comply with the standards of the Federal Communications Commission.
- Proof of a license from the Federal Communications Commission to transmit/receive radio signals.
- A summary of any planned community outreach regarding the application.

C. General Requirements and Restrictions:

1. Towers and accessory structures shall, as much as feasible, be designed to be visually unobtrusive with the surrounding landscape and area. Landscaping from the Town's approved plant list shall be used to screen all structures. Stealth or concealed towers may be required as a condition of the Conditional Use Permit.
2. Outdoor storage of equipment shall not be permitted at the site.
3. Lighting shall be fully shielded and used for security reasons only unless otherwise regulated by the Federal Communication Commission or the Federal Aviation Administration.
4. Only signage required by the Federal Communications Commission is permitted.

~~5. All components of a Wireless Communication Tower shall be removed, at the expense of the property owner, the entity leasing or owning the tower, or the applicant's (or the applicant's successor), if not used for 180 consecutive days. If the facility is not removed, the Town shall remove at the cost of the property owner, the entity leasing or owning the tower, or the applicant's (or the applicant's successor) after 30-days' written notice. (Revised by Ordinance #427 on 8/13/24; effective 9/14/24; prior code § 4-18)~~

**Section 4-190**

**Temporary Uses and Temporary Structures**

Purpose:

Temporary Use Permits are intended to allows short-term activities compatible with surrounding uses and do not permanently alter the character of the property.

A. *Temporary Uses and Temporary Structures.*

1. A temporary use permit (TUP) shall be required for all temporary uses and structures. Permits are provided through administrative review by the Community Development Department.

2. Permit applications shall be submitted at least thirty (30) days prior to commencement of temporary uses. The Community Development Director may waive this requirement if special circumstances are determined to apply.

3. Notices of the temporary use permit application will be sent to surrounding property owners within 300 feet with direction to provide comments to the Community Development Department.

4. Temporary use permits shall be issued for a maximum of 90 consecutive days ~~specific time period~~. ~~Permits may be extended for an additional time period upon submittal of an additional permit application and after review and approval of the Community Development Director.~~

Temporary uses exceeding 90 days within a calendar year shall require Conditional Use Permit approval.

The Community Development Director may approve up to two extensions not exceeding 30 days each.

5. The fee for a temporary use permit shall be as established by Clarkdale Town Council.

B. *Requirements for a Temporary Use or Structure.*

1. Temporary uses and structures shall comply with the following general requirements, as determined by the Community Development Director:
   a. Shall not cause an unreasonable effect to surrounding properties;
   b. Shall not negatively impact public health or safety;
   c. Temporary signs associated with a temporary use are permitted and must be included in the TUP application for review and approval of the Community Development Director;
   d. Temporary uses or structures must be in conformity with the underlying zoning district~~,~~; and must comply with all adopted Building and Fire Codes;
   e. At the conclusion of a temporary use or structure, all material shall be removed from the site within 72 hours and/or revegetated with plants from the Town's approved plant list;
   f. At the conclusion of a temporary use or structure, all disturbed areas shall be restored;
   g. Off-street parking shall be sufficient to accommodate the proposed use.
2. Informal activities such as garage sales, neighborhood parties and other informal, noncommercial events do not require a temporary use permit.
3. Special events do not require temporary use permits but are subject to the requirements of Town Code Article ~~8-4~~8-4.

~~4. Violations of the terms of a temporary use permit constitutes grounds for immediate revocation.~~

The Community Development Director may revoke a Temporary Use Permit upon determination that the use violates the conditions of approval, creates a nuisance, or poses a threat to public health, safety, or welfare.

5. Decisions by the Community Development Director may be appealed to the Board of Adjustment. ~~(Created by Resolution #1605 on 7/9/19; effective 8/8/19; Created by Ordinance #397 on 7/9/19; effective 8/8/19)~~

Section _____ PERFORMANCE STANDARDS

Applicability: The performance standards set forth in this Section shall apply to any permitted or conditional use. All uses shall be conducted in a manner that does not create a nuisance, hazard, or adverse impact upon adjacent properties

or the public health, safety, or welfare. Compliance with this Section shall be required in addition to all other applicable provisions of this Ordinance.

Noise:

Unless otherwise exempted, no person or use shall make or continue, cause to be made or continued, or allow to be made or continued any sound that exceeds the sound levels when measured at or within the real property boundary of the receiving property, based on the following table:

| Receiving Land Use | Maximum Sound Level, d(B)A | |
|---|---|---|
| | 7 AM - 10 PM | 10 PM - 7 AM |
| Residential | 55 | 45 |
| Commercial | 65 | 55 |
| Industrial | 70 | 60 |
| Entertainment | - | 68 |

Exemption for permitted construction: The operation of, or permitting of the operation of, any construction equipment may occur as follows:

No work shall commence before 5:00 a.m. nor continue past 7:00 p.m. Monday through Friday; except that the pouring of concrete may begin at 4:00 a.m. on those days. No work shall commence before 7:00 a.m. nor continue past 7:00 p.m. on Saturdays and Sundays. Any contractor, subcontractor, tradesman, materials supplier, owner, or bona fide representative or employee of any of the above who is present at the job site at the time of a violation will be held responsible. ~~In, or within 500 feet of a residential zoning district between 7 AM to 7 PM on business days from October 16 through April 30; between 5 AM to 7 PM on business days from May 1 through October 15: between 7 AM to 7 PM on Saturdays; and between 7 AM and 5 PM on Sundays and all legal holidays, or~~

~~In a non-residential zoning district, outside of the 500 foot buffer, between 6 AM and 7 PM on business days from October 16 through April 30; between 5 AM to 7 PM on business days from May 1 through October 15; between 7 AM to 7 PM on Saturdays; and between 7 AM to 5 PM on Sundays and all legal holidays.~~

~~The pouring of concrete may commence at least one hour prior to the start times indicated above.~~

The Community Development Director, Building Official, or Public Works Director may authorize extended hours where necessary to protect public health, safety, and welfare or to avoid substantial loss or inconvenience. Conditions may include limitations on equipment, hours, and noise levels.

Emergency work necessary to prevent injury, property damage, or interruption of essential services is exempt from time restrictions.

Measurement Criteria.

a. Noise levels shall be measured using a sound level meter meeting ANSI Type 1 or Type 2 standards.

b. Measurements shall be taken on the A-weighted scale with slow response, except fast response may be used for impulse noise.

c. Calibration shall occur immediately prior to measurement.

d. Ambient sound levels shall be documented.

Smoke.

1. No emission of smoke shall exceed Ringelmann No. 1 density.
2. Smoke equal to Ringelmann No. 2 may be permitted for a period not exceeding four (4) minutes in any thirty (30) minute period.
3. The Ringelmann Chart as published by the U.S. Bureau of Mines shall be the standard reference.

Glare and Heat.

1. Operations producing intense glare or radiant heat shall be conducted within enclosed buildings or screened to prevent glare or heat from being visible or perceptible at the property line.
2. Lighting shall comply with the Town's adopted Outdoor Lighting Code.
3. The Community Development Director may require shielding, reorientation, screening, or material modification to eliminate nuisance glare.

Vibration.

1. No vibration shall be permitted that is discernible without instruments beyond the property line.
2. For purposes of enforcement, vibration shall not exceed:

a. Three (3) minutes in any one-hour period between 7:00 AM and 7:00 PM; or

b. Thirty (30) seconds in any one-hour period between 7:00 PM and 7:00 AM.

Air Emissions; Dust; Fumes; Vapors; Gases.

1. No emission of fly ash, dust, fumes, vapors, or gases shall be permitted that:
   a. Endangers public health;
   b. Causes damage to property, vegetation, or animals;
   c. Results in visible particulate matter crossing a property line; or
   d. Creates excessive soiling on adjacent properties.
2. All operations shall comply with applicable Federal, State, and County air quality regulations.

Liquids and Solid Waste.

1. No discharge of liquid or solid waste shall:
   a. Interfere with the normal operation of the public sewer system;
   b. Create a nuisance or hazardous condition on adjacent property;
   c. Pollute surface or groundwater; or
   d. Create unsafe conditions for vehicular or pedestrian traffic.
2. All waste handling, storage, and disposal shall comply with applicable Federal, State, and local regulations.

Odors.

1. No emission of odorous matter shall be permitted in quantities that are detectable beyond the property line in a manner that creates a nuisance or hazard.
2. Uses generating odors shall implement mitigation measures including filtration, containment, or operational controls sufficient to prevent odor migration.

Hazardous Materials.

1. The handling, storage, and disposal of hazardous, special, or radioactive materials shall comply with all applicable Federal, State, and local regulations.
2. Above-ground bulk storage of flammable or explosive materials shall be located not less than seventy-five (75) feet from any property line unless otherwise approved under the adopted Fire Code.
3. Secondary containment and spill control measures shall be provided where required by code.

Enforcement.

Failure to comply with the performance standards set forth in this Section shall

constitute a violation of this Code and may result in enforcement action, permit revocation, or other remedies available under law.

~~**Section 4-200**~~

~~**Noise**~~

~~A. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site has to be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four feet above ground at the property boundary of the source.~~

~~B. Noise shall be measured by a meter set on a weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1-4-1961) American standards specification for general purpose sound level meters.~~

~~C. No person shall engage in construction activities on a site abutting any residential use between the hours of 9:00 p.m. and sunrise. (Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)~~

**Section 4-210**

**Hazardous, Special, and Radioactive Materials**

A. The handling and use of all materials identified by the standards of a Federal or State agency as hazardous, special, or radioactive must be done in accordance with the standard of these agencies.

B. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage.

C. Materials must be stored in a manner and location that is in compliance with appropriate rules and regulations of the Arizona Department of Public Safety and other Federal, State, and local agencies with jurisdiction. ~~(Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)~~

**Section 4-220**

**Outdoor Storage of Materials**

~~**Section 4-360**~~

~~Outdoor Storage~~

**A. Purpose and Applicability.**

1. The purpose of this Section is to regulate the outdoor storage of materials, equipment, and merchandise in order to:
   a. Protect adjacent properties from visual, noise, and safety impacts;
   b. Prevent nuisance conditions;
   c. Preserve community character; and
   d. Ensure compliance with health, fire, and building codes.
2. Outdoor storage shall comply with this Section in all zoning districts where permitted.
3. Outdoor storage not specifically permitted in a zoning district shall be prohibited.

**B. General Standards.**

1. Outdoor storage shall be located only in areas designated and approved through site plan review or Conditional Use Permit where applicable.
2. Outdoor storage areas shall not be located within:
   a. Required front yards;
   b. Required landscape buffers;
   c. Required parking spaces;
   d. Fire lanes or emergency access areas.
3. Outdoor storage shall not obstruct pedestrian circulation or required access drives.
4. All outdoor storage areas shall be maintained in an orderly and safe condition.

**C. Residential District Standards.**

1. General Storage.
   Outdoor storage in residential districts shall be limited to items customarily incidental to residential use.
2. Prohibited Items.
   The following shall not be stored outdoors in residential districts unless fully screened from public view and adjacent properties:
   a. Inoperable vehicles;
   b. Construction materials not actively being used;
   c. Commercial equipment;

d. Industrial materials;

e. Bulk storage of merchandise.

3. Screening.

a. Outdoor storage visible from a public street or adjacent property shall be screened by a minimum six (6) foot solid fence or wall.

b. Screening shall comply with fence height regulations.

4. Duration.

Storage of construction materials for an active building permit shall be permitted for the duration of the permit.

**D. Commercial and Industrial District Standards.**

1. Permitted Outdoor Storage.

Outdoor storage shall be permitted in commercial and industrial districts when:

a. It is incidental to a permitted use;

b. It is located within side or rear yards;

c. It is screened in accordance with this sSection.

2. Screening Requirements.

a. Outdoor storage areas shall be enclosed by a minimum six (6) foot solid masonry wall, solid fence, or approved screening material.

b. Screening shall be maintained in good condition and shall prevent visibility of stored materials from public rights-of-way and adjacent residential properties.

c. Landscaping may be required to supplement screening.

3. Height of Stored Materials.

Stored materials shall not exceed the height of the screening wall or fence, except for materials customarily stored in vertical racks in industrial districts, which may exceed screening height provided they are not visible from public streets.

4. Surface Requirement.

Outdoor storage areas shall be surfaced with asphalt, concrete, compacted aggregate base, or other approved dust-free material.

5. Setbacks.
   Outdoor storage shall not be located closer than ten (10) feet to any residential zoning district boundary unless additional screening is provided.

**E. Prohibited Outdoor Storage.**

The following shall be prohibited in all zoning districts unless specifically approved through Conditional Use Permit:

1. Storage of hazardous materials not in compliance with adopted Fire Code.
2. Storage of junk, scrap, salvage, or dismantled materials except within approved salvage or recycling facilities.
3. Storage of solid waste except in approved containers.
4. Storage that creates odor, dust, glare, vibration, or other violations of Section 4-160~~195~~ Performance Standards.

**F. Temporary Outdoor Display and Storage.**

1. Temporary outdoor display of merchandise in commercial districts may be permitted subject to administrative approval when:
   a. The display does not reduce required parking;
   b. The display does not obstruct pedestrian or vehicular circulation;
   c. The display is removed outside business hours if required.
2. Temporary construction storage shall be permitted for the duration of an active building permit.

**G. Storage of Vehicles and Equipment.**

1. Commercial vehicles, trailers, or heavy equipment exceeding one (1) ton capacity shall not be stored outdoors in residential districts unless fully screened and incidental to a lawful home occupation.
2. In commercial and industrial districts, fleet vehicle storage shall comply with screening requirements.

**H. Abandoned or Unsafe Storage.**

1. Outdoor storage areas that become unsafe, abandoned, or noncompliant shall be subject to enforcement action.
2. Failure to maintain screening or orderly storage shall constitute a violation of this Code.

~~A. Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals, other articles of salvage or refuse, or dead storage must have sufficient setback and screening to screen said uses from public view at a minimum eighty percent (80%) opacity.~~
~~B. All dumpsters or similar large collection receptacles for trash or other waste must be located on level surfaces that are paved or graveled and enclosed with solid wall or fence and gates that screen it from public view.~~
~~C. Where a potential safety hazard or attractive nuisance is likely to arise, physical screening sufficient to prevent entry to the premises must be provided and maintained in good and effective condition. (Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20~~)

Storage and Parking of Mobile Homes, Recreational Vehicles, and Trailers:

Storage: Mobile homes, commercial trailers, utility trailers, boat trailers, or recreational vehicles (including travel trailers) shall not be stored, parked, or located in any zoning district other than as listed in the zoning district's regulations or as otherwise provided herein, with the following exceptions for residential uses:

1. The storage of not more than one boat trailer, one utility trailer, and one recreational vehicle or travel trailer shall be allowed for each residence. Such vehicles may not be stored in the front yard of a residence.

2. A trailer, attached to a vehicle, may be temporarily parked for a period of 24 hours in an area designed for parking within the front yard setback, so long as it remains attached to the vehicle.

Construction Office or Security Personnel Housing: A mobile home or recreational vehicle may be allowed in any zoning district to conduct business or provide housing for security ~~personnel,~~personnel during the construction of a permanent building when a valid building permit is in effect. The mobile home or recreational vehicle must be removed immediately after completion of the building.

## Section 4-230
## Recreational and Medical Marijuana ~~(Created by Ordinance #409 11-10-20 – Effective 12-10-20)~~

A. *Purpose.* This section is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this section is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

B. *Definitions.* The below words and phrases, wherever used in this section, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

Chemical extraction: The process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.

Chemical synthesis: Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

Consume, consuming, and consumption: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.

Consumer: An individual who is at least 21 years ~~twenty-one years (21)~~ of age and who purchases marijuana or marijuana products.

Cultivate and cultivation: To propagate, breed, grow, prepare and package marijuana.

Deliver, ~~and~~ delivery: The transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.

Department: The S~~s~~tate of Arizona Department of Health Services or its successor agency.

Dual licensee: An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

Enclosed area: A building, greenhouse, or other structure that has:

a. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;

b. Is secure against unauthorized entry;

c. Has a foundation, slab or equivalent base to which the floor is securely attached; and

d. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

Extraction: The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.

Manufacture, ~~and~~ manufacturing: To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Marijuana:

a. Means all parts of the plant of the genus Cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.

b. Includes cannabis as defined in A.R.S. § 13-3401.

c. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana concentrate:

a. Means resin extracted from any part of a plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

b. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

Marijuana establishment: An entity licensed by the Department to operate all of the following:

a. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

b. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

c. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

Marijuana products: Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

Marijuana testing facility: The Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

Medical marijuana: All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Medical marijuana caregiver facility: A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical marijuana cultivation: The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations

promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical marijuana dispensary: A nonprofit entity as defined in A.R.S. § 36-2801(11), and operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical marijuana processing facility: A facility that:

a. Engages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending;

b. Is operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and

c. Is associated with a medical marijuana dispensary.

Medical marijuana qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and is registered with the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Nonprofit medical marijuana dispensary: A nonprofit entity as defined in A.R.S. § 36-2801(12).

Open space: A public park, public sidewalk, public walkway or public pedestrian thoroughfare.

Person: An individual, partnership, corporation, association, or any other entity of whatever kind or nature.

Process~~, and~~ processing: To harvest, dry, cure, trim or separate parts of the marijuana plant.

Public place, Smoking: Has the same meaning prescribed in the Smoke-Free Arizona Act, A.R.S. § 36-601.01 and further regulated in Chapter 10, Offenses, Article 10-2, Smoking, of the Town Code of the Town of Clarkdale.

Smoking~~e~~: To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

Storefront location: The use shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

C. Marijuana Establishments Permitted – Nonresidential.

1. If authorized by state law and a valid permit has been obtained from the Town, a marijuana establishment or a medical marijuana dispensary is permitted in Clarkdale, subject to the following conditions and limitations:

a. To the fullest extent allowable by law, shall be authorized in Clarkdale for:

i. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.

ii. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.

2. Shall be authorized in the Industrial Zoning District.

3. Shall be authorized in Commercial and Central Business District Zoning Districts, except that there shall be no cultivation.

4. Infusion of marijuana into food products by a marijuana establishment with a valid food establishment license shall be permitted as a conditional use in the Commercial and Central Business District Zoning Districts.

5. Shall not be located within 500 feet of a preschool, kindergarten, elementary, secondary or high school. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.

6. Shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

7. Shall be a total maximum 1,500 square feet. Maximum square footage may be expanded subject to use permit application and hearing procedures set forth under Chapter 5, Conditional Use Permit, of the Zoning Code of the Town of Clarkdale.

8. The secure storage area for the marijuana stored at the location shall not exceed 500 square feet of the total 1,500-square-foot maximum floor area of the facility. Maximum square footage may be expanded subject to use permit

application and hearing procedures set forth under Chapter 5, Conditional Use Permit, of the Town of Clarkdale Zoning Code.

9. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.

10. Shall allow on-site consumption or ingestion of food products infused with marijuana by a marijuana establishment only in the Commercial or Commercial Business Districts with a conditional use permit and with a valid food establishment license in the storefront location where the infused food product was produced.

11. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, Town trash can, bin or other Town facility, or in any park refuse container unless authorized by the Town.

12. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town of Clarkdale.

13. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.

14. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.

15. Shall be located in a storefront with windows facing the street. Window covers shall be open during business hours.

16. Shall utilize one (1) secure entrance/exit for customer use where purchasing area is located.

17. Shall comply with applicable county health regulations for food preparation and handling.

18. Shall submit a written security plan to the Community Development Department that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.

19. For a marijuana establishment located in the Industrial (I) Zoning District that engages in cultivation or manufacturing, shall submit a written operations plan to the Community Development Department that describes the following:

a. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.

b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.

c. The plan for addressing odor and other public nuisances that may derive from the establishment.

20. If the Department has not adopted final rules pursuant to this section at the time marijuana establishment licenses are issued pursuant to this section, licensees shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § 36-2854 except those that are inconsistent with this section.

D. Marijuana Testing Facility Permitted.

1. It shall be unlawful for a person to operate a marijuana testing facility at any location within the Town without obtaining a security plan approval and business license permit from the Town Clerk or his/her designee in accordance with Town Code, including any application and review procedures pursuant to regulations promulgated by the Arizona Department of Health Services.

2. A marijuana testing facility is permitted in the Town of Clarkdale subject to the following conditions:

a. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners or authorized agents.

b. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.

c. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.

d. Shall maintain records, equipment and instrumentation as required by the Department.

e. Shall submit a written security plan to the Town that specifies the measures that will be taken to deter and prevent unauthorized entrance

into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.

f. If the Department has not adopted final rules pursuant to this section at the time marijuana testing facility licenses are issued pursuant to this section, licensees shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S.§ 36-2854 except those that are inconsistent with this section.

E. Individual's Primary Residence for Personal Use.

1. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a Residential Zoning District in Clarkdale and is subject to the following conditions and limitations:

a. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.

b. It shall be unlawful for two (2) or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.

c. Except as provided by A.R.S.. § 36-2801 et al. and this section, it shall be unlawful for an individual to otherwise cultivate marijuana in a Residential Zoning District within the Clarkdale Town limits.

d. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.

e. Kitchens, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.

f. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration,

building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town of Clarkdale.

g. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.

h. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

2. If the Department has not adopted final rules pursuant to this section at the time the "Smart and Safe Arizona Act" is effectuated, individuals shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § 36-2854 except those that are inconsistent with this section. (Created by Ordinance #409 on 11/10/20; effective 12/10/20)

**Section 4-240**

**Tiny Houses~~; Tiny Houses on Wheels; Tiny House Recreational Vehicles~~**

A. Tiny houses are permitted in any single-family residential zoning district as follows:

1. Tiny houses shall be constructed and sited on permanent foundations in compliance with adopted International Residential Codes, Town Codes, and Fire Codes ~~IRC Appendix Q regulations~~.

2. Tiny houses shall have wastewater systems sized for the occupancy and fixture count, or connect to the Town's wastewater system.

3. Certificates of occupancy shall only be issued to tiny houses that comply with the provisions of this section. If the tiny house is moved from one site to another, a new certificate of occupancy will be required.

B. Tiny houses on wheels and tiny house recreational vehicles are hereby regulated the same as travel trailers under this ~~code, and~~code and shall be subject to all Clarkdale Town Zoning Code provisions applicable to travel trailers. ~~(Created by Ordinance #410 on 2/9/21; effective 3/11/21)~~

DATA CENTERS

## Article 4-250
## COMMERCIAL AND RESIDENTIAL FLAGPOLES

~~4-250-010 Purpose and Intent~~
~~4-250-020 Permissible Locations~~
~~4-250-030 Construction Standards~~
~~4-250-040 Permit Requirements~~
~~4-250-050 Preexisting Nonconforming Flagpoles~~

### ~~Section 4-250-010~~ Purpose and Intent

The purpose of this article is to regulate the construction and installation of flagpoles on residential and commercial properties within the Town of Clarkdale, ensuring safety, aesthetic compatibility, and compliance with relevant regulations. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

### ~~Section 4-250-020~~ Permissible Locations

A. Flagpoles may be erected on residential properties subject to the following conditions:

1. The flagpole must be located within the boundaries of the residential property.
2. The flagpole must not obstruct public rights-of-way, or utility easements, or impede visibility for vehicular or pedestrian traffic.
3. The flagpole must comply with setback requirements specified in the zoning regulations.

B. Flagpoles may be erected on commercial properties subject to the following conditions:

1. The flagpole must be located within the boundaries of the commercial property.
2. The flagpole must not obstruct public rights-of-way, or utility easements, or impede visibility for vehicular or pedestrian traffic.
3. The flagpole must comply with the setback requirements specified in the zoning regulations unless it is engineered to collapse on itself, in which case it may be positioned within the setback boundaries. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

### ~~Section 4-250-030~~ Construction Standards

A. Flagpoles must be constructed using durable and weather-resistant materials capable of withstanding environmental conditions and windspeeds eighty (80) miles per hour.
B. The height of the flagpole shall not exceed fifteen (15) feet above ground level in residential zoning without obtaining a permit or twenty-five (25) feet above ground level in commercial zoning.
C. Flagpoles must be securely anchored to the ground to prevent instability or collapse. The base must meet manufacturer specifications.
D. Any lighting fixtures installed on or around the flagpole including those mounted on nearby structures or in the ground, must comply with the Town's dark sky requirements as outlined in ~~Section 8-070~~Chapter 8, ~~Lighting Requirements~~Outdoor Lighting. All lighting shall be equipped with appropriate shielding. Additionally, any hard wiring for these fixtures must be installed underground in accordance with ~~Section 8-070~~Chapter 8, Outdoor Lighting ~~Requirements~~.
E. Installation of the flagpole must adhere to manufacturer specifications and industry best practices for safe assembly.
F. On residential properties, flagpoles must be situated within the confines of the property lines to ensure that the height of the pole does not exceed the distance to the nearest property line. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

**~~Section 4-250-040~~ Permit Requirements**

A. Prior to the construction or installation of a flagpole exceeding fifteen (15) feet in height on residential property, the owner must obtain a permit from the Town of Clarkdale's Community Development Department.
B. Prior to the construction or installation of any flagpole on commercial property, the owner must obtain a permit from the Community Development Department.
C. Permit applications shall include fully dimensioned plans materials, method of construction for the flagpole, and a site plan delineating the flagpole's location and its distance from property lines. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

**~~Section 4-250-050~~ Preexisting Nonconforming Flagpoles**

A. Flagpoles that were legally installed prior to the adoption of the ordinance codified in this chapter and do not conform to the current regulations shall be considered preexisting nonconforming flagpoles.
B. Such preexisting nonconforming flagpoles may continue to be used and maintained, provided they do not pose a safety hazard.
C. Any modification, replacement, or relocation of a preexisting nonconforming flagpole shall comply with the current regulations set forth in the ordinance codified in this chapter.
D. If a preexisting nonconforming flagpole is removed, any new flagpole installed on the property must conform to the current regulations. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

## Article 4-260
## ACCESSORY DWELLING UNITS (ADUS)

~~**4-260-010 Accessory Dwelling Units (ADUs)**~~
~~**Section 4-260-010 Accessory Dwelling Units (ADUs)**~~

A. Accessory dwelling units (ADUs) are subject to all the following provisions.
1. *Eligibility.* No more than one attached or detached accessory dwelling unit (ADU) per lot is permitted.
2. *Maximum Size.* An accessory dwelling unit (ADU) shall not exceed 1,000 ~~seven hundred (700)~~ square feet of Habitable Space.
3. *Location.* The accessory dwelling unit (ADU) may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.
4. *Setbacks.* The accessory dwelling unit (ADU) is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:
a. The rear setback for the accessory dwelling unit (ADU) shall be no less than five (5) feet from the property line.
b. The side setbacks for the accessory dwelling unit (ADU) shall be no less than five (5) feet from the property line.
c. The front setback for the accessory dwelling unit (ADU) shall be no less than the setback required for a single-family dwelling in the zoning district in which it is located.
b. An attached accessory dwelling unit may encroach on a side or rear yard if permitted by the zoning district's development standards.

d. Detached Accessory Dwelling Units shall be separated from other buildings by at least 10 feet. Separation may be reduced with fire-rated walls, subject to approval by the Building Official and Fire District Official.

5. *Lot Coverage.* The accessory dwelling unit (ADU) is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel.
6. *Height.* The accessory dwelling unit (ADU) is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel.
7. *Exterior Design.* The exterior design of the accessory dwelling unit (ADU) is not required to match the exterior design of the single-family dwelling on the same lot or parcel.
8. *Roof Pitch.* The roof pitch of the accessory dwelling unit (ADU) is not required to match the roof pitch of the single-family dwelling on the same lot or parcel.
9. *Finishing materials.* The finishing materials of the accessory dwelling unit (ADU) are not required to match the finishing materials of the single-family dwelling on the same lot.
10. *Parking and Access.* No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit (ADU).
11. *Permanent Structure.* accessory dwelling units (ADUs) shall be constructed as permanent sStructures. Recreational Vehicles (RVs), travel trailers, manufactured homes, mobile homes, and similar structures are prohibited for use as Accessory Dwelling Units ~~may not be used as an accessory dwelling unit. (Created by Ordinance #436 on 12/10/24; effective 1/10/25)~~
12. No Accessory Dwelling Unit may be used as a short-term rental or vacation rental, as those terms are defined in Town Codes or Ordinances, unless the owner of the lot on which the unit is located resides on the same lot.

**Trash Enclosures:**

A. In every zoning district, permanent enclosures for the temporary storage of garbage, refuse, and other waste materials shall be provided for every use, except;

1. For single-family dwellings.

2. For multi-family residential properties with four or fewer units.

3. For multi-family residential properties with five or more units, if the property owner or responsible person has provided, in writing to the Community Development Director, a letter indicating hardship, due to other requirements and development standards, and further proposes alternatives that would satisfy the needs of the occupants, and the Community Development Director authorizes the exception.

4. For manufactured homes.

B. Construction: Trash enclosures shall be constructed to the following criteria:

1. Be constructed of block walls, solid fencing such as weather resistant wood, or chain link fencing with screening slats.

2. Be constructed so that the contents are not visible from a height of five feet above grade from any abutting street or property and of sufficient height to conceal contents, including containers. In no case shall the enclosure be less than five feet in height above grade, but no greater than six feet unless greater heights are allowed with Design Review approval.

3. Gates shall be solid or baffled, equal to the height of the enclosure, and equipped with latches to ensure closure when not in use.

C. Location: Trash enclosures shall not be located in any required front or side yard. For multi-family residences, trash enclosures shall be located within 250 walking feet of the units they are intended to serve.

D. Quantity: A minimum of one trash enclosure is required for commercial, industrial, and other non-residential or institutional developments.

E. Trash enclosures shall have landscaping surrounding at least three sides, subject to the landscaping requirements of Chapter 9.

## 4-270 Agriculture Tourism, Agritourism Enterprise, and Cropland Uses

a. A connection to Town of Clarkdale water system is required where connection is available within a reasonable distance as determined by the Town Manager or designated representative. If connection to the Town's water system is not available, approval of Agriculture Tourism, Agritourism Enterprise and Cropland uses irrigating with well water will be considered on a case by case basis.

b. All water connections shall be metered.

c. All Agriculture Tourism, Agritourism Enterprise and Cropland Uses shall be set back 25 feet from adjoining property lines when abutting residentially-zoned property.
d. Drip/Micro Irrigation and on-site drainage shall incorporate Best Management Practices and not impact surrounding properties.
e. Non-chemical pest control, such as the use of beneficial predators, beneficial parasitoids and biochemical methods, is strongly encouraged.
f. A Conditional Use Permit application for Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall include the following elements:
i. A detailed site plan of the proposal showing all required setbacks, proposed and existing buildings and structures, and proposed access and easements.
ii. A comprehensive low water use plan incorporating best practices.
iii. An integrated pest management (IPM) plan. All chemicals shall be contained to the property under cultivation.
iv. If fertilizer and soil amendments are proposed, a plan outlining use shall be included.
v. A dust control plan incorporating best management practices per Clarkdale Town Code shall be provided. Only non-potable water shall be used for dust control measures.
g. Approval of a Conditional Use Permit for Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall be based on consideration of the impacts to the environment and adjacent property owners.
h. All Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall comply with federal regulations, Arizona State Regulations and the Arizona Department of Agriculture rules and regulations.

~~**The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.**~~

~~Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.~~
~~Town Website: www.clarkdale.az.gov~~
~~Town Telephone: (928) 639-2400~~
~~Hosted by General Code.~~

# EXHIBIT D
# CHAPTER 4
## GENERAL PROVISIONS

**SECTIONS:**


4-010 Applicability

4-020 Accessory Structures

4-030 Campgrounds and Recreational Vehicle Parks

4-040 Lot Standards

4-050 Swimming Pools

4-060 Responsibility for Outside Consultant Fees

4-070 Fences and Walls

4-080 Home Occupation Standards

4-090 Parking and Loading

4-100 Traffic and Pedestrian Access

4-110 Bed and Breakfast Establishments

4-120 Sidewalk Café Permit

4-130 Standards for Golf Course Developments

4-140 Wireless Communication Structure

4-150 Temporary Uses and Temporary Structures

4-160 Performance Standards

4-170 Outdoor Storage

4-180 Recreational and Medical Marijuana

4-190 Tiny Houses

4-200 Data Centers

4-210 Commercial and Residential Flagpoles

4-220 Accessory Dwelling Units (ADU)

4-230 Trash Enclosures

4-240 Agriculture Tourism, Agritourism Enterprise and Cropland Uses

## SECTION 4-010 APPLICABILITY

Except as expressly provided herein, no land, building, structure, or portion thereof shall be used, constructed, reconstructed, erected, altered, enlarged, relocated, demolished, or otherwise modified except in compliance with the provisions of this Ordinance; the standards applicable to the zoning district in which it is located; and all adopted building, fire, and related technical codes of the Town.

Uses not expressly identified as permitted or conditionally permitted within a zoning district are prohibited.

A. **Use Restrictions.**

1. *Permitted Uses.* Those uses listed as "Permitted Uses" shall be allowed to be established within any zoning district in which they are listed, subject to the specific requirements of this Ordinance. All other uses shall be prohibited except as otherwise provided in this Ordinance.
2. *Conditional Uses.* Uses identified as "Conditional" within a zoning district may be allowed only upon approval of a Conditional Use Permit.
    a. Approval shall be granted in accordance with the procedures established in this Ordinance.
    b. The Planning and Zoning Commission and/or Town Council may impose conditions necessary to protect the public health, safety, and welfare and to ensure compatibility with surrounding uses.
    c. The use shall be developed and operated in accordance with the approved conditions.
3. *Accessory Uses.* Accessory uses and structures are permitted in any zoning district where a principal use is lawfully established, provided such accessory use is incidental and subordinate to the principal use; is located on the same lot as the principal use; and does not alter the character of the principal use.

a. No accessory structure shall be constructed on a lot prior to the establishment of the principal structure or use.

b. A lot shall not contain an accessory structure or use without a lawful principal use.

4. *Unspecified Uses.* If a proposed use is not specifically identified within a zoning district, the Planning and Zoning Commission shall determine the most appropriate classification based on similarity in character, intensity, and impact to listed uses. Such determination shall be made through minute action. In making its decision, the Commission shall consider the purpose and intent of the zoning district and comparable listed uses.

B. **Nonconforming Lots of Record.**

1. A lot lawfully created and recorded prior to the effective date of this Ordinance may be developed with a permitted use within its zoning district, even if the lot does not meet current minimum lot area or width requirements.

2. Development on such lot shall comply with all applicable setback, lot coverage, height, and other dimensional standards unless otherwise authorized.

3. Where two or more contiguous lots under common ownership are proposed to be developed with a building that would cross lot lines, the lots shall be legally combined prior to submittal of development or building permit applications.

4. Lots proposed for combination shall have the same zoning designation prior to approval of the lot combination.

5. Any lot that has more than one zoning designation, shall be rezoned to the appropriate zoning district prior to any other project related approvals.

C. **Redividing of Recorded Lots.**

1. No lot shall be divided in a manner that results in a parcel that fails to comply with the standards of this Ordinance.

2. Lots may be divided or combined only in accordance with the procedures established in Chapter 12 (Subdivision Regulations) or other applicable Town procedures.

D. **Access and Street Requirements.**

1. All newly created lots shall:
   a. Abut a public street connected to the Town's street system; or
   b. Be served by a recorded permanent, nonexclusive access easement of sufficient width and design to accommodate an access way constructed to Town and Fire District standards.
   c. Clearly assign maintenance responsibility for any private access easements to the benefiting property owners.
2. No building permit shall be issued for a lot that does not have direct frontage on a dedicated public street unless:
   a. The lot is served by a compliant access way;
   b. The access way is contained within a recorded permanent nonexclusive easement; and
   c. The access way is constructed to Town standards and provides adequate emergency access.
3. As a condition of rezoning or development approval, the Town may require dedication of rights-of-way, utility easements, or other public improvements reasonably necessary to serve the proposed development, subject to the Town's Engineering Standards.

E. **Site Suitability.**

1. Land determined by the Community Development Director or Planning Commission to be unsuitable for development due to conditions including but not limited to; flood hazards, concentrated or inadequate drainage, unstable soils or rock formations, steep or hazardous topography, low percolation rates, insufficient bearing capacity, erosion potential, or other physical conditions that may endanger public health, safety, or welfare shall not be developed until such conditions are adequately addressed.

a. The applicant shall submit technical studies and proposed mitigation measures demonstrating that identified hazards can be corrected or mitigated.

2. Approval of development may be conditioned upon implementation of corrective measures, construction standards, or ongoing maintenance requirements necessary to ensure site stability and public safety.

F. **Yard, Lot, and Area Requirements.**

1. No building or structure shall be erected, constructed, reconstructed, enlarged, relocated, or structurally altered except in compliance with the yard, lot, area, height, and building placement standards applicable to the zoning district in which the property is located, unless expressly authorized elsewhere in this Ordinance. Required open space and yard areas shall not be reduced below the minimum standards established for the zoning district.

2. Required Yards:

a. Except as provided in this Ordinance, required yards shall remain open and unobstructed from the ground upward.

b. Landscaping, trees, shrubs, and permitted accessory structures shall not be considered obstructions when allowed by this ordinance.

c. A required yard or open space provided to satisfy the requirements of this Ordinance for one building shall not be used to satisfy yard or open space requirements for any other building.

d. Required yards shall be located on the same lot as the building they serve and shall not be credited to adjacent lots.

3. Projections Into Required Yards: The following architectural features may encroach into required yards, subject to the limitations below and compliance with applicable building and fire codes:

a. The following may project up to five feet into a required side or rear yard. Such projections shall not extend closer than three feet to any lot line and shall not encroach into a required front yard:

i. Awnings

ii. Fire balconies

iii. Fire escape stairs

iv. Window-mounted mechanical units

v. Roof-mounted or suspended evaporative coolers

vi. Similar minor architectural features

b. Canopies, cornices, eaves, and similar architectural detailing may project up to three feet into any required yard, provided they remain at least three feet from any lot line.

c. Sills, belt courses, leaders, and similar decorative elements may project up to six inches into a required yard.

4. Porches, Patios, Steps and Balconies that provide a transition between interior and exterior spaces are permitted, subject to the following standards:

a. Uncovered porches, patios, terraces, steps, or similar features not exceeding three feet in height above adjacent grade may project into any required yard. Projections shall remain at least three feet from any lot line. Projections into a required front yard shall not extend more than ten feet from the primary building wall.

b. Covered porches, patios, terraces, and similar features may project up to ten feet into a required front, side or rear yard, provided:

i. The structure remains at least five feet from a front lot line;

ii. The structure remains at least ten feet from a rear lot line;

iii. The structure remains at least five feet from a side lot line;

iv. The feature does not encroach into a required landscape yard unless specifically permitted elsewhere in this Ordinance; and

v. The front and sides of the structure remain open and are not enclosed by walls, windows, or screening materials.

c. In multi-family residential developments, covered or uncovered balconies may project into a required street frontage landscape yards, provided:

i. The balcony maintains a minimum vertical clearance of ten feet above grade;

ii. The projections does not exceed ten feet from the primary building wall;

iii. The projection remains at least five feet from any lot line; and

iv. The front and sides remain open and are not enclosed.

d. All projections permitted under this Ordinance shall comply with applicable Building and Fire Codes. Required safety railings shall be permitted and shall not be considered an enclosure, provided they comply with applicable height limitations.

## SECTION 4-020 ACCESSORY STRUCTURES

Accessory structures and accessory uses may be permitted only when clearly incidental and subordinate to a lawful principal use on the same lot and shall comply with this Ordinance as well as all adopted Town Codes and Fire District requirements.

A. **Accessory Structures Standards.**

1. *General Requirements for detached accessory structures in residential zones (not including Accessory Dwelling Units).*

a. Accessory structures shall not be located in a required front yard. On corner lots, accessory structures shall not be placed within a required yard that abuts a street frontage.

b. Unless required in a specific zoning district for an approved development plan requiring greater setbacks, detached accessory structures ten feet or less in height shall be setback at least:

i. Five feet from interior side lot lines

ii. Five feet from the rear lot line

iii. Six feet from the main structure

c. Accessory structures over ten feet in height must meet all front, side, and rear yard requirements for the principal building in that zoning district.
    i. Within the R1A, a rear setback of zero feet
d. In the residential zoning districts, no accessory structure or aggregate of accessory structures shall exceed 2,000 square feet except by approval of a Conditional Use Permit.
e. In the central business, commercial and industrial zoning districts, no accessory structure or aggregate of accessory structures shall exceed 3,000 square feet except by approval of a Conditional Use Permit.
f. In the manufactured home zoning districts, no single accessory structure or aggregate of accessory structures shall exceed 750 square feet except by approval of a Conditional Use Permit.
g. Accessory structures constructed of reflective or unfinished metal, including galvanized zinc-coated finishes, shall be painted or otherwise finished to reduce glare.
h. Accessory structures and uses may not be established prior to the principal structure or use being completed.

2. *Accessory structures in Commercial and Industrial zoning districts.*
    a. Any detached accessory structure in a commercial or industrial zone shall not be located in the required front yard, shall be at least ten feet from the main structure, and shall be at least five feet from the rear and interior side lot lines. Street side setbacks shall be as required for the main structure in that zoning district.
    b. Detached accessory structures may be located a minimum of five feet from the main structure, if the following criteria are met:
        i. The aggregate area of the detached accessory structures, within a proximity of five feet of each other, is less than 200 square feet
        ii. The accessory structure must be constructed with noncombustible or fire rated walls, subject to the approval of the Building Official and Fire District; and

iii. There is no impact to site circulation or other required development standards.

c. Accessory structures and uses may not be established prior to the principal structure or use being completed.

3. *Attached Accessory Structures.*

a. A private automobile garage, carport, or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.

b. The determination of yard requirements shall not include covered front porches, patios, and decks permitted to project into a front yard setback area, where allowed by this Ordinance.

4. *All accessory structures, whether attached or detached, shall comply with the development standards of the zoning district in which they are located.*

5. *Multiple dwelling units are required to have storage facilities as follows:*

a. Minimum of 24 square feet per unit.

b. One side must be at least four lineal feet.

c. Minimum of one exterior entrance.

d. Conform to all other requirements of codes in effect.

## SECTION 4-030 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

A. **Purpose and Intent.** The purpose of this Section is to provide regulations and standards for development of campgrounds and recreational vehicle parks, and accessory uses such as recreational and community sanitary facilities. For the purposes of this Section, the words “space,” “stall,” or “site” shall indicate the individual area used by a single RV or as a single campsite and shall be used interchangeably.

B. **General Requirements.**

1. No recreational vehicle shall by any definition be deemed a residence, and use of such as a residence is prohibited in all zoning districts except in accordance with the Section below.
2. Recreational vehicles may be used as temporary residences during construction and only so long as a valid building permit for construction remains in force, and not to extend beyond the date of the issuance of a certificate of occupancy. Power for the recreational vehicle shall be provided through the establishment of a temporary power connection of adequate amperage, on a freestanding pole of adequate construction.
3. No certificate of occupancy shall be issued until the developer can demonstrate compliance with all health laws and regulations of the State of Arizona and Yavapai County.
4. Each lot, parcel, or tract of land used for a campground or RV park shall have a minimum of three acres.
5. Service buildings associated with the campground or RV park, including utilities, management office, repair shop, equipment storage, sanitary facilities, laundry facilities, and recreational facilities are permitted accessory uses. Maximum building height shall not exceed two stories or 35 feet, regardless of zoning district.
6. Campgrounds shall provide plumbed sanitary facilities in a permanent structure and shall provide one men’s and one women’s, or two all-gender (separately locking) toilets, lavatories, and showers for each 15 spaces, subject to the requirements of the adopted building and plumbing codes.
7. No campground or RV park space, site, or plot shall be occupied unless and until 30% of the total planned area or 10 spaces, sites, or plots are completely prepared and equipped for use in all respects, as well as all driveways, on-site circulation features, laundry facilities, and bath, wash, and toilet facilities.
8. A financial assurance may be required at the discretion of the Community Development Director.

C. **Development Standards.**

1. Each camping space shall have an area of not less than 1,000 square feet, and a width of no less than 25 lineal feet.
2. Maximum lot coverage, including all buildings, RV spaces and campsites, and paved areas shall not exceed the greater of 60% of the lot area or the maximum allowable lot coverage of the lot's zoning designation.
3. The maximum density shall be 12 sites per acre.
4. All utility lines, cable TV and electric transmission lines under 12,000 volts shall be placed underground within a campground or park.
5. On-site circulation and parking shall be as follows:
    a. A minimum of two off-street parking spaces will be provided on each camping or RV site. The parking spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material and may be configured in a tandem design.
    b. Guest parking shall be provided at a minimum ratio of one parking space for each five camping or RV spaces and surfaced with dust-free materials.
    c. Interior drives or roadways within a campground or RV park shall be paved to a minimum width of 24 feet.
    d. A minimum of two vehicular entrances shall be provided; one entrance may be used as an emergency access and closed to the public.
    e. Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Chapter 8, Outdoor Lighting.
6. The minimum distance from any portion of the camping or RV space from lot lines shall be as follows:
    a. From front space line: five feet from the nearest edge of an interior drive or roadway.
    b. From the rear space line: five feet.
    c. From other space boundaries not in common with the edge of an interior drive or roadway: five feet.

d. From an exterior boundary of the park abutting public streets: 20 feet; from all other exterior park boundaries: 10 feet.

e. From another recreational vehicle on an adjoining space: 10 feet.

7. Landscaping and signage requirements are as follows:

a. Landscaping shall be installed in accordance with Chapter 9, Landscape Design Standards.

i. Refuse collection areas shall be central to the campground or RV park and screened from public view.

ii. Campgrounds shall be screened in an attractive manner from surrounding lots by a solid wall, fence, or suitable planting as follows:

1) Front yards and street facing yards: not less than five feet in height nor greater than six feet in height;

2) Any other yard: six feet in height;

3) A 20-foot landscaping strip shall be maintained as a landscaped area on the perimeter of all campgrounds; and

4) When adjacent to any single-family residential district, the finished side of the fence or wall shall face the residential use and be set back from the property boundary by a 20-foot buffer area. The buffer area shall be landscaped in accordance with the requirements of Chapter 9, Landscape Design Standards.

## SECTION 4-040 LOT STANDARDS

A. Any existing lot that has been developed prior to adoption of this Ordinance where a district boundary divides the lot, the more restrictive district requirements shall apply to future development.

B. On any corner lot, a visibility triangle shall be maintained at the intersection of two streets.

C. The visibility triangle shall be formed by:

   1. The street frontage property line; and
   2. The intersecting side street property line; and
   3. A straight line connecting points measured 25 feet along each property line from their point of intersection.

D. No fence, wall hedge, shrubbery, landscaping, berm, sign, or other structure that exceeds two feet in height above the elevation of the adjacent street at the intersection shall be placed within the visibility triangle.

E. No lot shall be reduced in area after issuance of a building permit in a manner that causes any required yard, setback, or open space to be less than the minimum required by the applicable zoning district.

## SECTION 4-050 SWIMMING POOLS

A. A swimming pool in any zoning district shall not be located in the required front yard. Swimming pools shall be at least five feet away from the main structure, rear lot lines, and interior side lot lines. Street side setbacks shall be maintained the same as that for the main structure in that zoning district. To prevent uninvited or uncontrolled access, all swimming pools shall be enclosed by a solid wall, wood, or chain link fence, not less than five feet nor more than six feet in height.

B. All swimming pools shall adhere to adopted Building and Fire Codes.

## SECTION 4-060 RESPONSIBILITY FOR OUTSIDE CONSULTANT FEES

In the event any property owner, developer, or real property development with the Town or applicant applies to the Town for subdivision approval or development approval or enters into a contract or agreement with the Town related to construction, including but not limited to development agreements, subdivision agreements, and site plan and design review approvals, said applicant shall be responsible for the payment of any fees for outside consultant services incurred

with the review, processing, implementation, or interpretation of development projects and/or enforcement or revision of ordinances, resolutions and contracts.

## SECTION 4-070 FENCES AND WALLS

A. **Permits.**

1. A fence permit shall be required before a fence or wall may be constructed, reconstructed, or altered within the Town of Clarkdale.
2. A legible drawing shall be submitted showing all fence dimensions, gates, lot lines, setbacks, meter boxes and buildings on the property and all adjacent streets and alleys. The drawing shall also indicate the height of the fence and the type of materials from which it is to be constructed. Block or concrete wall may be subject to additional requirements per adopted Building Codes.
3. Fences intended for the keeping of livestock within agricultural zoning districts shall be exempt from permit requirements, however, shall comply with all applicable height, location, and safety requirements of this Ordinance.
4. Existing fences, with a previously approved permit, may be reconstructed, repaired, or replaced if done in the same manner, and with the same materials as indicated on the previously approved permit.

B. **Height.**

1. Fences located in front yards:
    a. Fences exceeding four feet in height but no taller than six feet may be permitted within required front yard areas adjacent to streets with Conditional Use Permit approval and provided:
        i. The fence is a minimum of 80% open, or the upper two feet of the fence is not opaque or solid.
        ii. A sight distance triangle is maintained at the intersection of two streets, or a street and alley, measured 35 feet along the edges of the easement or right-of-way, the third side being a diagonal connection of the first two.

iii. A sight distance triangle is maintained at the intersection of a street, and a driveway measured 20 feet along the edge of the right-of-way or easement and driveway, the third side being a diagonal connecting the two; and

iv. The property is developed to allow vehicles to enter and exit the street in a forward direction.

2. Fences located along street side yards (corner lots) and exterior side yards (reverse corner lots):
   a. Fences within a required street side yard of a corner lot shall not exceed four feet in height unless otherwise allowed by this Ordinance or approved through a Conditional Use Permit or Design Review as applicable.
   b. Fences along the exterior side yard of a reverse corner lot shall not exceed four feet in height.
3. No fence shall exceed six feet in height in any rear or interior side yard.
4. Fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.
5. Fences within Industrial districts may exceed the above heights with Design Review approval.
6. The height limitations shall not apply when fences of greater height are approved through Design Review to provide adequate screening.
7. Maximum fence height in residential districts may not exceed six feet, except at gated entryways, where pillars or posts and a single crossbar only, may exceed such 6 foot height.
8. All fences exceeding six feet in height must meet minimum standards for wind load and design standards, as certified by a State of Arizona licensed engineer.

C. **Fire Equipment.** No Person shall place a fence near any fire hydrant, fire department connection, or fire protection system valve that would prevent such equipment or hydrant from being immediately discernable or in any other

manner that would deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three feet of clear space shall be maintained around the circumference of the fire hydrant except as otherwise required and approved by the Fire Code Official.

D. **Hazardous Materials.** No fence shall contain barbed wire, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices, except that fences enclosing storage areas in industrial or commercial zoning districts may contain barbed wire so long as such wire is located not less than six feet above grade, and angled inward toward the property or remains vertical. Fences containing electrical current or barbed wire may be allowed within agricultural zones with conditional use permit approval.

G. **Materials and Design.** Fences in all zoning districts shall be constructed of wood, chain-link, or masonry materials in good condition. The Community Development Director may approve fences made of comparable or superior materials on an individual basis.

## SECTION 4-080 HOME OCCUPATION STANDARDS

Home Occupations, where permitted, shall be subject to all of the following provisions:

A. **Home Occupations.** The business shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes; and not change the character of the exterior of the structure.

B. **Area.** No more than 25% of the gross floor area of the dwelling and no more than 25% of the property shall be devoted to the Home Occupation.

C. **Employees.** There shall be no employees other than members of the immediate family residing on the premises.

D. **Delivery Vehicles.** No business shall be conducted which requires delivery vehicles or other services not customary to a residence.

E. **Nuisances.** there shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, fumes, vibrations, or other nuisances discernable beyond the property line.

F. **Traffic.** The business shall not generate traffic which unreasonably disrupts the neighborhood.

G. **Hours of Operation.** Noise shall not be generated before sunrise or after sunset.

H. **Parking.** Off-street parking is required as set forth in the Town Zoning Code Section 4-090. For one family and two family dwellings, two parking spaces per family dwelling unit is required. For multi-family dwellings or condominiums of three or more family units, 1.5 parking spaces per family dwelling unit is required.

I. **Fire Inspections.** The Town shall conduct fire safety inspections of all structures where Home Occupations will be conducted.

## SECTION 4-090 PARKING AND LOADING

In all zoning districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. Any existing building or use which is enlarged, altered, increased in capacity, or in which the use or occupancy is changed to the extent of increasing off-street parking requirements, additional off-street parking shall be provided as required in this Ordinance.

A. **General Regulations.**

1. *Mixed Use Developments.* Required off-street parking spaces shall be the sum of those for individual uses, unless it is demonstrated that intended uses are compatible for shared parking facilities.

2. *Uses Not Mentioned.* The required off-street parking for any building, structure or use of land of a type not listed in this subsection shall be determined by the Community Development Director. The Community Development Director shall be guided by comparison with the parking standards for similar uses which are listed in this or other zoning codes.

3. *Exempted Areas.* Lots 1 through 10, Block 44, and lots 7 through 16, Block 45, Clarkdale Subdivision, are exempt from the standards specified in number one of the section below.

B. **Design Standards for Off-Street Parking.**

1. All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas adjacent to parking spaces.

   Ingress, egress, internal traffic circulation, off-street parking and loading facilities, and pedestrian ways shall be designed so as to promote safety and convenience so that traffic visibility is not obstructed.

2. All driveways shall be of sufficient width to permit access into spaces, but in no case less than 10 feet wide for one way travel and 20 feet wide for two way travel.

3. Each parking space shall consist of an area of not less than nine feet in width by 20 feet in length, except that the length may be reduced to 18 feet where the front or rear of a vehicle hangs over a berm or curb. No part of the vehicle shall extend over or beyond any property line. Parking spaces shall be exclusive of driveways required to make such space accessible from a street, alley or public thoroughfare.

4. A minimum space of 10 feet in width, 35 feet in length, and 14 feet in height with access useable at all times to a street, alley, or public thoroughfare shall be deemed a loading space for one vehicle.

5. *Surfacing.* All off-street parking areas, except residential dwelling units, shall be surfaced with a permanent, dust free pavement striped to requirements herein.

6. *Illumination.* All light used to illuminate parking space shall be so arranged as to reflect the light away from adjoining lots in residential districts.

7. Parking areas with more than two spaces must be arranged so that it is not necessary for vehicles to back into the street.

8. Parking stalls and aisle layout must conform to the following standards:

| Parking Angle | Stall Width | Stall Depth | Lane Width | Direction |
|---|---|---|---|---|
| 90 degree | 9'-0" | 20'-0" | 24'-0" | two-way |

| | | | | |
|---|---|---|---|---|
| 60 degree | 9'-0" | 20'-0" | 18'-0" | one-way only |
| 45 degree | 9'-0" | 20'-0" | 12'-0" | one-way only |
| 30 degree | 9'-0" | 20'-0" | 12'-0" | one-way only |

9. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.
10. Parking areas for nonresidential use must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack (tandem) parking may be permitted for resident parking in conjunction with residential uses if both spaces are assigned to the occupants of the same dwelling unit.
11. Provisions must be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways.

C. **Location Standards for Off-Street Parking.**

1. Off-street parking space required herein shall be located on the lot, except that required parking space for any use amounting to ten such spaces or more may be located in any permissible location not farther than 300 feet distant in a direct line from the nearest part of such use. A parking agreement approved by the Town is required if parking is to be located off-site.
2. Parking lots should be located to the side or rear of the building. Parking lots should not be located between the building and the street.
3. The use of shared parking, shared driveways, and the cross-connection of parking lots is encouraged. A shared parking agreement approved by the Town is required if parking is to be shared.
4. Parking lots on adjoining lots may be connected by access ways not exceeding 24 feet in width. No parking or maneuvering will take place in the setback areas.

5. Spaces utilized for ingress and egress for a parking area shall not exceed 40 feet in width measured along the street frontage and shall not constitute more than 50% of the total frontage of the parking area.
6. All parking spaces, access drives, and impervious surfaces must be located at least five feet from any side or rear lot line, except where standards for buffer yards require a greater distance.
7. No parking spaces or asphalt type surface shall be located within five feet of the front property line.
8. All garages or other space allocated for the parking of vehicles, within buildings, basements or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.
9. *Exceptions.* The Community Development Director may administratively approve a reduction of up to 50% of required off-street parking for non-residential uses located within 300 feet of a Town of Clarkdale owned public parking lot, as measured from the building entrance to the parking lot. Appeal of the decision of the Director shall be to the Planning Commission.
10. *Location.* Required off-street parking shall be located within 300 feet of the building or use it is intended to serve; the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot.
11. *Off-Site Parking.* The Community Development Director may approve the location of required off street parking spaces on a separate lot from the lot on which the principal use is located subject to the following conditions:
    a. Off-site parking spaces shall be located within 300 feet of the use served and adequate, safe and convenient pedestrian access shall be provided from the parking area to the use.
    b. Off-site parking shall not be permitted for residential uses unless approved through a Planned Area Development rezoning. Required handicap-accessible parking spaces shall not be located off-site.

c. Off-site parking must be located within a zoning classification that permits the parking lot use. All other requirements of site development must be met.

d. Off-Site Parking Agreement. The developer(s) shall submit a written agreement requiring that the off-site parking spaces shall be maintained as long as the uses requiring the parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this Ordinance. Such written agreement addressing the rights and responsibilities for each property shall be submitted to the Community Development Director and approved by the Town Attorney for recordation by the Yavapai County Recorder prior to the issuance of a building permit or certificate of occupancy and prior to establishment of the use(s). A copy of the recoded agreement shall be filed in the project review file at the Community Development Department. The agreement shall, at a minimum, include the following:

    i. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;

    ii. Provide a legal description of the properties;

    iii. Include a complete site plan showing the area of the parking parcel and the relationship to all related uses;

    iv. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

    v. Assure the continued availability of the spaces for intended use;

    vi. Describe the obligations of each party, including the maintenance responsibilities;

    vii. Describe the method by which the covenant shall, if necessary, be revised;

    viii. Include the Town of Clarkdale as either a party in the agreement or as a third-party beneficiary; and

ix. Provide that the agreement may not be cancelled or modified without the Town's approval.

12. Off-street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street, except the Community Development Director and the Town Engineer may administratively waive this requirement under the following conditions:
    a. The road is unlikely to be extended in the future due to geographical, legal, or other limitations.
    b. The location is within 1,500 feet of the end of a street, and the Average Daily Trips (ADT) of the street is less than 1,000.
    c. The back out parking would not create any safety hazards such as site distance issues, etc., as determined by staff.
    d. The speed limit of the street is 25mph or less.
13. *Surfacing.*
    a. All off-street parking areas, access ways and driveways shall be improved with compacted ABC base, not less than four inches thick and surfaced with a minimum two inch asphaltic concrete in a manner satisfactory to the Town Engineer.
    b. The surfacing of the parking area shall be of sufficient grade so that there will be no impoundment of surface water and all surface drainage shall be into a public street or improved drainage channel or structure.
    c. All surfaces must be permanently marked with required and appropriate markings to designate parking stalls, drive aisles, fire lanes, etc. This performance criteria applies to all new developments requiring more than 10 new parking spaces.
    d. New developments requiring 10 or fewer parking spaces and additions or expansions to existing developments may use a chip seal treatment.
    e. New developments requiring more than 10 new parking spaces may request the use of chip seal treatment to the Planning Commission. The Commission will evaluate the request based on the nature of the use, the

amount of traffic generated or expected, the grading and drainage plan for the parking lot and other relevant factors.

f. Porous paving and surfacing options for parking, drive aisles, and sidewalks may be approved by the Town Engineer as alternatives to the above asphalt and chip seal requirements. In reviewing appropriateness of proposed alternative materials, the Town Engineer shall consider:

   i. The size of intended delivery vehicles.

   ii. Visibility from the public right-of-way.

   iii. Whether the proposed materials will allow for proper drainage of the site.

   iv. Whether the proposed materials are appropriate for the climate.

   v. Whether any proposed bumpers, wheel stops and stall markings are appropriate for the use and site and are permanent and safe.

   vi. All surfaces must be able to be permanently marked with required and appropriate markings to designate parking stalls, drive aisles, fire lanes, etc.

   vii. All alternative materials must be dust-free.

   viii. Any alternative surfaces must meet the following minimum requirements in addition to any requirements imposed by the Fire District and Medical District having authority.

14. *Fire Lanes.*

a. All Fire Lanes are required to be at least 20 feet wide and have a 13-foot, 6-inch vertical clearance; however, there may be cases where such lanes will be required to be at least 26 feet wide, per the discretion of the Fire District having authority.

b. All Fire Lanes must be capable of supporting fire apparatus weighing up to 75,000 pounds Gross Vehicular Weight (GVW).

c. All turning radii shall be a minimum of 35 feet inside and 55 feet outside.

d. Full submittals for any fire lanes require written approval from the Fire District.

15. *Access.*

    a. Access to off-street parking from a public or private street shall be from a two-way driveway with a minimum width of 24 feet and a maximum width of 32 feet, or two one-way driveways with a minimum width of 12 feet and a maximum width of 20 feet.

    b. No access driveway shall be located closer than 150 feet from a street intersection, or closer than 20 feet from another access driveway, or closer than 10 feet from an interior property line.

    c. At locations where the minimum driveway distance is not attainable due to property size, configuration, or other factors as determined by staff, a reduced minimum driveway location may be allowed if approved by the Community Development Director and the Town Engineer.

16. The Town will require engineered plans for grading, parking space and striping design, drainage retention/detention facilities, culvert location and size, etc., for off-street parking facilities within the Town of Clarkdale and must be designed by a registered professional engineer. These plans may require the need for a hydrologic study by a licensed professional in conformance with the Yavapai County Drainage Criteria Manual.

17. The Town Engineer shall review such plans for adequacy and may require additional documentation. If the submitted plan is approved by the Town Engineer, no design changes for construction will be permitted unless approved by the Town Engineer.

18. Upon completion of the development of the parking area and other required physical improvements, the developer's engineer of record shall provide and certify a set of "as-built" construction plans to the Town Engineer, stating that all the required improvements have been completed in conformance to the specifications and standards as submitted for construction. This shall include horizontal as well as vertical verification of improvements.

19. No certificate of occupancy shall be issued until the "as-built" plans have been submitted and approved by the Town Engineer.

20. *Reduction of Requirements.* Requests to reduce the otherwise applicable parking requirements may be granted by the Community Development Director after the applicant shows that:
    a. Because of the unique nature of the specific existing or proposed land use, the size, shape, or location of the property, or due to an unusually large number of pedestrian or transit trips, below-normal parking demands will be generated; and
    b. The reduced parking supply will still accommodate the vehicular traffic without increasing traffic or on-street parking problems in adjacent areas and neighborhoods.
    c. It shall be the responsibility of the applicant requesting such reduction to prove that the above conditions have satisfactorily been meet.

D. **Loading and Unloading.**

1. In a central business, commercial and industrial district, every building erected on an interior lot, extending back to an alley or on a lot 80 feet or more in depth, located at the intersection of a street with an alley shall provide on such lot, adequate space for loading and unloading of trucks and commercial vehicles serving such building. Such loading space, unless otherwise adequately provided for, shall include a rear yard space extending at least 14 feet in height above the grade of the alley and at least 25 feet in depth back from the alley line, along 50% of such alley frontage of an interior lot and along 20% of such alley frontage of a lot 80 feet or more in depth located at the intersection of a street with an alley.
2. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall or other buildings of limited loading space requirements.

E. **Bicycle Parking.**

1. *Purpose.* These standards are intended to ensure bicycles may be parked and stored in a manner that is safe, convenient and secure.

2. *Applicability:* The provisions of this Section shall apply to all buildings, site plans, landscape plans and other plans which are to be hereafter developed within the Town of Clarkdale, as follows:
    a. Proposed Development: The provisions of this Section shall apply to proposed new commercial, civic and institutional development that is subject to the Design Review process.
3. *Existing Properties.* The provisions of this Section shall apply to proposed expansion and modification of existing commercial, civic and institutional development that is subject to the Design Review process, where such changes otherwise require additional vehicle parking spaces. Bicycle parking facilities shall be required at a minimum based on the extent of expanded on-site parking requirements.
4. *Exempt Uses.* Certain uses shall be exempt from bicycle parking requirements, including residential uses, historic properties and districts, self-storage facilities and where determined as not practical or feasible.
5. *General Standards.*
    a. For group commercial centers, shopping centers and similar multi-tenant commercial uses, shared bicycle parking facilities shall be provided for common use. Bicycle parking facilities shall be distributed in multiple locations where necessary to ensure such facilities are in convenient, safe and secure locations near each use.
    b. Bicycle parking facilities shall not be located in a manner that impedes accessible routes, as per Americans with Disabilities Act (ADA) standards.
    c. The bicycle parking area shall be hard surfaced and maintained in a smooth, durable, and well-drained condition. Asphalt, concrete, masonry paving blocks or similar surfaces shall be acceptable. Stabilized decomposed granite, compacted crushed store or similar treatments may be acceptable surface materials for bicycle parking areas where integrated into an approved landscape plan for the site.
    d. Bicycle parking in proximity to vehicular use areas shall be separated from vehicular parking and drive areas by a barrier or be located a sufficient distance from vehicular uses to prevent damage to the vehicles

and bicycles. Examples of acceptable barriers include curbs, bollards, concrete planters, landscape buffers or other suitable barrier devices.

e. Bicycle parking facilities shall be maintained in good condition and kept clear of trash and debris.

6. *Location Criteria.* Required bicycle parking shall be:
   a. Located outside the building;
   b. Within 50 feet of the primary building entrance as measures along the most direct pedestrian access route;
   c. Clearly visible from the adjacent sidewalk, parking lot, building entrance and/or building;
   d. Where buildings have more than one public entrance or a site has more than one building, bicycle parking shall be distributed so that at least one bicycle parking rack is within 50 feet of each public entrance;
   e. A clearance space of at least four feet in width must be provided from bicycle parking facilities for pedestrian access and circulation. An access aisle at least five feet wide must be provided between two rows of bicycle parking.
7. *Number of Spaces.*
   a. The number of bicycle parking spaces shall be at least 10% of the total number of vehicle spaces required, with a minimum of two bicycle parking spaces required.
   b. Where the total number of required bicycle spaces results in a fractional number, the next highest whole number shall be used.
8. *Bicycle Racks.* Bicycle racks shall comply with the following criteria:
   a. Bicycle racks shall be securely anchored to the ground, floor, or wall;
   b. The bicycle frame and one wheel can be clocked to the rack with a security, U-shaped lock if both wheels are left of the bicycle;
   c. A bicycle up to six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components;

d. Each required bicycle parking space shall be at least two feet by six feet;

e. A bicycle rack shall be a minimum of two and one half feet from a wall or other obstruction;

f. A single rack, loop or device may be designed and located to accommodate two bicycles;

g. Racks shall not have sharp edges that can be hazardous to pedestrians; and

h. Artistic, unique or custom-designed bicycle racks may be acceptable provided they meet the criteria described in this Section, and the custom rack is approved by the Community Development Director or designee.

9. *Exceptions.* The Community Development Director or designee may allow exceptions to the standards based on a finding that the proposed location or use is consistent with the best practices pertaining to bicycle parking, particularly in regard to visibility, security, and convenience for bicyclists. Modifications to standards may be considered as follows:

   a. Number of Spaces. The total number of bicycle parking spaces may be reduced whereas determined that a use classification does not generally require the full number of spaces.

   b. Distance from Use. Allow bicycle parking to be more than 50 feet from a public entrance where such location is not feasible and alternate location meets the standards for visibility, security and convenience for bicyclist.

10. *Shade and Weather Protection.* Bicycle parking facilities are encouraged to provide shade and weather protection where feasible, including locating to take advantage of building shade, under roof overhangs, canopies, awnings, near large shade trees, or inside buildings or in bicycle lockers, or within or under other structures.

11. *Signage.* On-site signs providing direction to bicycle parking facilities may be installed subject to the provisions of Chapter 7 - Signage.

12. *Lighting.* Bicycle parking facilities located outdoors are encouraged to provide night lighting for safety and security. Where provided, outdoor lighting must be in compliance with Chapter 8 - Outdoor Lighting Code.

F. **Schedule of Off-Street Parking.**

1. *Residential Uses.*

| | |
|---|---|
| Multi-Family, Efficiency and 1-Bed | 1.5 per dwelling unit |
| 2 or More Bedroom Units | 2 per dwelling unit |
| Manufactured Home Units | 2 per dwelling unit |
| Fraternity, Boarding House | 1 per sleeping unit |
| Group Care Facilities | 1 per 2 sleeping units + 1 per employee |

2. *Office and Service Uses.*

| | |
|---|---|
| General Offices | 1 per 250 square feet |
| Medical Offices | 4 per practitioner + 1 per 2 employees |
| Day Care Centers | 1 per 8 clients + 1 per employee |
| Veterinary Hospitals, Clinics | 3 per practitioner |
| Hotel, Motel | 1 per sleeping unit |
| Beauty, Barber Shop | 3 per practitioner |
| Mortuary | 1 per 3 seats + 1 per business vehicle |
| Self-Service Laundry | 1 per 4 machines |

| | |
|---|---|
| Restaurant, Bar, Nightclub | 1 per 4 seating capacity + 5 stacking spaces per drive-through lane |
| Hospital | 1 per bed + 1 per 2 employees |

3. *Retail Sales and Services.*

| | |
|---|---|
| General Retail | 1 per 200 square feet |
| Banks, Financial Institutions | 1 per 250 square feet + 5 stacking spaces per drive-through lane |
| Motor Vehicle and Machinery Sales | 1 per 200 square feet of indoor office/display area |
| Motor Vehicle Repair, Accessory Installation | 2 per service stall, min. of 6 spaces |
| Furniture, Major Appliance Stores | 1 per 400 square feet |
| Car Wash | 4 per bay + 1 per employee |

4. *Education, Religious, Recreation, Assembly.*

| | |
|---|---|
| Elementary and Jr. High Schools | 2 per classroom |
| High Schools | 1 per 4 students |
| Colleges, Universities | 10 per classroom |
| Place of Worship | 1 per 4 seats + assembly |

| | |
|---|---|
| Fitness Center | 3 per 4 total capacity |
| Golf Course | 59 per 9 holes |
| Commercial Recreation Facility | 1 per 4 total capacity |
| Fraternal Lodge | 1 per 4 total capacity |
| Auditorium, Sports Arena, Theater, | 1 per 4 seats (24"/seat) |
| Stadium | |
| Exhibition Hall, Assembly | 1 per 100 sq. ft., or |
| (Nonfixed seating) | 1 per 5 total capacity |

5. *Industrial Uses.*

| | |
|---|---|
| Manufacturing, Fabrication | 1 per 1,000 sq. ft., or 1.5 per employee, whichever is greater |
| Warehouse | 1 per 2,000 sq. ft. + parking for vehicles used on site |
| Self-Storage, Mini-Warehouse | 24-ft.-wide aisles + caretaker parking |

## SECTION 4-100 TRAFFIC AND PEDESTRIAN ACCESS

A. **Pedestrian Circulation.** The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with sidewalks, if they exist or are planned in the vicinity of the project.

1. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.
2. *Sidewalks.* Where a proposed project driveway interrupts an existing or planned public sidewalk, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk.

B. **Vehicular Circulation.**

1. *Access Into the Site.* Vehicular access to and from the development must be safe and convenient.
    a. Any driveway or proposed street must be designated so as to provide the minimum sight distance according to the Town's standards, to the maximum extent possible.
    b. Points of access and egress must be located to avoid conflicts with existing truing movements and traffic flows. Shared entryways are strongly encouraged.
    c. Where lot has frontage on two or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards.
    d. Access ways must be designated and have sufficient capacity to avoid queuing of entering vehicles on any public street.
2. *Access Way Location and Spacing.* Access way must meet the following standards:
    a. Private entrances/exits must be located at least 120 feet from the closest unsignalized intersection and 160 feet from the closest signalized intersection, as measured from the point of tangency from the corner to the point of tangency for the access way.

b. Private access ways in or out of a development must be separated by a minimum of 120 feet where possible.

3. *Internal Vehicular Circulation.* The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

   a. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of forty (40) foot wheelbase vehicles.

   b. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane – no parking).

   c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

   d. All roadways must be designed to harmonize with the topographic and natural features of the site.

## SECTION 4-110 BED AND BREAKFAST ESTABLISHMENTS

A. **Bed and Breakfast**, as defined in Chapter 2, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, & CB. Said Bed & Breakfast facility shall comply with the following regulations and performance standards:

1. Facility shall be owner-occupied with no more than 50% of the floor area of the primary structure used for guest quarters or Bed and Breakfast purposes.
2. State and County Health Department approval and permits are required.
3. Building shall meet the requirements of the International Building Code.
4. When changing the use or occupancy, both zoning compliance check and building safety clearance is required prior to commencement of the use.
5. No more than three guest units shall be available for rent at any time.
6. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

7. In addition to the required parking, per zoning code district, one parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance.
8. One sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three feet above grade.
9. A current business license is required.

B. **Bed and Breakfast Inn**, as defined in Chapter 2, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, and CB. Said Bed & Breakfast Inn facility shall comply with the following regulations and performance standards.

1. Facility shall be owner-occupied with no more than 75% of the floor area or structural coverage to be used for guest quarters or Bed and Breakfast purposes.
2. Building shall meet the requirements of the International Building Code.
3. When changing the use of or occupancy, both zoning compliance check and building safety clearance are required prior to commencement of the use.
4. No more than five guest units shall be available for rental at any time.
5. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
6. In addition to the required parking, per zoning code district, one parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance
7. One sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three feet above grade.
8. A current business license is required.

C. **Bed and Breakfast Country Inn**, as defined in Chapter 2, are permitted in the following Zones: C, I, & CB. Said Bed and Breakfast Country Inn facility shall comply with the following regulations and performance standards.

1. Installation of commercial kitchen facilities, as well as acquisition of necessary permits per County and State Health Department requirements.
2. Building shall meet the requirements of the International Building Code.
3. When changing the use of or occupancy, both zoning compliance check and building safety clearance required prior to commencement of the use.
4. Signage shall meet applicable sign code standards.
5. In addition to the required parking, per zoning code district, one parking space per guest unit and employee shall be provided on site in accordance with the parking standards of the Ordinance.
6. A current business license is required.

## SECTION 4-120 SIDEWALK CAFÉ PERMIT

A. **Purpose and Intent.** This Section shall apply to the establishment, operation and maintenance of all sidewalk/outdoor café dining areas accessory and incidental to lawful restaurants/dining establishments within the Town's rights-of-way directly in front of and/or adjacent to the specific business to which they pertain. The purpose of this Section is to promote general economic development, protect the public health, safety and general welfare and the atmosphere of the Town for the benefit of all businesses and our citizens and visitors. No rights of individuals or individual businesses are created therein.

B. **Definitions.**

1. Furniture means tables, umbrellas, chairs, benches or other objects used for the purpose of seating or of supporting the dining business.
2. Sidewalk Cafe means a dining experience created within a portion of the public right-of-way kept, used, maintained and held out to the public as a place for sidewalk dining, where food, beverages or other refreshments are served for consumption on the premises adjacent to a business licensed to operate as an eating and/or refreshment establishment.
3. Removable barrier or barrier means a physical separator that can easily be lifted and moved immediately without the assistance of tools.

4. Sidewalk means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings.
5. Operator means the persons or businesses permitted to operate a specific sidewalk café.
6. Applicant means persons or businesses applying for a permit to operate a specific sidewalk café.

C. **Permit Required and Fees.** An annual permit issued by the Town to operate a sidewalk café is required and may be issued only to a business that holds all current Federal, State and local licenses required to operate said business wishing to establish a sidewalk cafe on the public or private property directly adjacent to the business to be used by the general public.

1. *Permit application.* The application shall follow all Design Review submittal requirements, in addition to:
    a. A statement of how the sidewalk dining area will be supervised and maintained.
    b. Proof of current liability insurance, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the Town from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the sidewalk dining permit. Such insurance shall name the Town as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advanced written notice to the Town. The amount of coverage shall be determined at the time of application review.
    c. Proof of any required permit from the Arizona Department of Liquor Licenses and Controls.
    d. Non-refundable annual fee as shown in the Town of Clarkdale fee schedule: The applicant must pay necessary water and/or sewer capacity fees for additional seats within the sidewalk dining area. In addition, the applicant must pay monthly sewer fees as agreed in order for the permit

to remain valid. Failure to pay sewer fees as agreed shall result in the immediate revocation of the permit.

2. *Permit process.* All sidewalk café applications shall be reviewed and approved by the Planning Commission for compliance with design review regulations prior to commencement of operations of the sidewalk café. DRB application fees are one (1) time unless the operator wishes to make significant changes (i.e. to the approved layout) such as increasing the number of tables or area of service or overall theme/design of the café. Appeals of the application decision by the Planning Commission may be made by the applicant to the Board of Adjustment within fifteen (15) days of the meeting at which the decision is made.

D. **Furniture.** Use of furniture and any other objects of such quality, design, materials, and workmanship that are approved as part of design review, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are prohibited not allowed.

E. **Signage.** One temporary, single-sided sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding four feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall be placed within the permitted area and shall not be placed on the adjacent building or on any permanent structure and shall be displayed only while the sidewalk café is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations.

F. **Hours.** Sidewalk cafes may operate during the regular business hours of the restaurant operating the sidewalk café, but no later than 11:00 p.m. No orders for food and/or beverages shall be taken after 10:00 p.m. for service at the sidewalk cafe.

G. **Lighting.** Lighting shall be that from the existing business or streetlamps. For safety reasons, no extension cords or free standing temporary lighting will be permitted. Battery operated lights attached to the umbrella poles so as to minimize impact on dark skies and adjacent properties will be permitted.

H. **Other restrictions.**

1. All permitted encroachments shall maintain a minimum clear distance of sidewalk width of five feet.
2. No outdoor cooking of any type is permitted within the sidewalk café area.
3. All services to support sidewalk cafes shall be supplied from within the adjacent building. Temporary service equipment such as beverage containers or welcome stands may be used if included in the Design Review approval.
4. No amplified music is permitted within the sidewalk café area. Single acoustic instruments such as a guitar will be allowed so long as musicians have a contractual arrangement with the owner
5. *Liquor Service.* Each sidewalk cafe serving alcoholic beverages shall provide all services in compliance with relevant local, state, and federal laws, including but not limited to the compliance with State Liquor License requirements and the verification of the legal drinking age of all patrons. No alcoholic beverages shall be removed from the sidewalk café in which they were served. Food service shall be available at all times commensurate with alcohol service. The operator of the sidewalk café shall comply with all barriers as may be required with an extension of premises of the relevant liquor license.
6. *Health Codes Compliance.* Each sidewalk café shall ensure compliance with all applicable Yavapai County Health Codes and obtain any necessary extension/expansion permits required by the County.
7. *Trash removal.* The operator of the sidewalk café shall ensure all trash is removed from the sidewalk café area at the close of operating hours daily.
8. *Sidewalk Café Location Restrictions.* The café shall not block or restrict the sidewalk to less than applicable Americans with Disabilities Act (ADA)

requirements or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window. Clearances should take into consideration nearest immovable object on the sidewalk. The encroachment area shall not extend laterally beyond the business's building frontage.

9. *Smoking.* The availability of smoking areas shall be in compliance with applicable federal, state and local laws.
10. Any outdoor heating devices need Fire District and Building Official review and approval.
11. The Town may temporarily suspend an encroachment permit or a sidewalk café approval when construction, street repair, or utility work in the area would create a hazard.

I. **Indemnity and Liability.** As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business.

## SECTION 4-130 STANDARDS FOR GOLF COURSE DEVELOPMENTS

A. **Purpose.** To ensure that every golf course be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part, and specifically to ensure that no depletions to the aquifer occur from the irrigation of golf courses, and to encourage the use or reuse of effluent.

B. **General Requirements.** The following requirements shall apply to the development and processing of golf courses in conjunction with a Planned Area Development proposal or any other golf course development:

1. Applicant will be required to submit plans that demonstrate that the proposed project meets the standards set by the Arizona Department of Water Resource for golf courses in the Active Management Areas including

limiting water usage to no more than five irrigated acres per hole times the turf water allotment presented in the water allotment table.

2. Applicant to obtain a report of physical availability of water from the Arizona Department of Water Resources demonstrating an adequate water supply for the entire development including the golf course prior to recording the Final Plan/Final Site Plan and prior to construction of the golf course.
3. Applicant to demonstrate that the proposed development will be of an appropriate size and scale and reasonable or appropriate for a given area to generate sufficient effluent or re-use water to meet the entire irrigation needs of the golf course or demonstrate that an alternative supply of effluent or other renewable source of water will be available.
4. Applicant will be required to submit a water balance study to demonstrate that sufficient water supply other than groundwater will be available for use on the golf course. The format and standard assumptions and criteria will be used as a guide to complete the water balance study.
5. Applicant will be required to conduct a monitoring program as it pertains to surface water and groundwater quality and quantity. The monitoring program will be developed in concert with the appropriate approval authorities.
6. Applicant will be required to conduct monitoring program as it pertains to the performance of the wastewater treatment plant including effluent discharge quality and quantity for review and approval by the Community Development Department and Building staff or other appropriate agencies.

C. **Design and Construction Standards.** Applicant will be required to submit plans demonstrating that the golf course is designed, constructed and maintained in accordance with environmental practices as set out in Environmental Principles for Golf Courses in the United States or United States Golf Association guidelines or similar and which meet the following conditions:

1. Emphasis shall be placed upon the design of irrigation, drainage and retention systems that provide for the efficient use of water. Drainage and storm water retention systems should be incorporated to help provide for both the short and long term irrigation needs of the maintained turf and the

un-maintained areas of the course. Storm water retention systems may require an appropriate surface water right from the Arizona Department of Water Resources.

2. The course shall be designed with sustainable maintenance in mind. The design shall incorporate resource conservation strategies that are environmentally responsible, efficient and cost effective.

D. **Construction Documents.** Conceptual grading, drainage, irrigation, clearing and landscaping plans will be required as part of the Final Site Plan application and in conjunction with a development plan. Plans must have sufficient detail to demonstrate that the design, construction and maintenance will incorporate environmental principles and meet the intent of the water use standards for golf courses specified in this document.

E. **Water Balance Study.** The applicant shall conduct a water balance study to demonstrate that the development has a sufficient supply of water other than groundwater to meet the water requirements of the golf course.

1. *Water Allotments.* Five irrigated acres per hole is the maximum acreage allotment, except when considering a previous water right allotment for surface water rights. The allotments presented in the table are for purposes of calculating the water balance for the facility and assume a 75% efficient irrigation system. If the applicant cannot meet the water requirements of a typical golf course with effluent, consideration will be given for a demonstration of reduced water use (for example, reducing the area irrigated).

2. *Water Allotments for Turf Facilities.*

| Type of Use | Water Allotment Facilities at 4,000 to 5,500 feet above MSL (ac-ft/acre) | Water Allotment Facilities at 3,000 and up to 4,000 feet above MSL (ac-ft/acre) |
|---|---|---|
| Turf | 4.9 | 5.2 |

| Type of Use | Water Allotment Facilities at 4,000 to 5,500 feet above MSL (ac-ft/acre) | Water Allotment Facilities at 3,000 and up to 4,000 feet above MSL (ac-ft/acre) |
|---|---|---|
| New Turf (1st year) | 5.9 | 6.2 |
| Artificial Lakes | 5.5 | 5.8 |
| Low Water Use Landscaping | 1.5 | 1.5 |

3. Leaching Requirement-Turf may require the occasional leaching of salts from the root zone. Although treated effluent may not be as efficient as groundwater, even low quality water can be appropriately used for leaching. If the applicant believes that a leaching allotment is necessary, the applicant will have to demonstrate a sufficient amount of renewable water supply. The standard equation utilizing electrical conductivity of the water shall be used to compute the leaching requirement.
    a. Additional Leaching =(1/(1-(ECw/(5ECe-ECw)))-1)*CU/.75Allotment
    b. Where: ECw = Electrical Conductivity of the water used ECe =Tolerance of the crop to soil salinity in electrical conductivity of the soil saturation extract (millimhos per centimeter) CU = Consumptive use of the crop.
4. *Effective Precipitation.* Precipitation that is effective in offsetting the irrigation water demands is included in the water allotments in the table above. Consideration will be given if the applicant can demonstrate an additional amount of precipitation is effective in offsetting irrigation demands.
5. *Additional Precipitation Allowance*. If the applicant plans to capture additional runoff or off-site precipitation for use on the golf course, the applicant shall demonstrate adequate storage capacity, probability and volume of the captured water, and legal right to conduct the capture activity.

6. *Effluent Production.* The standard water requirements of a new housing development shall be computed according to the standard water use rates specified in the Prescott AMA Third Management Plan. Only the interior water use requirements (interior gallons per capita-day) will be considered to be a contribution to the effluent re-use system. Outside water use will be considered lost and non-recoverable. An average value of 2.5 persons per household will be the standard housing unit occupancy level. Consideration will be given if the applicant has good evidence that the development water use and effluent capture rates are different from the values presented.

| **Type of Residential Unit** | **Interior Gallons per Capita-day** | **Average Persons per Housing Unit** | **Exterior use (Gallons per Housing Unit per Day)** | **Total Water Use per Housing Unit (Gallons per Day)** |
|---|---|---|---|---|
| Single-Family Homes | 57 | 2.5 | 75 | 217.5 |
| Town Homes | 57 | 2.5 | 58 | 200.5 |

7. *Seasonal fluctuations.* Typical golf course water requirements have a peak water use period during the hot-dry part of the summer that is much greater than the average annual water use. However, effluent production does not typically match this high peak. The applicant should demonstrate that available effluent is sufficient to meet the summer peak water use requirements of the golf course (approximately 1 acre-foot/acre during the one month period from June 15-July 15, or 3 acre-feet/day for a 90 acre golf course).

## SECTION 4-140 WIRELESS COMMUNICATION STRUCTURE

A. **Purpose.**

1. The purpose of this Section is to regulate the placement, construction, and modification of wireless communication facilities in order to:
    a. Protect public health and safety;
    b. Minimize visual and aesthetic impacts;
    c. Encourage co-location and shared use of facilities;
    d. Preserve neighborhood character; and
    e. Ensure compliance with applicable federal and state law.
2. This Section shall be interpreted and applied consistently with the Telecommunications Act of 1996, the Spectrum Act, and applicable Federal Communications Commission (FCC) regulations.
3. Nothing in this Section shall be interpreted or applied in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, consistent with 47 U.S.C. § 332(c)(7).

B. **Applicability.**

1. This Section applies to all wireless communication towers, monopoles, antennas, small wireless facilities, and related equipment installed within the Town.
2. Amateur radio antennas and receive-only antennas used for residential purposes are exempt from this Section but shall comply with applicable height limits and building codes.
3. The Town shall not regulate the placement, construction, or modification of wireless communication facilities on the basis of radio frequency emissions where such facilities comply with FCC regulations concerning such emissions.

C. **Definitions.** For purposes of this Section:

1. Wireless Communication Facility (WCF) means any facility used for transmission or reception of wireless signals.
2. Tower means any structure designed primarily to support antennas.

3. Small Wireless Facility means a facility meeting the size, height, and equipment thresholds established by federal or state law for small cell deployment.
4. Co-location means the installation of additional antennas or transmission equipment on an existing tower or structure.
5. Substantial Change shall have the meaning set forth in 47 C.F.R. § 1.6100, as amended. In the event of a conflict between this Code and federal law, federal law shall control.

D. **Approval Requirements.**

1. *New Towers.* Construction of a new wireless communication tower shall require a Conditional Use Permit and Design Review approval.
2. *Co-location.* Co-location on an existing tower or structure that does not constitute a substantial change shall be subject to administrative review.
3. *Small Wireless Facilities.* Small wireless facilities shall be reviewed administratively in accordance with federal and state law.
4. *Eligible Facilities Requests.*
    a. The Town shall approve an application for modification of an existing wireless tower or base station that qualifies as an eligible facilities request under Section 6409(a) of the Spectrum Act and 47 C.F.R. § 1.6100.
    b. Such applications shall be processed administratively and shall not require a Conditional Use Permit or discretionary review.
    c. The Town shall act upon eligible facilities requests within the timeframes required by federal law.

E. **Location Standards.**

1. *Preferred Siting Hierarchy.* Applicants shall demonstrate that the following siting preferences have been evaluated:
    a. Co-location on existing towers;
    b. Co-location on existing buildings or structures;
    c. Placement on existing utility poles;

d. Construction of new monopole towers.

2. *Residential Areas.* New towers shall not be permitted within residential zoning districts unless the applicant demonstrates that no feasible alternative location exists and that visual impacts are mitigated to the greatest extent practicable.

3. *Highway Corridor.* Wireless communication facilities located within 500 feet of the centerline of State Route 89A shall be subject to enhanced design review standards to minimize visual impacts; however, such facilities shall not be categorically prohibited where the applicant demonstrates a significant coverage gap or capacity need consistent with federal law.

4. *Required Yards.* Towers shall not be located within required front yards.

F. **Setbacks and Height.**

1. Towers shall comply with the setback requirements of the underlying zoning district.

2. Unless otherwise required by federal law, a tower shall not be located closer to a residential dwelling than a distance equal to the height of the tower unless approved through Conditional Use Permit with findings of necessity and mitigation.

3. Towers shall not exceed the maximum height permitted in the zoning district unless approved through Conditional Use Permit upon demonstration of need.

G. **Design Standards.**

1. *Visual Impacts.* All wireless communication facilities shall incorporate stealth or concealment techniques to minimize visual impacts, including:

   a. Monopole design rather than lattice towers unless structurally necessary;

   b. Flush-mounted antennas where feasible;

   c. Color matching to surrounding structures;

   d. Concealment within architectural or landscape features where practicable.

2. *Equipment Enclosures.* Ground-mounted equipment shall be screened by walls, fencing, or landscaping sufficient to prevent visibility from public rights-of-way and adjacent residential properties.
3. *Lighting.* Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other governmental authority. Security lighting, if provided, shall be fully shielded.
4. *Signage.* Only signage required by federal law or necessary for safety identification shall be permitted.

H. **Application Requirements for Conditional Use Permit.** An application for a Conditional Use Permit for a new tower shall include:

1. An accurate site plan showing tower location, height, setbacks, and supporting facilities.
2. A coverage map demonstrating existing facilities within ten miles and identifying the service gap addressed.
3. Scaled elevation drawings of the proposed tower and equipment, including concealment features.
4. Environmental review documentation as required by federal regulations.
5. Proof of FCC license or authorization.
6. A signed certification that the facility will comply with FCC radio frequency emission standards.
7. Letter of authorization from the property owner.

I. **Removal of Abandoned Facilities.**

1. A wireless communication facility that is not operated for a continuous period of 180 days shall be considered abandoned.
2. The owner shall remove the facility within 90 days after notice from the Town.
3. Failure to remove an abandoned facility shall constitute a violation of this Code, and the Town may remove the facility at the owner’s expense.

## SECTION 4-150 TEMPORARY USES AND TEMPORARY STRUCTURES

A. **Purpose.** Temporary Use Permits are intended to allows short-term activities compatible with surrounding uses and do not permanently alter the character of the property.

B. **Temporary Uses and Temporary Structures.**

1. A Temporary Use Permit (TUP) shall be required for all temporary uses and structures. Permits are provided through administrative review by the Community Development Department.
2. Permit applications shall be submitted at least 30 days prior to commencement of temporary uses. The Community Development Director may waive this requirement if special circumstances are determined to apply.
3. Notices of the temporary use permit application will be sent to surrounding property owners within 300 feet with direction to provide comments to the Community Development Department.
4. Temporary use permits shall be issued for a maximum of 90 consecutive days. Temporary uses exceeding 90 days within a calendar year shall require Conditional Use Permit approval. The Community Development Director may approve up to two extensions not exceeding 30 days each.
5. The fee for a temporary use permit shall be as established by Clarkdale Town Council.

C. **Requirements for a Temporary Use or Structure.**

1. Temporary uses and structures shall comply with the following general requirements, as determined by the Community Development Director:
   a. Shall not cause an unreasonable effect to surrounding properties;
   b. Shall not negatively impact public health or safety;
   c. Temporary signs associated with a temporary use are permitted and must be included in the TUP application for review and approval of the Community Development Director;

d. Temporary uses or structures must be in conformity with the underlying zoning district, and must comply with all adopted Building and Fire Codes;

e. At the conclusion of a temporary use or structure, all material shall be removed from the site within 72 hours and/or revegetated with plants from the Town's approved plant list;

f. At the conclusion of a temporary use or structure, all disturbed areas shall be restored;

g. Off-street parking shall be sufficient to accommodate the proposed use.

2. Informal activities such as garage sales, neighborhood parties and other informal, noncommercial events do not require a temporary use permit.

3. Special events do not require temporary use permits but are subject to the requirements of Town Code Article 8-4.

4. The Community Development Director may revoke a Temporary Use Permit upon determination that the use violates the conditions of approval, creates a nuisance, or poses a threat to public health, safety, or welfare.

5. Decisions by the Community Development Director may be appealed to the Board of Adjustment.

## SECTION 4-160 PERFORMANCE STANDARDS

A. **Applicability.** The performance standards set forth in this Section shall apply to any permitted or conditional use. All uses shall be conducted in a manner that does not create a nuisance, hazard, or adverse impact upon adjacent properties or the public health, safety, or welfare. Compliance with this Section shall be required in addition to all other applicable provisions of this Ordinance.

B. **Noise.** Unless otherwise exempted, no person or use shall make or continue, cause to be made or continued, or allow to be made or continued any sound that exceeds the sound levels when measured at or within the real property boundary of the receiving property, based on the following table:

| Receiving Land Use | Maximum Sound Level, d(B)A | |
|---|---|---|
| | 7 a.m. – 10 p.m. | 10 p.m. – 7 a.m. |
| Residential | 55 | 45 |
| Commercial | 65 | 55 |
| Industrial | 70 | 60 |
| Entertainment | - | 68 |

1. *Measurement Criteria.*
    a. Noise levels shall be measured using a sound level meter meeting ANSI Type 1 or Type 2 standards.
    b. Measurements shall be taken on the A-weighted scale with slow response, except fast response may be used for impulse noise.
    c. Calibration shall occur immediately prior to measurement.
    d. Ambient sound levels shall be documented.

C. **Exemption for Permitted Construction.** The operation of, or permitting of the operation of, any construction equipment may occur as follows:

1. No work shall commence before 5:00 a.m. nor continue past 7:00 p.m. Monday through Friday; except that the pouring of concrete may begin at 4:00 a.m. on those days.
2. No work shall commence before 7:00 a.m. nor continue past 7:00 p.m. on Saturdays and Sundays.
3. Any contractor, subcontractor, tradesman, materials supplier, owner, or bona fide representative or employee of any of the above who is present at the job site at the time of a violation will be held responsible.
4. The Community Development Director, Building Official, or Public Works Director may authorize extended hours where necessary to protect public health, safety, and welfare or to avoid substantial loss or inconvenience. Conditions may include limitations on equipment, hours, and noise levels.

5. Emergency work necessary to prevent injury, property damage, or interruption of essential services is exempt from time restrictions.

D. **Smoke.**

1. No emission of smoke shall exceed Ringelmann No. 1 density.
2. Smoke equal to Ringelmann No. 2 may be permitted for a period not exceeding four minutes in any 30 minute period.
3. The Ringelmann Chart as published by the U.S. Bureau of Mines shall be the standard reference.

E. **Glare and Heat.**

1. Operations producing intense glare or radiant heat shall be conducted within enclosed buildings or screened to prevent glare or heat from being visible or perceptible at the property line.
2. Lighting shall comply with the Town's adopted Outdoor Lighting Code.
3. The Community Development Director may require shielding, reorientation, screening, or material modification to eliminate nuisance glare.

F. **Vibration.**

1. No vibration shall be permitted that is discernible without instruments beyond the property line.
2. For purposes of enforcement, vibration shall not exceed:
    a. Three minutes in any one-hour period between 7:00 a.m. and 7:00 p.m.; or
    b. Thirty seconds in any one-hour period between 7:00 p.m. and 7:00 a.m.

G. **Air Emissions; Dust; Fumes; Vapors; Gases.**

1. No emission of fly ash, dust, fumes, vapors, or gases shall be permitted that:
    a. Endangers public health;
    b. Causes damage to property, vegetation, or animals;
    c. Results in visible particulate matter crossing a property line; or
    d. Creates excessive soiling on adjacent properties.

2. All operations shall comply with applicable Federal, State, and Yavapai County air quality regulations.

H. **Liquids and Solid Waste.**

1. No discharge of liquid or solid waste shall:
    a. Interfere with the normal operation of the public sewer system;
    b. Create a nuisance or hazardous condition on adjacent property;
    c. Pollute surface or groundwater; or
    d. Create unsafe conditions for vehicular or pedestrian traffic.
2. All waste handling, storage, and disposal shall comply with applicable Federal, State, and local regulations.

I. **Odors.**

1. No emission of odorous matter shall be permitted in quantities that are detectable beyond the property line in a manner that creates a nuisance or hazard.
2. Uses generating odors shall implement mitigation measures including filtration, containment, or operational controls sufficient to prevent odor migration.

J. **Hazardous Materials.**

1. The handling, storage, and disposal all materials identified by the standards of a Federal or State agency as hazardous, special, or radioactive shall comply with all applicable Federal, State, and local regulations.
2. Above-ground bulk storage of flammable or explosive materials shall be located not less than 75 feet from any property line or 40 feet in the case of underground storage, unless otherwise approved under the adopted Fire Code.
3. Secondary containment and spill control measures shall be provided where required by code.

4. Materials must be stored in a manner and location that is in compliance with appropriate rules and regulations of the Arizona Department of Public Safety and other Federal, State, and local agencies with jurisdiction.

K. **Enforcement.**

Failure to comply with the performance standards set forth in this Section shall constitute a violation of this Code and may result in enforcement action, permit revocation, or other remedies available under law.

## SECTION 4-170 OUTDOOR STORAGE

A. **Purpose and Applicability.**

1. The purpose of this Section is to regulate the outdoor storage of materials, equipment, and merchandise in order to:
   a. Protect adjacent properties from visual, noise, and safety impacts;
   b. Prevent nuisance conditions;
   c. Preserve community character; and
   d. Ensure compliance with health, fire, and building codes.
2. Outdoor storage shall comply with this Section in all zoning districts where permitted.
3. Outdoor storage not specifically permitted in a zoning district shall be prohibited.

B. **General Standards.**

1. Outdoor storage shall be located only in areas designated and approved through site plan review or Conditional Use Permit where applicable.
2. Outdoor storage areas shall not be located within:
   a. Required front yards;
   b. Required landscape buffers;
   c. Required parking spaces;
   d. Fire lanes or emergency access areas.

3. Outdoor storage shall not obstruct pedestrian circulation or required access drives.
4. All outdoor storage areas shall be maintained in an orderly and safe condition.

C. **Residential District Standards.**

1. *General Storage.* Outdoor storage in residential districts shall be limited to items customarily incidental to residential use.
2. *Prohibited Items.* The following shall not be stored outdoors in residential districts unless fully screened from public view and adjacent properties:
   a. Inoperable vehicles;
   b. Construction materials not actively being used;
   c. Commercial equipment;
   d. Industrial materials;
   e. Bulk storage of merchandise.
3. *Screening.*
   a. Outdoor storage visible from a public street or adjacent property shall be screened by a minimum six foot solid fence or wall.
   b. Screening shall comply with fence height regulations.
4. *Duration.* Storage of construction materials for an active building permit shall be permitted for the duration of the permit.

D. **Commercial and Industrial District Standards.**

1. *Permitted Outdoor Storage.* Outdoor storage shall be permitted in commercial and industrial districts when:
   a. It is incidental to a permitted use;
   b. It is located within side or rear yards;
   c. It is screened in accordance with this Ordinance.
2. *Screening Requirements.*

a. Outdoor storage areas shall be enclosed by a minimum six foot solid masonry wall, solid fence, or approved screening material.

b. Screening shall be maintained in good condition and shall prevent visibility of stored materials from public rights-of-way and adjacent residential properties.

c. Landscaping may be required to supplement screening.

3. *Height of Stored Materials.* Stored materials shall not exceed the height of the screening wall or fence, except for materials customarily stored in vertical racks in industrial districts, which may exceed screening height provided they are not visible from public streets.

4. *Surface Requirement.* Outdoor storage areas shall be surfaced with asphalt, concrete, compacted aggregate base, or other approved dust-free material.

5. *Setbacks.* Outdoor storage shall not be located closer than ten (10) feet to any residential zoning district boundary unless additional screening is provided.

E. **Prohibited Outdoor Storage.** The following shall be prohibited in all zoning districts unless specifically approved through Conditional Use Permit:

1. Storage of hazardous materials not in compliance with adopted Fire Code.

2. Storage of junk, scrap, salvage, or dismantled materials except within approved salvage or recycling facilities.

3. Storage of solid waste except in approved containers.

4. Storage that creates odor, dust, glare, vibration, or other violations of Section 4-160 Performance Standards.

F. **Temporary Outdoor Display and Storage.**

1. Temporary outdoor display of merchandise in commercial districts may be permitted subject to administrative approval when:

a. The display does not reduce required parking;

b. The display does not obstruct pedestrian or vehicular circulation;

c. The display is removed outside business hours if required.

2. Temporary construction storage shall be permitted for the duration of an active building permit.

G. **Storage of Vehicles and Equipment.**

1. Commercial vehicles, trailers, or heavy equipment exceeding one ton capacity shall not be stored outdoors in residential districts unless fully screened and incidental to a lawful home occupation.
2. In commercial and industrial districts, fleet vehicle storage shall comply with screening requirements.

H. **Abandoned or Unsafe Storage.**

1. Outdoor storage areas that become unsafe, abandoned, or noncompliant shall be subject to enforcement action.
2. Failure to maintain screening or orderly storage shall constitute a violation of this Code.

I. **Storage and Parking of Mobile Homes, Recreational Vehicles, and Trailers.**

1. Mobile homes, commercial trailers, utility trailers, boat trailers, or recreational vehicles (including travel trailers) shall not be stored, parked, or located in any zoning district other than as listed in the zoning district's regulations or as otherwise provided herein, with the following exceptions for residential uses:
   a. The storage of not more than one boat trailer, one utility trailer, and one recreational vehicle or travel trailer shall be allowed for each residence. Such vehicles may not be stored in the front yard of a residence.
   b. A trailer, attached to a vehicle, may be temporarily parked for a period of 24 hours in an area designed for parking within the front yard setback, so long as it remains attached to the vehicle.
2. *Construction Office or Security Personnel Housing.* A mobile home or recreational vehicle may be allowed in any zoning district to conduct business or provide housing for security personnel during the construction of a permanent building when a valid building permit is in effect. The mobile home or recreational vehicle must be removed immediately after completion of the building.

## SECTION 4-180 RECREATIONAL AND MEDICAL MARIJUANA

A. **Purpose.** This section is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this Section is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

B. **Definitions.** The below words and phrases, wherever used in this Section, shall be construed as defined in this Section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

1. *Chemical extraction.* The process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
2. *Chemical synthesis.* Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
3. *Consume, consuming, and consumption.* The act of ingesting, inhaling or otherwise introducing marijuana into the human body.
4. *Consumer.* An individual who is at least 21 years of age and who purchases marijuana or marijuana products.
5. *Cultivate and cultivation.* To propagate, breed, grow, prepare and package marijuana.
6. *Deliver, Delivery.* The transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.
7. *Department.* The State of Arizona Department of Health Services or its successor agency.

8. *Dual Licensee.* An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
9. *Enclosed Area.* A building, greenhouse, or other structure that has:
    a. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
    b. Is secure against unauthorized entry;
    c. Has a foundation, slab or equivalent base to which the floor is securely attached; and
    d. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.
10. *Extraction.* The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.
11. *Manufacture, Manufacturing.* To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
12. *Marijuana.*
    a. Means all parts of the plant of the genus Cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
    b. Includes cannabis as defined in A.R.S. § 13-3401.
    c. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
13. *Marijuana concentrate.*

a. Means resin extracted from any part of a plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

b. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

14. *Marijuana Establishment.* An entity licensed by the Department to operate all of the following:

a. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

b. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

c. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

15. *Marijuana Products.* Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

16. *Marijuana testing facility.* The Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

17. *Medical Marijuana.* All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

18. *Medical Marijuana Caregiver Facility.* A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the state of

Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

19. *Medical Marijuana Cultivation.* The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.
20. *Medical Marijuana Dispensary.* A nonprofit entity as defined in A.R.S. § 36-2801(11) and operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.
21. *Medical Marijuana Processing Facility.* A facility that:
    a. Engages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending;
    b. Is operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and
    c. Is associated with a medical marijuana dispensary.
22. *Medical Marijuana Qualifying Patient.* A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and is registered with the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.
23. *Nonprofit Medical Marijuana Dispensary.* A nonprofit entity as defined in A.R.S. § 36-2801(12).
24. *Open Space.* A public park, public sidewalk, public walkway or public pedestrian thoroughfare.

25. *Person.* An individual, partnership, corporation, association, or any other entity of whatever kind or nature.
26. *Process, Processing.* To harvest, dry, cure, trim or separate parts of the marijuana plant.
27. *Public Place, Smoking.* Has the same meaning prescribed in the Smoke-Free Arizona Act, A.R.S. § 36-601.01 and further regulated in Chapter 10, Offenses, Article 10-2, Smoking, of the Town Code of the Town of Clarkdale.
28. *Smoking.* To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.
29. *Storefront Location.* The use shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

C. **Marijuana Establishments Permitted – Nonresidential.**

1. If authorized by state law and a valid permit has been obtained from the Town, a marijuana establishment or a medical marijuana dispensary is permitted in Clarkdale, subject to the following conditions and limitations:
    a. To the fullest extent allowable by law, shall be authorized in Clarkdale for:
        i. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
        ii. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
2. Shall be authorized in the Industrial Zoning District.
3. Shall be authorized in Commercial and Central Business District Zoning Districts, except that there shall be no cultivation.
4. Infusion of marijuana into food products by a marijuana establishment with a valid food establishment license shall be permitted as a conditional use in the Commercial and Central Business District Zoning Districts.
5. Shall not be located within 500 feet of a preschool, kindergarten, elementary, secondary or high school. This distance shall be measured from the lot line

of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.

6. Shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
7. Shall be a total maximum 1,500 square feet. Maximum square footage may be expanded subject to use permit application and hearing procedures set forth under Chapter 5, Conditional Use Permit, of the Zoning Code of the Town of Clarkdale.
8. The secure storage area for the marijuana stored at the location shall not exceed 500 square feet of the total 1,500-square-foot maximum floor area of the facility. Maximum square footage may be expanded subject to use permit application and hearing procedures set forth under Chapter 5, Conditional Use Permit, of the Town of Clarkdale Zoning Code.
9. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
10. Shall allow on-site consumption or ingestion of food products infused with marijuana by a marijuana establishment only in the Commercial or Commercial Business Districts with a conditional use permit and with a valid food establishment license in the storefront location where the infused food product was produced.
11. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, Town trash can, bin or other Town facility, or in any park refuse container unless authorized by the Town.
12. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town of Clarkdale.
13. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.

14. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.
15. Shall be located in a storefront with windows facing the street. Window covers shall be open during business hours.
16. Shall utilize one secure entrance/exit for customer use where purchasing area is located.
17. Shall comply with applicable county health regulations for food preparation and handling.
18. Shall submit a written security plan to the Community Development Department that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.
19. For a marijuana establishment located in the Industrial (I) Zoning District that engages in cultivation or manufacturing, shall submit a written operations plan to the Community Development Department that describes the following:
    a. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
    b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
    c. The plan for addressing odor and other public nuisances that may derive from the establishment.
20. If the Department has not adopted final rules pursuant to this Section at the time marijuana establishment licenses are issued pursuant to this Section, licensees shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § 36-2854 except those that are inconsistent with this Section.

D. **Marijuana Testing Facility Permitted.**

1. It shall be unlawful for a person to operate a marijuana testing facility at any location within the Town without obtaining a security plan approval and business license permit from the Town Clerk or his/her designee in accordance with Town Code, including any application and review procedures pursuant to regulations promulgated by the Arizona Department of Health Services.
2. A marijuana testing facility is permitted in the Town of Clarkdale subject to the following conditions:
    a. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners or authorized agents.
    b. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.
    c. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
    d. Shall maintain records, equipment and instrumentation as required by the Department.
    e. Shall submit a written security plan to the Town that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.
    f. If the Department has not adopted final rules pursuant to this Section at the time marijuana testing facility licenses are issued pursuant to this Section, licensees shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S.§ 36-2854 except those that are inconsistent with this Section.

E. **Individual's Primary Residence for Personal Use.**

1. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a Residential Zoning District in Clarkdale and is subject to the following conditions and limitations:

   a. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.

   b. It shall be unlawful for two (2) or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.

   c. Except as provided by A.R.S.. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a Residential Zoning District within the Clarkdale Town limits.

   d. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.

   e. Kitchens, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.

   f. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town of Clarkdale.

   g. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.

   h. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

2. If the Department has not adopted final rules pursuant to this Section at the time the “Smart and Safe Arizona Act” is effectuated, individuals shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § 36-2854 except those that are inconsistent with this Section.

## SECTION 4-190 TINY HOUSES

A. Tiny houses are permitted in any single-family residential zoning district as follows:

1. Tiny houses shall be constructed and sited on permanent foundations in compliance with adopted International Residential Codes, Town Codes, and Fire Codes IRC Appendix Q regulations.
2. Tiny houses shall have wastewater systems sized for the occupancy and fixture count or connect to the Town’s wastewater system.
3. Certificates of occupancy shall only be issued to tiny houses that comply with the provisions of this Ordinance. If the tiny house is moved from one site to another, a new certificate of occupancy will be required.

B. Tiny houses on wheels and tiny house recreational vehicles are hereby regulated the same as travel trailers under this code and shall be subject to all Clarkdale Town Zoning Code provisions applicable to travel trailers.

## SECTION 4-200 DATA CENTERS

A. **Purpose.** This Section establishes development and operational standards for data centers in the Industrial (I) Zone to ensure compatibility with surrounding land uses and to address infrastructure, environmental and operational impacts.

B. **Definition.** Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. Examples of such digital data include, but are not limited to, computationally-intensive applications such as blockchain technology, q:yptocurrency mining, weather modeling, and genome sequencing.

The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

C. **Use.**

1. Data centers are permitted in the Industrial (I) Zone subject to approval of a Conditional Use Permit pursuant to Chapter 5 of the Town's Zoning Code.
2. Accessory data centers serving only the primary on-site use may be permitted subject to approval by the Community Development Director or designee and compliance with this Section, when all the following are true:
    a. The data center occupies no more than 15% of the building.
    b. The data center is used to serve the enterprise functions of the on-site property owner and is not used to lease data storage and processing services to third parties. For purposes of this subparagraph" on-site property owner" includes an owner that owns the property and is the parent company of the company or companies on-site.
    c. The data center complies with any applicable development standards for data centers.

D. **Development Standards.**

1. *Conditional Use Permit.* In addition to the requirements of this Ordinance, an application for a Conditional Use Permit for the purpose of data center development shall be required and include the following information:
    a. The baseline noise study and noise contour exhibit.
    b. The intended source of electric power for the development and documentation from the electric utility provider affirming sufficient power exists to serve the site.
    c. An assessment of future energy needs for the site.
    d. An estimate of annual water consumption for the site.
    e. The intended source of water for the development, and documentation from the water provider affirming sufficient water resources exist to serve the site.

f. An explanation regarding how the development complies with each of the requirements of this Section; or, if the applicant requests that the council waive a requirement or requirements, an explanation as to why compliance with the requirement(s) is not feasible.

g. The minimum requirements of this Section shall apply to any data center operated as a principal use unless the council waives a requirement or requirements during the specific Conditional Use Permit process. In addition to these minimum requirements, the Town may impose additional or more stringent site-specific requirements or regulations during the specific Conditional Use Permit process, provided that the site-specific requirements or regulations are reasonably related to the impact of the development.

h. The minimum requirements of this Section shall apply to any data center operated as an accessory use only where indicated.

i. The provisions of this Section are intended to supplement the requirements of this Ordinance. If any provision of this Section is found to be in conflict with any other provision of this Ordinance, the provision that establishes the higher or more restrictive standard shall prevail.

2. *Minimum Site Area.*

a. Minimum lot area shall be five acres.

b. Facilities designed to exceed 50 megawatts shall require a minimum lot area of 15 acres.

3. *Setbacks.*

a. Buildings shall be set back a minimum of 100 feet from residentially zoned property or residential use.

b. Generator yards and fuel storage areas shall be set back:

i. A minimum of 200 feet from residentially zoned property or residential use.

ii. A minimum of 50 feet from industrially zoned property.

c. Substations shall be set back:

i. A minimum of 150 feet from residentially zoned property or residential use.

ii. A minimum of 50 feet from industrially zoned property.

d. Setbacks shall be measured from property lines.

4. *Height.*

a. Maximum building height shall be 50 feet.

b. Rooftop mechanical equipment may extend up to 15 feet above the maximum height provided it is fully screened.

5. *Lot Coverage.*

a. Maximum lot coverage shall not exceed 40 percent.

b. Mechanical yards, substations and generator arrays shall be included in lot coverage calculations.

6. *Power Infrastructure.*

a. On-site substations are permitted as accessory uses.

b. Substations shall be screened from adjacent non-industrial properties and public rights-of-way.

c. Electrical transmission and distribution lines shall be installed underground where feasible, as determined by the utility provider.

d. Applications shall include written verification from the utility provider confirming service capacity.

7. *Generators and Fuel Storage.*

a. Generators shall be enclosed and acoustically screened and only used as backup when the main power source is offline.

b. Routine generator testing shall be limited to 8 a.m. to 6 p.m., Monday through Friday, except during emergencies.

c. Diesel generators shall meet Tier IV or newer emission standards.

d. On-site fuel storage shall not exceed 96 hours of continuous operation.

e. Secondary containment shall be provided at a minimum of 110% of tank capacity.

8. *Noise.*

a. A baseline noise study prepared by a qualified acoustic engineer shall be required with the Conditional Use Permit application to document baseline sound levels in the area of the proposed data center and to produce a noise contour exhibit depicting the anticipated noise levels to be generated by the data center.

b. For purposes of this Section:

i. "dBA" means the sound pressure level in decibels as measured on a sound level meter using the A weighted filter network. The A weighted filter network is designed to simulate the response of the human ear. The A weighted sound level is expressed by the symbol "dBA."

ii. "Daytime" means 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on Saturdays, Sundays, and legal holidays observed by the town.

iii. "Nighttime" means 7:00 p.m. to 7:00 a.m. on weekdays, and 8:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the town

c. Any noise which emanates from any operation, activity, or source on a data center site, including, but not limited to, heating and cooling system(s), shall not exceed the maximum permissible sound levels set forth in Table 1 of this Section as measured at the lot line of the property affected by the noise.

| Table 1. Maximum Sound Levels for Data Center Operation | | |
|---|---|---|
| Property Affected | Maximum dBA | |
| | Daytime | Nighttime |
| Residential and Mixed-Use | 55 | 55 |

| | | |
|---|---|---|
| Agricultural | 60 | 55 |
| Commercial | 65 | 60 |
| Industrial | 72 | 65 |

d. The data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center, as determined by a qualified third-party acoustic engineer, from exceeding the maximum sound levels set forth in this Section. Design specifications for the required sound mitigation must be provided to the town before building permit approval.

e. Before issuance of a Certificate of Occupancy or Certificate of Completion, whichever occurs first, the data center operator must conduct a post-construction noise study performed by a qualified third-party acoustic engineer to document sound levels emanating from the data center measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Community Development Director, during peak operation of the data center mechanical equipment. The post-construction noise study must demonstrate that sound levels do not exceed the maximum sound levels set forth in Table 1 of this Section. If sound levels exceed the maximum sound levels set forth in Table 1 of this Section, the town will issue a Temporary Certificate of Occupancy until the data center operator demonstrates that the required sound mitigation is achieved. If the data center operator is unable to demonstrate compliance with the sound levels set forth in Table 1 before expiration of the Temporary Certificate of Occupancy, the town will not issue a permanent Certificate of Occupancy.

f. The data center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Community Development Director, annually during peak operation of the data center mechanical

equipment for five years after completion of the initial post-construction noise study and when requested by the town thereafter. The data center operator must provide the results of the noise study to the town within 30 days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the town. If sound levels exceed the maximum sound levels, the data center operator shall take appropriate steps to achieve the required sound mitigation.

9. *Water Use.*
    a. A Water Demand Assessment shall be submitted with the application.
    b. Air-cooled or hybrid cooling systems are encouraged.
    c. Reclaimed water shall be used where available.
    d. Use of potable water for primary cooling systems, humidity control, or other similar operations is prohibited unless approved by the Town Council upon a finding that no feasible alternative exists.
10. *Landscaping and Screening.*
    a. A minimum 30-foot landscaped buffer shall be provided along public rights-of-way.
    b. Generator yards shall be screened by:
        i. An eight-foot masonry wall;
        ii. A landscape berm a minimum of six feet in height; or
        iii. A combination of both.
    c. Drought-tolerant plant materials shall be used.
    d. Mechanical equipment shall be screened from adjacent non-industrial properties.
11. *Lighting.*
    a. All exterior lighting shall be fully cut off.
    b. Maximum correlated color temperature shall not exceed 4,000 Kelvin.
    c. Lighting shall be directed away from adjacent properties.

d. All lighting shall comply with Chapter 8 of Clarkdale's Zoning Code.

12. *Access.*

a. A minimum of two access points shall be provided.

b. Fire access shall comply with the International Fire Code.

c. Adequate turning radii shall be provided for service and fuel delivery vehicles.

13. *Security.*

a. Perimeter fencing shall not exceed eight feet in height.

b. Fencing visible from public rights-of-way shall be ornamental or screened.

c. Anti-ram barriers shall be installed at primary vehicle entrances.

E. **Conditional Use Permit Findings.** Approval of a Conditional Use Permit shall require compliance with the findings established in Chapter 5 of the Clarkdale Zoning Code, in addition to the following findings:

1. Adequate electrical infrastructure is available.
2. Municipal water supply will not be adversely impacted.
3. Noise mitigation measures are sufficient to meet this Section.
4. Generator emissions comply with applicable state and federal regulations.
5. The project provides adequate buffering and screening.

F. **Application Requirements.** Applications shall be submitted in accordance with Section 5-030 of Chapter 5 of the Clarkdale Zoning Code, including the information required in Table 1 of Chapter 11 of the Clarkdale Zoning Code, and include the following additional information:

1. Utility service verification letter.
2. Water Demand Assessment.
3. Noise study.
4. Emergency operations plan.

## SECTION 4-210 COMMERCIAL AND RESIDENTIAL FLAGPOLES

A. **Purpose and Intent.** The purpose of this article is to regulate the construction and installation of flagpoles on residential and commercial properties within the Town of Clarkdale, ensuring safety, aesthetic compatibility, and compliance with relevant regulations.

B. **Permissible Locations.**

1. Flagpoles may be erected on residential properties subject to the following conditions:
    a. The flagpole must be located within the boundaries of the residential property.
    b. The flagpole must not obstruct public rights-of-way, or utility easements, or impede visibility for vehicular or pedestrian traffic.
    c. The flagpole must comply with setback requirements specified in the zoning regulations.
2. Flagpoles may be erected on commercial properties subject to the following conditions:
    a. The flagpole must be located within the boundaries of the commercial property.
    b. The flagpole must not obstruct public rights-of-way, or utility easements, or impede visibility for vehicular or pedestrian traffic.
    c. The flagpole must comply with the setback requirements specified in the zoning regulations unless it is engineered to collapse on itself, in which case it may be positioned within the setback boundaries.

C. **Construction Standards.**

1. Flagpoles must be constructed using durable and weather-resistant materials capable of withstanding environmental conditions and windspeeds 80 miles per hour.
2. The height of the flagpole shall not exceed 15 feet above ground level in residential zoning without obtaining a permit or 25 feet above ground level in commercial zoning.

3. Flagpoles must be securely anchored to the ground to prevent instability or collapse. The base must meet manufacturer specifications.
4. Any lighting fixtures installed on or around the flagpole including those mounted on nearby structures or in the ground, must comply with the Town's dark sky requirements as outlined in Chapter 8, Outdoor Lighting. All lighting shall be equipped with appropriate shielding. Additionally, any hard wiring for these fixtures must be installed underground in accordance with Chapter 8, Outdoor Lighting.
5. Installation of the flagpole must adhere to manufacturer specifications and industry best practices for safe assembly.
6. On residential properties, flagpoles must be situated within the confines of the property lines to ensure that the height of the pole does not exceed the distance to the nearest property line.

D. **Permit Requirements.**

1. Prior to the construction or installation of a flagpole exceeding 15 feet in height on residential property, the owner must obtain a permit from the Town of Clarkdale's Community Development Department.
2. Prior to the construction or installation of any flagpole on commercial property, the owner must obtain a permit from the Community Development Department.
3. Permit applications shall include fully dimensioned plans materials, method of construction for the flagpole, and a site plan delineating the flagpole's location and its distance from property lines.

E. **Preexisting Nonconforming Flagpoles.**

1. Flagpoles that were legally installed prior to the adoption of this Ordinance and do not conform to the current regulations shall be considered preexisting nonconforming flagpoles.
2. Such preexisting nonconforming flagpoles may continue to be used and maintained, provided they do not pose a safety hazard.
3. Any modification, replacement, or relocation of a preexisting nonconforming flagpole shall comply with the current regulations set forth in this Ordinance.

4. If a preexisting nonconforming flagpole is removed, any new flagpole installed on the property must conform to the current regulations.

## SECTION 4-220 ACCESSORY DWELLING UNITS (ADU)

A. **Accessory Dwelling Units** (ADU) are subject to all the following provisions.

1. *Eligibility.* No more than one attached or detached accessory dwelling unit (ADU) per lot is permitted.
2. *Maximum Size.* An accessory dwelling unit (ADU) shall not exceed 1,000 square feet of habitable space.
3. *Location.* The accessory dwelling unit (ADU) may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.
4. *Setbacks.* The accessory dwelling unit (ADU) is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:
    a. The rear setback for the accessory dwelling unit (ADU) shall be no less than five feet from the property line.
    b. The side setbacks for the accessory dwelling unit (ADU) shall be no less than five feet from the property line.
    c. The front setback for the accessory dwelling unit (ADU) shall be no less than the setback required for a single-family dwelling in the zoning district in which it is located.
    d. An attached accessory dwelling unit may encroach on a side or rear yard if permitted by the zoning district's development standards.
    e. Detached Accessory Dwelling Units shall be separated from other buildings by at least 10 feet. Separation may be reduced with fire-rated walls, subject to approval by the Building Official and Fire District Official.
5. *Lot Coverage.* The accessory dwelling unit (ADU) is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel.

6. *Height.* The accessory dwelling unit (ADU) is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel.
7. *Exterior Design.* The exterior design of the accessory dwelling unit (ADU) is not required to match the exterior design of the single-family dwelling on the same lot or parcel.
8. *Roof Pitch.* The roof pitch of the accessory dwelling unit (ADU) is not required to match the roof pitch of the single-family dwelling on the same lot or parcel.
9. *Finishing Materials.* The finishing materials of the accessory dwelling unit (ADU) are not required to match the finishing materials of the single-family dwelling on the same lot.
10. *Parking and Access.* No additional parking space or in lieu parking fee shall be required to accommodate the accessory dwelling unit (ADU).
11. *Permanent Structure.* Accessory dwelling units (ADU) shall be constructed as permanent structures. Recreational Vehicles (RV), travel trailers, manufactured homes, mobile homes, and similar structures are prohibited for use as Accessory Dwelling Units may not be used as an accessory dwelling unit.

B. **No Accessory Dwelling Unit** may be used as a short-term rental or vacation rental, as those terms are defined in Town Codes or Ordinances, unless the owner of the lot on which the unit is located resides on the same lot.

## SECTION 4-230 TRASH ENCLOSURES

A. **Applicability.** In every zoning district, permanent enclosures for the temporary storage of garbage, refuse, and other waste materials shall be provided for every use, except;

1. For single-family dwellings.
2. For multi-family residential properties with four or fewer units.
3. For multi-family residential properties with five or more units, if the property owner or responsible person has provided, in writing to the Community

Development Director, a letter indicating hardship, due to other requirements and development standards, and further proposes alternatives that would satisfy the needs of the occupants, and the Community Development Director authorizes the exception.

4. For manufactured homes.

B. **Construction.** Trash enclosures shall be constructed to the following criteria:

1. Be constructed of block walls, solid fencing such as weather resistant wood, or chain link fencing with screening slats.
2. Be constructed so that the contents are not visible from a height of five feet above grade from any abutting street or property and of sufficient height to conceal contents, including containers. In no case shall the enclosure be less than five feet in height above grade, but no greater than six feet unless greater heights are allowed with Design Review approval.
3. Gates shall be solid or baffled, equal to the height of the enclosure, and equipped with latches to ensure closure when not in use.

C. **Location.** Trash enclosures shall not be located in any required front or side yard. For multi-family residences, trash enclosures shall be located within 250 walking feet of the units they are intended to serve.

D. **Quantity.** A minimum of one trash enclosure is required for commercial, industrial, and other non-residential or institutional developments.

E. **Landscaping.** Trash enclosures shall have landscaping surrounding at least three sides, subject to the landscaping requirements of Chapter 9.

## SECTION 4-240 AGRICULTURE TOURISM, AGRITOURISM ENTERPRISE, AND CROPLAND USES

A. A connection to Town of Clarkdale water system is required where connection is available within a reasonable distance as determined by the Town Manager or designated representative. If connection to the Town's water system is not available, approval of Agriculture Tourism, Agritourism Enterprise and Cropland uses irrigating with well water will be considered on a case by case basis.

B. All water connections shall be metered.

C. All Agriculture Tourism, Agritourism Enterprise and Cropland Uses shall be set back 25 feet from adjoining property lines when abutting residentially-zoned property.

D. Drip/Micro Irrigation and on-site drainage shall incorporate Best Management Practices and not impact surrounding properties.

E. Non-chemical pest control, such as the use of beneficial predators, beneficial parasitoids and biochemical methods, is strongly encouraged.

F. A Conditional Use Permit application for Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall include the following elements:

   1. A detailed site plan of the proposal showing all required setbacks, proposed and existing buildings and structures, and proposed access and easements.
   2. A comprehensive low water use plan incorporating best practices.
   3. An integrated pest management (IPM) plan. All chemicals shall be contained to the property under cultivation.
   4. If fertilizer and soil amendments are proposed, a plan outlining use shall be included.
   5. A dust control plan incorporating best management practices per Clarkdale Town Code shall be provided. Only non-potable water shall be used for dust control measures.

G. Approval of a Conditional Use Permit for Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall be based on consideration of the impacts to the environment and adjacent property owners.

H. All Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall comply with federal regulations, Arizona State Regulations and the Arizona Department of Agriculture rules and regulations.

# EXHIBIT E

# CHAPTER 5

## CONDITIONAL USE PERMIT

**SECTIONS~~Articles~~:**

~~5-010 Purpose and Intent~~5-010 Purpose and Intent
~~5-020 Authority~~5-020 Authority
~~5-030 Procedure~~5-030 Procedure
~~5-040 Denial by the Commission~~
~~5-050 Required Findings~~5-0450 Required Findings

5-0~~5~~60 ~~Required Conditions for a Use Permitted by Conditional Use Permit~~Criteria
~~5-070 Term of a Conditional Use Permit~~5-0670 Terms of a Conditional Use Permit
~~5-080 Revocation of a Conditional Use Permit~~5-0780 Revocation ~~of a Conditional Use Permi~~
~~5-090 Renewal of a Conditional Use Permit~~5-0890 Renewal
~~5-100 Abandonment of a Conditional Use Permit~~5-09100 Abandonment
~~5-110 Modification or Expansion of a Conditional Use Permit~~5-10110 Modification or Expansion
5-110 Appeals

**SECTION 5-010 ~~PURPOSE~~ PURPOSE AND INTENT**

~~Pursuant to Arizona Revised Statutes (A.R.S.) Article 6.1, Section 9-462.01, within individual zones, there may be uses permitted on a conditional basis under which additional requirements for development must be met.~~ The purpose of the Conditional Use Permit is to allow integration of uses into the community which may only be suitable in specific locations, or because of unusual operational or

physical characteristics that require special consideration, or only if such uses are designed or developed to assure maximum compatibility with adjoining usesissues. Conditions may be applied to the issuance of the permit such that the proposed land use would not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. Under no circumstances shall any of the conditions of development be reduced below the minimum standards that are imposed upon any permitted land use within a given zoning district. A Conditional Use Permit may be granted only for those land uses expressly listed as such, and only after the Planning Commission has made a recommendation, and the Common Town Council has authorized such use as evidenced by resolution. (Prior code § 5-1)

**SECTION 5-020 AUTHORITY**

The Clarkdale Town Council, as the Town's governing body, retains final authority to approve, deny, approve with conditions or modified conditions, all applications for a Cconditional Uuse Ppermit. (Prior code § 5-2)

**SECTION 5-030 PROCEDURE**

A. **A Pre-application** meeting is mandatory. The purpose of the pre-application meeting is to:
   1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
   2. Discuss the development review process and required submissions with the applicant.
   3. Identify issues that need to be resolved in future submissions.
   4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
   5. Applicants shall provide the information as indicated in Table 1 of Chapter 11 Design Review, Section 11-030 Submission Requirements.

B. **Application.** Persons applying for a Conditional Use Permit will be required to submit a Pre-application meeting request, including a letter of intent, a site plan and supporting documentation. These materials shall be submitted to the

Community Development Department. The Community Development Director or designee shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant by electronic communication. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of a submittal shall be required per Article 3-4 of the Town Code.

1. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic communication that the application is incomplete, and specify the additional materials required to make the application complete.
2. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the following:
   a. Community Development Director; and
   b. Public Works Director; and
   c. Town Engineer; and
   d. Water Resources Manager; and
   e. Chief of Police (or designee); and
   f. Fire Chief (or designee); and
   g. Building Inspector; and
   h. Flood Control: and
   i. Yavapai county Health Department; and
   j. Any other agency or municipality that Town staff deems necessary; and
   k. Representatives from the following may be included at the discretion of the Community Development Director:
      i. School Districts; or
      ii. Arizona Public Service (APS); or
      iii. Unisource; or
      iv. Arizona Department of Transportation (ADOT); or
      v. Arizona Department of Game and Fish; or
      vi. United States Forest Service; or
      vii. Yavapai County; or
      viii. Others as determined by the Community Development Director.

3. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the proposal.
4. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

1. **A. Application: Prior to making a formal application for a Conditional Use Permit, the applicant or agent shall review the proposal with the Community Development Director. Application for a Conditional Use Permit shall be made by the property owner or the authorized agent, on a form available from the Town's Community Development Department.**
**Application Sshall Iinclude.:** A letter of intent, a site plan, supporting documentation,, a list of the names and addresses of all property owners within two hundred (200) feet of the proposed conditional use and a a non-refundable application fee. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-5 of the Town Code. (Revised by Ordinance #364. Approved 8/12/14; Effective 9/12/14)

C.

1. *1. Public Hearing RRequired.:* The Town Planning Commission shall hold a public hearing on all Conditional Use Permit applications. Notice of the date, time and location place of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least 15 fifteen (15) days before the hearing in the following manner:
   1.a. a. The notice shall be published at least once in a newspaper of local circulation. A notice shall be posted on the property at a strategic location. The notice shall include: the present zoning classification, the proposed use, and the date, and time and location of the hearing.
   b. b. In proceedings involving Conditional Use Permit applications which abut other municipalities or unincorporated areas, or combinations thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental agencyunit.

2.c. TAdditionally, the Town shall notify by first class mail, those property owners of record within 300 two (200) feet of any boundary on which the proposed conditional use might occur.

3. c. In the case of Conditional Use Permits that are not initiated by the property owner, notice by first class mail shall be sent to each property owner of record, within three hundred (300) feet of the proposed conditional use.

4.d. d. Notwithstanding the notice requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.

2. 2. *Planning Commission Public Hearing and AAction.n:* After the hearing, the Planning Commission shall present a written recommendation to the Town Council. The Commission's written recommendation shall contain the reasons or finding upon which its decision is based.

2.

3. *Town 3. Council Public Hearing and AAction.:* If the Planning Commission has held a public hearing, Tthe Town Council may adopt, deny or modify the decision of the Planning Ccommission with or without holding a second public hearing. Whichever route is taken, However, if a protest to the decision is submitted in writing within fifteen (15) days after Commission action, the Town Council shall hold a second public hearing. nNotice of the time, and place, and location of the meetinghearing shall be given in the same manner specified above.

3.

4. Protest Provision: If the owners of twenty percent (20%) or more of the lots within two hundred (200) feet of the proposed Conditional Use Permit, file a written protest against a Conditional Use Permit application, it shall not become effective except by the favorable vote of three-fourths of all members of the Town Council able to vote. (Prior code § 5-3)

**Section 5-040Denial by the Commission**

~~If the permit request is denied by the commission, and the property owner and/or applicant desires a review before the Town Council, the property owner and/or applicant must file a written request for a review with the Town Community Development Director within fifteen (15) days after the Commission action.~~

~~When the request for the review is filed with the Community Development Director, the notice of the time and place of the hearing including a general explanation and the general location of the matter to be reconsidered, shall be given in the same manner noted in the aforementioned Section 5-030, A1. a-d. Council shall evaluate the request at the next possible meeting (after public notice requirements are satisfied), and may affirm, reverse, or modify in whole or in part, the decision of the Commission. Notice shall be given to the Planning Commission of the request for a review, and the Commission shall submit a report to the Town Council setting forth the reasons for its action taken. The Commission may be represented at the hearing by the Chairperson of the Planning Commission or their designee.~~

~~If the Town Council makes a decision to grant a previously denied permit request, the Town Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this ordinance and conformity to the Town General Plan by requiring such guarantees and evidence that such conditions are being, or will be complied with.~~

~~The Town Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the property owner and/or applicant at the address shown on the application. (Prior code § 5-4)~~

**SECTION 5-0~~4~~50 ~~—~~ REQUIRED FINDINGS**

~~1.~~ ~~A.~~ The ~~In order to make recommendations on a Conditional Use Permit, the~~ Planning Commission ~~should~~ shall make findings based on the following elements ~~(~~as they apply~~ies~~ to the~~at particular case~~case~~)~~:

~~1.~~A. ~~1.~~ **Applicable R~~R~~egulations.~~:~~** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with

the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statutes, and any ordinance or policies that may be applicable.

2.B. **2. Bulk RRegulationss.:** The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences, and parking. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.

3.C. **3. Performance: ThatPerformance.** Tthe location, design and operation characteristics of the proposed use are such that it will have minimal adverse impact on the livability, public health, safety, or welfare of, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

4.D. **4. Traffic IImpacts.:** The provisions for ingress and egress, public streets and traffic circulation are adequate, or can be upgraded through street improvements as a condition of approval.

5.E. **5. Landscaping.:** Landscaping, and/or fencing of the proposed development, assures that the site development will be compatible with adjoining areas and with the intent of Town policies.

F. **6. Nuisance.:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. TThat the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration, signage or illumination. (Prior code § 5-5)

6.

**SECTION 5-0560 Required Conditions for a Use Permitted by Conditional Use PermitCRITERIA**

1. (Revised by Ord #384; Res 1543; Adopted 5/9/17; Eff 6/9/17)

2. A. All Conditional Use Permits, including those that require that the applicant and/or developer obtain a building permit, shall meet minimum requirements of all Town ordinances, restrictions, regulations, and policies of the Town of Clarkdale which are in effect at the time of issuance of the Conditional Use Permit. Compliance with the following same is a condition of the use permit, including but are not limited to:

A. ~~1.~~ Consistency with the General Plan.

~~1.~~

B. ~~2.~~ Sanitary waste improvements.

~~2.~~

C. ~~3.~~ Street and/or sidewalk improvements.

~~3.~~

D. ~~4.~~ Fire protection measures.

~~4.~~

E. ~~5.~~ Utility service improvements.

~~5.~~

F. ~~6.~~ Amount, type and location of outdoor lighting and signage.

~~6.~~

G. ~~7.~~ Off-street parking area, aisles and access drives shall be designed and constructed so as to provide a durable, ~~dustless surface~~stabilized surface with dust control measures.

~~7.~~

H. ~~8.~~ Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the Town Engineer.

~~8.~~

I. ~~9.~~ Water service improvements.

~~9.~~

J. ~~10.~~ Hours of operation.

~~10.~~

K. ~~11.~~ Access.

~~11.~~

L. ~~12.~~ Landscaping standards.

~~12.~~

M. ~~13.~~ Compliance with applicable Federal, State and Local regulations.

~~13.~~

**~~14. Required Conditions for Agriculture Tourism, Agritourism Enterprise and Croplands Uses~~**

**~~a. A connection to Town of Clarkdale water system is required where connection is available within a reasonable distance as determined by the~~**

~~Town Manager or designated representative. If connection to the Town's water system is not available, approval of Agriculture Tourism, Agritourism Enterprise and Croplands uses irrigating with well water will be considered on a case by case basis.~~

~~b. All water connections shall be metered.~~

~~c. All Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall be set back 25 feet from adjoining property lines when abutting residentially-zoned property.~~

~~d. Drip/Micro Irrigation and on-site drainage shall incorporate Best Management Practices and not impact surrounding properties.~~

~~e. Non-chemical pest control, such as the use of beneficial predators, beneficial parasitoids and biochemical methods, is strongly encouraged.~~

~~f. A Conditional Use Permit application for Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall include the following elements:~~

~~i. A detailed site plan of the proposal showing all required setbacks, proposed and existing buildings and structures and proposed access and easements.~~

~~ii. A comprehensive low water use plan incorporating best practices.~~

~~iii. An integrated pest management (IPM) plan. All chemicals shall be contained to the property under cultivation.~~

~~iv. If fertilizer and soil amendments are proposed, a plan outlining use shall be included.~~

~~v. A dust control plan incorporating best management practices per Clarkdale Town Code shall be provided. Only non-potable water shall be used for dust control measures.~~

~~g. Approval of a Conditional Use Permit for Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall be based on consideration of the impacts to the environment and adjacent property owners.~~

~~h~~

~~All Agriculture Tourism, Agritourism Enterprise and Croplands Uses shall comply with federal regulations, Arizona State Regulations and the Arizona Department of Agriculture rules and regulations. (Prior code § 5-6)~~

**SECTION 5-0~~6~~7~~7~~0__ ~~———~~TERM~~S~~ OF A CONDITIONAL USE PERMIT**

~~A.~~ It is the intent of this section that a Conditional Use Permit, once it is granted and meets ~~all of~~all the conditions and restrictions imposed as a condition of approval, shall constitute restrictions running with the land and shall be adhered to by the owner of the land, and all successors or assigns. The use permit can be considered automatically void without Town Council action ~~unless~~ if one or more of the following actions have occurred:

~~1.~~ ~~1. If a building permit is necessary to implement the use permit, a building permit shall have been issued within one (1) year of the effective date of the use permit, and substantial construction occurred.~~I

A. ~~2. If a building permit is not necessary to i~~mplement~~ation of~~ the use permit ~~, then the actual use shall~~has *NOT* commence~~d~~ within one year~~six (6) months~~ of the effective date of the use permit.

~~2.~~

~~3.~~B. ~~3. Any use permit issued by the Town Council shall be considered null and void if~~ The project~~construction~~ does *NOT* conform to the originally approved site plan. (See Modification of a Conditional Use Permit.) ~~(Prior code § 5-7)~~

**SECTION 5-07~~8~~0 ~~REVOCATION of a Conditional Use Permit~~**

A. Use permits granted in accordance with the provision of this O~~o~~rdinance may be revoked if the conditions of operation imposed in the approval and issuance of the use permit have not~~,~~ or are not being complied with. The Community Development Director~~/Zoning Administrator~~ or designee shall notify the permittee to correct the violation within 15 ~~fifteen (15)~~ days after notification. If the violation is not remedied t~~T~~he permit shall be considered for revocation at a public hearing by the Planning Commission at their next regularly scheduled meeting.

B. Application for a Revocation shall be made on a form available from the Town's Community Development Department. Application shall include: a letter of intent, a site plan, supporting documentation, and a non-refundable application fee. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-5 of the Town Code.

1. *Public Hearing Required.* The Town Planning Commission shall hold a public hearing on the Revocation. Notice of the date, time and place of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least 15 days before the hearing in the following manner:
   a. The notice shall be published at least once in a newspaper of local circulation. A notice shall be posted on the property at a strategic location. The notice shall include the following: present zoning classification, proposed use, date, time and location of the hearing.
   b. In proceedings involving Revocations which abut other municipalities or unincorporated areas, or combinations thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit.
   c. The Town shall notify by first class mail, those property owners of record within 300 feet of any boundary on which the proposed conditional use might occur.
   d. Notwithstanding the notice requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.
2. *Planning Commission Public Hearing and Action.* After the hearing, the Planning Commission shall present a written recommendation to the Town Council. The Commission's written recommendation shall contain the reasons or finding upon which its decision is based.
3. *Town Council Action.* The Town Council may adopt, deny or modify the decision of the commission with or without holding a second public hearing. Whichever route is taken, notice of the time, place, and location of the meeting shall be given in the same manner specified above.

~~**If the Town Planning Commission finds, following the public hearing, that the original conditions of operation imposed in the approval and issuance of the permit are not being complied with, the permit can be revoked and further**~~

~~**operation of the use for which the Conditional Use Permit was approved shall constitute a violation of this code.**~~

~~**In the event that the Town Planning Commission recommends that the Conditional Use Permit be revoked, the applicant may file an appeal of the Common Council within fifteen (15) days from the date of the Town Planning Commission's public hearing on the matter. The Town Council shall hold at least one (1) public hearing on the matter. At the public hearing before the Town Council, the Town Council may either affirm the decision of the Commission upon a finding that the revocation was arbitrary and without just cause reverse the decision of the Commission. (Prior code § 5-8)**~~

**SECTION 5-0~~8~~90 ~~RENEWAL of a Conditional Use Permit~~**

~~A.~~ In the event that the use for which a Conditional Use Permit was sought is not achieved within ~~the aforementioned time frames~~one year, the permit may be renewed for an additional one ~~(1)~~ year period~~, in the case of a Conditional Use Permit that does not require a building permit, the permit may be renewed for an additional six (6) months~~. Application for renewal of any Conditional Use Permit will be contingent upon the following action occurring:

~~1.~~A. ~~1.~~ *BEFORE* the expiration date, a letter from the property owner, or designee, requesting a renewal of the Conditional Use Permit is submitted to the Community Development Director for consideration by the Planning Commission and Town ~~Common~~ Council in accordance with the procedures outlined within Section ~~5-030~~5-030.~~, A~~1. a-d~~C~~. of this Chapter~~section~~.

~~2. 2.~~ A new application fee has been paid.

B.

~~3. 3.~~ One ~~(1)~~ extension ~~of~~for no more than one ~~(1)~~ year ~~(365 days)~~ may be granted by the Town ~~Common~~ Council. ~~In the case of a Conditional Use Permit that does not require a building permit, one (1) extension for no more than six (6) months may be granted by the Common Council. (Prior code § 5-9)~~

C.

**SECTION 5-~~090~~100 ABANDONMENT ~~of a Conditional Use Permit~~**

A Conditional Use Permit shall be deemed abandoned upon the occurrence of certain events, including but not limited to: vacancy of the property for 180 consecutive days; cessation of the approved use; or any action determined by the

Town of Clarkdale to constitute voluntary discontinuance of the permit.~~The occurrence of certain events, including but not limited to a 180-day period of vacancy of the property, cessation of activity for which the Conditional Use Permit was sought, or action that the Town of Clarkdale determines as a voluntary discontinuance of the Conditional Use Permit.~~ The Conditional Use Permit shall be considered null and void without Town Council action. ~~(Prior code § 5-10)~~

**SECTION 5-10~~1~~0 ~~____~~ MODIFICATION OR EXPANSION ~~of a Conditional Use Permit~~**

A. ~~A.~~ Minor deviations of the site plan may be approved by the Community Development Director or designee. Major deviations, from the originally approved site plan, shall be subject to re-application for a Conditional Use Permit.

~~1. ____~~

~~2.~~B. ~~B.~~ Minor changes in the site plan may be approved by the Community Development~~Planning~~ Director as long as such changes will not cause any of the following circumstances to occur:

1. ~~1.~~ A change in the character of the development.
2. ~~2.~~ An increase in the number of dwelling units.
3. ~~3.~~ A change that creates an increase in vehicular traffic.
4. ~~4.~~ A change of the vehicular ingress or egress patterns.
5. ~~5.~~ Proposed reduction to any of the required setbacks.
6. ~~6.~~ Proposed increase in lot ~~% ground~~ coverage as authorized by the zoning district.
7. ~~7.~~ Any proposed increase or reduction of the required off-street parking and loading spaces.
8. ~~8.~~ Proposed change necessitates public dedication of rights-of-way either as streets, alleys, public ways, drainage or utility easements. ~~(Prior code § 5-11)~~

~~8.~~ Increase in the intensity of use.

~~9. **The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.**~~

10. Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.
11. Town Website: www.clarkdale.az.gov
12. Town Telephone: (928) 639-2400
9. Hosted by General Code.

## SECTION 5-110 APPEALS

Decisions of the Town Council are final and conclusive and are not subject to administrative appeal under this Ordinance, as they are the acting Board of Adjustment. Any person aggrieved by a final decision of the Town Council under this Ordinance may file a complaint in the Superior Court of Yavapai County, Arizona, within 30 days after the decision is rendered to seek judicial review, in accordance with A.R.S. § 9-462.06(K). The filing of a complaint does not stay proceedings on the decision unless the court grants a stay upon petition. Upon final review, the court may affirm, reverse or modify the decision, in whole or in part.

1.

# EXHIBIT E

# CHAPTER 5
## CONDITIONAL USE PERMIT

**SECTIONS:**

5-010 Purpose and Intent
5-020 Authority
5-030 Procedure
5-040 Required Findings
5-050 Criteria
5-060 Terms of a Conditional Use Permit
5-070 Revocation
5-080 Renewal
5-090 Abandonment
5-100 Modification or Expansion
5-110 Appeals

### SECTION 5-010 PURPOSE AND INTENT

The purpose of the Conditional Use Permit is to allow integration of uses into the community which may only be suitable in specific locations, or because of unusual operational or physical characteristics that require special consideration, or only if such uses are designed or developed to assure maximum compatibility with adjoining uses.

Conditions may be applied to the issuance of the permit such that the proposed land use would not be detrimental to persons residing or working in the vicinity, adjacent property, the neighborhood, or the public welfare in general. Under no circumstances shall any of the conditions of development be reduced below the minimum standards that are imposed upon any permitted land use within a given zoning district. A Conditional Use Permit may be granted only for those land uses expressly listed as such, and only after the Planning Commission has made a

recommendation, and the Town Council has authorized such use as evidenced by resolution.

## SECTION 5-020 AUTHORITY

The Clarkdale Town Council, as the Town's governing body, retains final authority to approve, deny, approve with conditions or modified conditions, all applications for a Conditional Use Permit.

## SECTION 5-030 PROCEDURE

A. **A Pre-application** meeting is mandatory. The purpose of the pre-application meeting is to:
   1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
   2. Discuss the development review process and required submissions with the applicant.
   3. Identify issues that need to be resolved in future submissions.
   4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
   5. Applicants shall provide the information as indicated in Table 1 of Chapter 11 Design Review, Section 11-030 Submission Requirements.

B. **Application.** Persons applying for a Conditional Use Permit will be required to submit a Pre-application meeting request, including a letter of intent, a site plan and supporting documentation. These materials shall be submitted to the Community Development Department. The Community Development Director or designee shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant by electronic communication. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of a submittal shall be required per Article 3-4 of the Town Code.
   1. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic

communication that the application is incomplete, and specify the additional materials required to make the application complete.

2. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the following:
    a. Community Development Director; and
    b. Public Works Director; and
    c. Town Engineer; and
    d. Water Resources Manager; and
    e. Chief of Police (or designee); and
    f. Fire Chief (or designee); and
    g. Building Inspector; and
    h. Flood Control: and
    i. Yavapai county Health Department; and
    j. Any other agency or municipality that Town staff deems necessary; and
    k. Representatives from the following may be included at the discretion of the Community Development Director:
        i. School Districts; or
        ii. Arizona Public Service (APS); or
        iii. Unisource; or
        iv. Arizona Department of Transportation (ADOT); or
        v. Arizona Department of Game and Fish; or
        vi. United States Forest Service; or
        vii. Yavapai County; or
        viii. Others as determined by the Community Development Director.
3. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the proposal.
4. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

C. **Application Shall Include.** A letter of intent, a site plan, supporting documentation, and a non-refundable application fee. A deposit toward

potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-5 of the Town Code.

1. *Public Hearing Required.* The Town Planning Commission shall hold a public hearing on all Conditional Use Permit applications. Notice of the date, time and location of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least 15 days before the hearing in the following manner:
    a. The notice shall be published at least once in a newspaper of local circulation. A notice shall be posted on the property at a strategic location. The notice shall include: present zoning classification, proposed use, date, time and location of the hearing.
    b. In proceedings involving Conditional Use Permit applications which abut other municipalities or unincorporated areas, or combinations thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental agency.
    c. The Town shall notify by first class mail, those property owners of record within 300 feet of any boundary on which the proposed conditional use might occur.
    d. Notwithstanding the notice requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.
2. *Planning Commission Public Hearing and Action.* After the hearing, the Planning Commission shall present a written recommendation to the Town Council. The Commission's written recommendation shall contain the reasons or finding upon which its decision is based.
3. *Town Council Action.* The Town Council may adopt, deny or modify the decision of the Planning Commission with or without holding a second public hearing. Whichever route is taken, notice of the time, place, and location of the meeting shall be given in the same manner specified above.

## SECTION 5-040 REQUIRED FINDINGS

The Planning Commission shall make findings based on the following elements as they apply to the case:

A. **Applicable Regulations.** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statutes, and any ordinance or policies that may be applicable.

B. **Bulk Regulations.** The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences, and parking. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.

C. **Performance.** The location, design and operation characteristics of the proposed use are such that it will have minimal adverse impact on the livability, public health, safety, or welfare of persons residing or working in the vicinity, to adjacent property, or to the public welfare.

D. **Traffic Impacts.** The provisions for ingress and egress, public streets and traffic circulation are adequate, or can be upgraded through street improvements as a condition of approval.

E. **Landscaping.** Landscaping, and/or fencing of the proposed development, assures that the site development will be compatible with adjoining areas and with the intent of Town policies.

F. **Nuisance.** The proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. The use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration, signage or illumination.

## SECTION 5-050 CRITERIA

All Conditional Use Permits, including those that require that the applicant and/or developer obtain a building permit, shall meet minimum requirements of all Town ordinances, restrictions, regulations, and policies of the Town of Clarkdale which

are in effect at the time of issuance of the Conditional Use Permit. Compliance with the following is a condition of the use permit, including but not limited to:

A. Consistency with the General Plan.
B. Sanitary waste improvements.
C. Street and/or sidewalk improvements.
D. Fire protection measures.
E. Utility service improvements.
F. Amount, type and location of outdoor lighting and signage.
G. Off-street parking area, aisles and access drives shall be designed and constructed so as to provide a durable, stabilized surface with dust control measures.
H. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the Town Engineer.
I. Water service improvements.
J. Hours of operation.
K. Access.
L. Landscaping standards.
M. Compliance with applicable Federal, State and Local regulations.

## SECTION 5-060 TERMS OF A CONDITIONAL USE PERMIT

It is the intent of this section that a Conditional Use Permit, once it is granted and meets all the conditions and restrictions imposed as a condition of approval, shall constitute restrictions running with the land and shall be adhered to by the owner of the land, and all successors or assigns. The use permit can be considered automatically void without Town Council action if one or more of the following actions have occurred:

A. Implementation of the use permit has *NOT* commenced within one year of the effective date of the use permit.
B. The project does *NOT* conform to the originally approved site plan. (See Modification of a Conditional Use Permit.)

## SECTION 5-070 REVOCATION

A. Use permits granted in accordance with the provision of this Ordinance may be revoked if the conditions of operation imposed in the approval and issuance of the use permit have not or are not being complied with. The Community Development Director or designee shall notify the permittee to correct the violation within 15 days after notification. If the violation is not remedied the permit shall be considered for revocation at a public hearing by the Planning Commission at their next regularly scheduled meeting.

B. Application for a Revocation shall be made on a form available from the Town's Community Development Department. Application shall include: a letter of intent, a site plan, supporting documentation, and a non-refundable application fee. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-5 of the Town Code.

   1. *Public Hearing Required.* The Town Planning Commission shall hold a public hearing on the Revocation. Notice of the date, time and place of the hearing, including a general explanation and the general location of the matter to be considered, shall be given at least 15 days before the hearing in the following manner:
      a. The notice shall be published at least once in a newspaper of local circulation. A notice shall be posted on the property at a strategic location. The notice shall include the following: present zoning classification, proposed use, date, time and location of the hearing.
      b. In proceedings involving Revocations which abut other municipalities or unincorporated areas, or combinations thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit.
      c. The Town shall notify by first class mail, those property owners of record within 300 feet of any boundary on which the proposed conditional use might occur.
      d. Notwithstanding the notice requirements set forth herein, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of a municipality for which notice was given.

2. *Planning Commission Public Hearing and Action.* After the hearing, the Planning Commission shall present a written recommendation to the Town Council. The Commission's written recommendation shall contain the reasons or finding upon which its decision is based.
3. *Town Council Action.* The Town Council may adopt, deny or modify the decision of the commission with or without holding a second public hearing. Whichever route is taken, notice of the time, place, and location of the meeting shall be given in the same manner specified above

## SECTION 5-080 RENEWAL

In the event that the use for which a Conditional Use Permit was sought is not achieved within one year, the permit may be renewed for an additional one year period. Application for renewal of any Conditional Use Permit will be contingent upon the following action occurring:

A. *BEFORE* the expiration date, a letter from the property owner, or designee, requesting a renewal of the Conditional Use Permit is submitted to the Community Development Director for consideration by the Planning Commission and Town Council in accordance with the procedures outlined within Section 5-030.C. of this Chapter.
B. A new application fee has been paid.
C. One extension of no more than one year may be granted by the Town Council.

## SECTION 5-090 ABANDONMENT

A Conditional Use Permit shall be deemed abandoned upon the occurrence of certain events, including but not limited to: vacancy of the property for 180 consecutive days; cessation of the approved use; or any action determined by the Town of Clarkdale to constitute voluntary discontinuance of the permit. The Conditional Use Permit shall be considered null and void without Town Council action.

## SECTION 5-100 MODIFICATION OR EXPANSION

A. Minor deviations of the site plan may be approved by the Community Development Director or designee. Major deviations, from the originally approved site plan, shall be subject to re-application for a Conditional Use Permit.
B. Minor changes in the site plan may be approved by the Community Development Director as long as such changes will not cause any of the following circumstances to occur:
    1. A change in the character of the development.
    2. An increase in the number of dwelling units.
    3. A change that creates an increase in vehicular traffic.
    4. A change of the vehicular ingress or egress patterns.
    5. Proposed reduction to any of the required setbacks.
    6. Proposed increase in lot coverage as authorized by the zoning district.
    7. Any proposed increase or reduction of the required off-street parking and loading spaces.
    8. Proposed change necessitates public dedication of rights-of-way either as streets, alleys, public ways, drainage or utility easements.
    9. Increase in the intensity of use.

## SECTION 5-110 APPEALS

Decisions of the Town Council are final and conclusive and are not subject to administrative appeal under this Ordinance, as they are the acting Board of Adjustment. Any person aggrieved by a final decision of the Town Council under this Ordinance may file a complaint in the Superior Court of Yavapai County, Arizona, within 30 days after the decision is rendered to seek judicial review, in accordance with A.R.S. § 9-462.06(K). The filing of a complaint does not stay proceedings on the decision unless the court grants a stay upon petition. Upon final review, the court may affirm, reverse or modify the decision, in whole or in part.

# EXHIBIT F

# CHAPTER 6

# ~~STANDARDS FOR PLANNED UNIT DEVELOPMENT AND~~ PLANNED AREA DEVELOPMENT (PAD)

*This ordinance is intended to replace all existing PAD and PUD provisions in the Clarkdale Zoning Code.*

**SECTIONS:**

Section 6-010 Planned Area Development (PAD) District
Section 6-020 Purpose and Intent
Section 6-030 Master Development Plan (MDP)
- Section 6-030.1 Permitted Uses and Use Framework
- Section 6-030.2 Density, Intensity, and Development Capacity
- Section 6-030.3 Development Standards Hierarchy and Modifications
- Section 6-030.4 Design Guidelines and Site Design Standards
- Section 6-030.5 Circulation, Access, and Parking
- Section 6-030.6 Open Space Standards
- Section 6-030.7 Landscape Standards
- Section 6-030.8 Utilities and Infrastructure
- Section 6-030.9 Phasing

Section 6-040 Operations, Ownership, and Maintenance
Section 6-050 Application, Review, and Approval Procedures
Section 6-060 Amendments to Approved PAD
Section 6-070 Enforcement and Compliance
Section 6-080 Severability

## SECTION 6-010 PLANNED AREA DEVELOPMENT (PAD)

The PAD District is not intended to permit development that is inconsistent with the General Plan or to be used solely as a means to increase development intensity without corresponding public benefits.

A. **Applicability.** The PAD District may be applied to any property within the Town of Clarkdale through a legislative rezoning process. PAD zoning may be appropriate for properties of any size where unified planning, mixed land uses, phased development, or alternative development standards are proposed. There shall be no minimum site area requirement for PAD zoning. The suitability of a site for PAD zoning shall be evaluated based on the proposed development concept, site characteristics, surrounding development, and consistency with the General Plan.

B. **Establishment of PAD District.** A PAD District shall be established only by ordinance adopted by the Town Council following recommendation by the Planning and Zoning Commission. The ordinance establishing the PAD shall approve a Master Development Plan that governs development of the property. Upon approval, the PAD zoning classification shall replace the underlying zoning district. All development, use of land, construction, and improvements within the PAD shall comply with the approved PAD ordinance and Master Development Plan (MDP).

C. **Relationship to Other Regulations**. Development within a PAD shall comply with all applicable Town Codes and Regulations except where alternative standards are expressly established in the approved Master Development Plan (MDP). In the event of a conflict, the PAD ordinance and Master Development Plan shall control.

Any development standard, requirement, or procedure not expressly established or modified by the approved MDP shall be governed by the applicable provisions of the Clarkdale Zoning Code, Subdivision Regulations, and other adopted Town Codes and Standards, including but not limited to landscaping, parking, signage, lighting, grading, drainage, and environmental requirements.

PAD zoning is intended to allow flexibility in development standards; however, it shall not be used to avoid the intent or purpose of this Zoning Code. Flexibility shall be granted only where the overall development, as proposed and regulated through the MDP, provides equal or greater protection of the public health, safety, and welfare and results in superior planning and design.

## SECTION 6-020 PURPOSE AND INTENT

A. **Purpose.** The Planned Area Development (PAD) District is established to provide a zoning mechanism that permits flexibility in the application of land use and development regulations where unified planning and design of a site can result in superior development outcomes. The PAD District is intended to encourage innovative site planning, coordinated infrastructure development, efficient land utilization, preservation of natural features, high-quality architectural and site design, and long-term compatibility with surrounding development and community character.

The PAD district is intended to replace rigid, conventional zoning standards with a project-specific regulatory framework governed by an approved Master Development Plan (MDP). Through the MDP, the PAD district allows flexibility in land use and development standards when such flexibility results in improved site planning, enhanced architectural and landscape design, better circulation and connectivity, meaningful open space, and equal or greater protection of the public health, safety, and welfare that would not otherwise be achievable under standard zoning districts.

B. **Intent.** It is the intent of the Town of Clarkdale that the PAD District be used to implement the goals and policies of the Clarkdale General Plan through comprehensive site planning and coordinated development. PAD zoning is intended to promote compatibility with surrounding land uses, provide flexibility in development standards, and allow for creative design solutions that respond to site constraints and community context. The purposes of the PAD district include, but are not limited to, the following:

1. Encourage innovative and creative development that responds to site conditions, topography, environmental features, and surrounding land uses through a coordinated and unified planning approach.

2. Promote high-quality site design, building design, and architectural character that enhances the visual quality of the community and reinforces Clarkdale's small-town character and historic context.
3. Allow flexibility in development standards, including land use arrangement, density, intensity, setbacks, and building placement, when such flexibility produces development that is equal to or superior to that which would be allowed under conventional zoning standards.
4. Facilitate mixed-use, integrated, and master-planned developments where residential, commercial, civic, recreational, and open space uses can be thoughtfully arranged to function as a cohesive whole.
5. Ensure compatibility and appropriate transitions between differing land uses, densities, and development intensities both within the PAD and adjacent to surrounding properties.
6. Preserve and incorporate natural features, drainageways, scenic views, and environmentally sensitive areas into development design where practicable.
7. Provide for the coordinated planning and provision of infrastructure, utilities, drainage, access, circulation, and public services in a manner that supports orderly development and minimizes adverse impacts.
8. Implement the goals, policies, and land use framework of the Clarkdale General Plan through a development-specific regulatory document that is clear, enforceable, and binding on future property owners.

## SECTION 6-030 MASTER DEVELOPMENT PLAN (MDP)

A. **Purpose and Function.** The Master Development Plan (MDP) is the primary and controlling regulatory document for a Planned Area Development. The MDP establishes the permitted land uses, development capacity, development standards, design guidelines, circulation framework, open space system, infrastructure provisions, and phasing for the PAD. Upon approval, the MDP shall supersede the conventional zoning standards otherwise applicable to the property, except where expressly stated.

B. **Requirement.** An MDP shall be required for all PAD zoning requests and shall be submitted concurrently with the rezoning application. No subdivision, site

development, building permit, or other development approval shall be issued except in conformance with an approved MDP.

C. **Level of Detail.** The MDP shall be prepared at a level of detail sufficient to allow the Town to evaluate the proposed development and to serve as a clear, enforceable, and binding regulatory document. Conceptual or illustrative plans may be included, but all standards and limitations governing development shall be clearly stated.

D. **Required MDP Components.** The MDP shall include, at a minimum, the following components:

1. *Development Narrative.* A written narrative describing the overall development concept, planning objectives, proposed land use mix, and how the PAD implements the Clarkdale General Plan.
2. *Land Use Plan.* A map identifying the location, acreage, and distribution of all proposed land uses, including residential, commercial, employment, civic, recreational, and open space areas.
3. *Use Framework.* A statement identifying permitted, conditional, and accessory uses within each area of the PAD. Uses not expressly identified shall be prohibited.
4. *Density and Intensity.* A statement of the maximum number of residential dwelling units and the maximum non-residential floor area permitted within the PAD. Residential unit counts shall be stated by housing type, where applicable.
5. *Development Standards.* Standards governing building height, setbacks, lot coverage, floor area ratio, parking, loading, and buffering. Standards may vary by area within the PAD where clearly identified.
6. *Design Guidelines.* Design standards and guidelines addressing architectural character, building massing, materials, colors, site layout, walls and fencing, lighting, signage, landscaping, and streetscape elements.
7. *Circulation Plan.* A plan identifying vehicular, pedestrian, bicycle, transit (if applicable), and emergency access, including internal circulation and connections to adjacent properties and public rights-of-way.

8. *Open Space Plan.* Identification of required and proposed open space areas, including the type, function, and minimum acreage of each open space category.
9. *Landscape Plan.* A conceptual landscape plan demonstrating compliance with Town Standards or approved alternatives, including buffering, screening, and water conservation strategies.
10. *Utilities and Infrastructure.* A plan demonstrating the availability and adequacy of water, sewer, drainage, stormwater management, solid waste, and other public services.
11. *Phasing Plan.* A description and diagram identifying the sequence, timing, and extent of development phases and the infrastructure required for each phase.
12. *Ownership and Maintenance.* A description of ownership, management, and maintenance responsibilities for common areas, private streets, utilities, and open space.

D. **Findings and Consistency.** The MDP shall demonstrate consistency with the Clarkdale General Plan and shall provide sufficient information to support findings that the PAD results in superior planning and design when compared to conventional zoning.

E. **Effect of Approval.** Approval of the PAD rezoning and MDP establishes the allowable development rights for the property. Subsequent site plans, subdivisions, and building permits shall be reviewed for consistency with the approved MDP.

F. **Recordation.** The approved MDP and any conditions of approval shall be recorded with the Yavapai County Recorder and shall run with the land.

### ***Section 6-030.1 Permitted Uses and Use Framework***

A. *Use Categories.* The MDP shall organize permitted uses by general use category, which may include residential, commercial, employment, civic, recreational, open space, and accessory uses. The MDP may further distinguish uses by sub-area, phase, or development block.

B. *Residential Uses.* Where residential uses are proposed, the MDP shall identify permitted residential use types, including but not limited to single-family detached, single-family attached, duplex, townhouse, multifamily, live-work, or other housing types. The MDP shall state the maximum number of dwelling units permitted by housing type.

C. *Non-Residential Uses.* Where non-residential uses are proposed, the MDP shall identify permitted commercial, office, employment, institutional, or civic uses and shall state the maximum non-residential development capacity, expressed as gross floor area or other measurable standard.

D. *Mixed-Use Developments.* PADs may include mixed-use development where residential and non-residential uses are integrated vertically or horizontally. The MDP shall describe the relationship between uses, access arrangements, and compatibility measures.

E. *Accessory and Temporary Uses.* Accessory and temporary uses may be permitted where expressly authorized by the MDP and shall be subordinate to the primary permitted uses. Accessory uses not identified in the MDP shall comply with applicable Clarkdale Zoning Code provisions.

F. *Prohibited Uses.* Any use not expressly identified as permitted or conditional within the approved MDP shall be prohibited.

G. *Conditional Uses.* The MDP may identify uses that require additional review or conditions prior to establishment. The MDP shall describe applicable review procedures and performance standards for such uses.

### ***Section 6-030.2 Density, Intensity, and Development Capacity***

A. *General.* Residential density and non-residential development intensity within a Planned Area Development (PAD) shall be controlled exclusively through the approved Master Development Plan (MDP). No minimum or maximum density standards established elsewhere in this Zoning Code shall apply unless expressly incorporated into the MDP.

B. *Residential Density.* Where residential development is proposed, the MDP shall establish the maximum number of dwelling units permitted within the PAD. The maximum dwelling unit count shall be stated numerically and may be allocated by housing type, development area, or phase. Residential density may vary within the PAD where clearly identified in the MDP.

C. *Non-Residential Intensity.* Where non-residential development is proposed, the MDP shall establish the maximum permitted development capacity, which may be expressed as gross floor area, floor area ratio, building square footage, or other measurable standard. Intensity may vary by use type, sub-area, or phase as identified in the MDP.

D. *Density Transfers and Flexibility.* The MDP may allow the transfer or redistribution of residential density or non-residential intensity within the PAD, provided the overall maximum development capacity established by the MDP is not exceeded and the transfer results in improved site planning, open space preservation, or design quality.

E. *Measurement and Compliance.* Density and intensity shall be measured cumulatively across the PAD and by phase, where applicable. Development approvals shall demonstrate compliance with the maximum limits established in the MDP prior to issuance of building permits.

F. *Bonus Provisions.* The MDP may provide for development bonuses or incentives, such as increased density or intensity, in exchange for identified public benefits, including but not limited to enhanced open space, public amenities, infrastructure improvements, or affordable housing, where consistent with the General Plan.

G. *Vested Rights.* Approval of a PAD and MDP shall vest development capacity only to the extent expressly stated in the MDP and subject to any phasing or timing limitations contained therein.

### ***Section 6-030.3 Development Standards Hierarchy and Modifications***

A. *Standards Hierarchy.* Development within a Planned Area Development (PAD) shall be governed by a hierarchy of standards. In the event of a conflict, the following order of precedence shall apply: (a) the approved Master Development Plan (MDP) and conditions of approval; (b) applicable development agreements, if any; (c) the Clarkdale Zoning Code; and (d) other adopted Town Codes and Standards.

B. *Modification of Standards.* The MDP may modify or establish alternative development standards, including but not limited to setbacks, building height, lot coverage, parking, loading, open space, and buffering, provided

such modifications are clearly stated and result in equal or superior development outcomes.

C. *Minimum Requirements.* Unless expressly modified by the MDP, all development within a PAD shall comply with the minimum standards of the Clarkdale Zoning Code, Subdivision Regulations, and other adopted Town Standards.

D. *Area-Specific Standards.* The MDP may establish different standards for distinct areas, blocks, or phases within the PAD, provided such standards are clearly delineated and internally consistent.

E. *Performance-Based Approach.* Development standards within a PAD may be performance-based, focusing on outcomes such as compatibility, functionality, and design quality rather than strict dimensional requirements.

F. *Administrative Interpretation.* The Community Development Director or designee may interpret the approved MDP for purposes of determining compliance, provided such interpretation does not alter permitted uses, development capacity, or substantive standards.

### ***Section 6-030.4 Design Guidelines and Site Design Standards***

A. *Purpose.* Design guidelines for a Planned Area Development (PAD) are intended to ensure high-quality, cohesive, and context-sensitive development that contributes positively to Clarkdale's character while allowing flexibility in design solutions. Design guidelines shall be adopted as part of the approved Master Development Plan (MDP).

B. *Applicability.* All development within a PAD shall comply with the design guidelines established in the approved MDP. Where design guidelines are not specified, applicable provisions of the Clarkdale Zoning Code shall apply.

C. *Architectural Design.* The MDP shall include architectural design standards addressing building form, massing, scale, roof forms, façade articulation, materials, colors, and architectural detailing. Standards shall promote visual interest, human-scale design, and compatibility with surrounding development and Clarkdale's historic context, where applicable, and as allowed under state law.

D. *Site Design.* Site design standards shall address building orientation, relationship to streets and open spaces, pedestrian connections, service and loading areas, refuse collection, and the screening of mechanical equipment.

E. *Streetscape and Public Realm.* The MDP shall establish streetscape standards for sidewalks, pedestrian amenities, street trees, lighting, street furniture, and public spaces. Streetscape design shall support walkability, safety, and visual cohesion.

F. *Walls, Fencing, and Screening.* Standards shall address the design, height, materials, and placement of walls and fencing, including required screening for service areas, parking, utilities, and mechanical equipment.

G. *Lighting and Signage.* The MDP shall include standards for site lighting and signage that promote safety and wayfinding while minimizing glare, light spillover, and visual clutter. All lighting must meet the requirements set within Clarkdale Zoning Code Chapter 8, Outdoor Lighting.

H. *Sustainability and Context.* Design guidelines may include sustainability measures such as energy efficiency, water conservation, shade structures, and heat mitigation strategies, where appropriate to the development.

### ***Section 6-030.5 Circulation, Access, and Parking***

A. *Purpose.* Circulation standards for a Planned Area Development (PAD) are intended to ensure safe, efficient, and connected movement for vehicles, pedestrians, bicyclists, and emergency services within and adjacent to the development.

B. *Circulation Plan Required.* The Master Development Plan (MDP) shall include a circulation plan identifying internal and external vehicular circulation, pedestrian and bicycle facilities, emergency access, and connections to adjacent properties and public rights-of-way.

C. *Street Design.* Streets within a PAD may be public or private and shall be designed to accommodate anticipated traffic volumes, emergency access, and pedestrian safety. Alternative street cross-sections may be approved through the MDP where demonstrated to be functional and context-appropriate.

D. *Connectivity.* The circulation system shall promote connectivity within the PAD and to surrounding development, including vehicular, pedestrian, and bicycle connections, where practicable.

E. *Emergency Access.* The circulation plan shall provide adequate emergency access in accordance with applicable fire and building codes. Coordination with the serving fire district shall be required.

F. *Parking Standards.* Parking requirements within a PAD shall be established by the MDP. Parking standards may be modified from conventional zoning requirements where supported by shared parking analysis, mixed-use design, or alternative transportation strategies.

G. *Loading and Service Areas.* The MDP shall identify the location and design of loading areas, service access, and refuse collection facilities and shall provide for appropriate screening and circulation.

H. *Traffic Studies.* Traffic impact studies may be required based on the scale, intensity, or anticipated impacts of the PAD.

### ***Section 6-030.6 Open Space Standards***

A. *Purpose.* Open space within a Planned Area Development (PAD) is intended to provide functional, accessible, and meaningful areas for recreation, environmental preservation, buffering, visual relief, and community amenities.

B. *Open Space Plan Required.* The Master Development Plan (MDP) shall include an open space plan identifying the location, acreage, and function of all proposed open space areas within the PAD.

C. *Types of Open Space.* Open space may include active recreation areas, passive open space, natural resource areas, plazas, greens, trails, landscaped common areas, and similar features. The MDP shall identify the type and intended function of each open space area.

D. *Minimum Open Space.* Minimum open space requirements shall be established by the MDP based on project scale, land use mix, and site conditions. Where not specified, applicable Clarkdale standards shall apply.

E. *Accessibility and Design.* Open space areas shall be designed to be accessible, usable, and integrated into the overall development. Open space shall be

connected through pedestrian pathways and shall provide visual and physical connections to adjacent development where feasible.

F. *Natural Features.* The MDP shall identify and incorporate existing natural features, drainageways, and environmentally sensitive areas into the open space system to the greatest extent practicable.

G. *Ownership and Maintenance.* The MDP shall identify ownership and maintenance responsibilities for all open space areas, including provisions for long-term maintenance.

### ***Section 6-030.7 Landscape Standards***

A. *Purpose.* Landscape standards within a Planned Area Development (PAD) are intended to enhance visual quality, provide buffering between uses, support water conservation, mitigate heat and glare, and contribute to the overall character of the development.

B. *Landscape Plan Required.* The Master Development Plan (MDP) shall include a conceptual landscape plan identifying landscape areas, plant types, screening, buffering, and streetscape elements. Detailed landscape plans shall be reviewed at subsequent development stages.

C. *Applicability of Town Standards.* Unless expressly modified by the MDP, landscaping within a PAD shall comply with applicable Clarkdale landscape, water conservation, and irrigation standards.

D. *Buffering and Screening.* Landscape standards shall address buffering and screening between incompatible uses, adjacent residential areas, parking areas, service areas, and public rights-of-way.

E. *Plant Selection and Water Use.* Plant materials shall be appropriate to the local climate and may include native and drought-tolerant species and shall be in compliance with Clarkdale's approved and prohibited plant lists. Landscape design shall emphasize water-efficient practices and long-term sustainability.

F. *Streetscape Landscaping.* The MDP shall identify streetscape landscaping elements, including street trees, landscape medians, pedestrian shade, and gateway features.

G. *Maintenance.* The MDP shall identify maintenance responsibilities for landscaped areas, including irrigation systems and landscape features.

## Section 6-030.8 Utilities and Infrastructure

A. *Purpose.* Utilities and infrastructure standards for a Planned Area Development (PAD) are intended to ensure that adequate public and private facilities are provided to serve the development in a manner that is coordinated, efficient, and consistent with Town Standards and long-term planning objectives.

B. *Infrastructure Plan Required.* The Master Development Plan (MDP) shall include an infrastructure plan demonstrating the availability, capacity, and adequacy of water, sewer, drainage, stormwater management, solid waste, and other required utilities and public services.

C. *Water and Wastewater.* The MDP shall demonstrate that sufficient water supply and wastewater capacity are available to serve the PAD in accordance with Town Standards and applicable state requirements. Phasing of development shall be coordinated with the provision of water and wastewater infrastructure.

D. *Drainage and Stormwater Management.* The MDP shall address drainage patterns, stormwater management, and floodplain considerations. Development shall be designed to minimize adverse drainage impacts on surrounding properties and public facilities.

E. *Phased Infrastructure.* Where development is proposed in phases, the MDP shall identify infrastructure improvements required for each phase and shall demonstrate that adequate infrastructure will be available prior to or concurrent with development.

F. *Coordination with Service Providers.* The MDP shall demonstrate coordination with applicable service providers, including fire, police, utility, and other service agencies, as required to support the proposed development.

G. *Financing and Maintenance.* The MDP shall identify responsibility for the construction, financing, and long-term maintenance of private infrastructure and facilities.

## Section 6-030.9 Phasing

A. *Purpose.* Phasing provisions for a Planned Area Development (PAD) are intended to ensure orderly development, timely provision of infrastructure

and services, and consistency with the approved Master Development Plan (MDP).

B. *Phasing Plan Required.* The MDP shall include a phasing plan identifying the sequence, timing, and geographic extent of each phase of development. The phasing plan shall be sufficiently detailed to allow the Town to evaluate infrastructure, service, and fiscal impacts.

C. *Infrastructure and Services.* Each development phase shall be supported by adequate infrastructure, utilities, and public services prior to or concurrent with development. No phase shall proceed unless required infrastructure for that phase is available.

D. *Consistency with Approved Capacity.* Development within each phase shall remain within the maximum density, intensity, and development capacity established by the MDP.

E. *Phasing Adjustments.* Minor adjustments to the approved phasing plan may be approved administratively where such adjustments do not increase overall development capacity, alter permitted uses, or create adverse impacts. Substantial changes to phasing shall require amendment of the PAD.

F. *Expiration and Timing.* The PAD approval or individual phases may be subject to time limitations as a condition of approval. Failure to commence development within the specified timeframe may result in expiration of approval for the affected phase.

## SECTION 6-040 OPERATIONS, OWNERSHIP, AND MAINTENANCE

A. **Purpose.** Operations, ownership, and maintenance provisions are intended to ensure that common areas, private infrastructure, and shared facilities within a Planned Area Development (PAD) are properly owned, operated, and maintained over the life of the development.

B. **Ownership Structure.** The Master Development Plan (MDP) shall identify the ownership structure for all land, common areas, open space, private streets, utilities, and facilities within the PAD. Ownership may include individual

ownership, homeowners' associations, property owners' associations, development entities, or other legally recognized entities.

C. **Maintenance Responsibilities.** The MDP shall clearly assign responsibility for the operation and maintenance of common areas, private streets, utilities, open space, landscaping, stormwater facilities, and other shared improvements.

D. **Town Remedies.** If required maintenance is not performed, the Town may take enforcement action as provided by the Zoning Code or other applicable law, including requiring corrective action or withholding permits.

E. **Modification of Responsibilities.** Changes to ownership or maintenance responsibilities shall require approval through the appropriate PAD amendment process.

## SECTION 6-050 APPLICATION, REVIEW, AND APPROVAL PROCEDURES

A. **Purpose.** The purpose of this Section is to establish clear procedures for the application, review, and approval of Planned Area Development (PAD) zoning and associated Master Development Plans (MDPs), ensuring transparency, consistency, and public participation.

B. **Pre-Application Conference.** A pre-application conference with Town staff shall be required prior to submission of a PAD rezoning application. The purpose of the conference is to identify applicable requirements, review the proposed development concept, and determine the scope of required submittals.

C. **Application Submittal.** A PAD application shall be submitted in accordance with Town application requirements and shall include, at a minimum, the proposed rezoning request, the Master Development Plan, supporting studies, and any additional materials required by the Town.

D. **Staff Review.** Upon submittal of a complete application, Town staff shall review the PAD application and MDP for consistency with the Clarkdale General Plan,

the Zoning Code, and applicable Town Standards. Staff may require revisions or additional information prior to scheduling public hearings.

E. **Planning and Zoning Commission Review.** The Planning and Zoning Commission shall hold a public hearing on the PAD application and shall make a recommendation to the Town Council based on the record, applicable standards, and public input. This process shall follow the procedures set forth in Chapter 13 of the Clarkdale Zoning Code.

F. **Town Council Review and Approval.** The Town Council shall hold a public hearing and may approve, approve with conditions, or deny the PAD rezoning and MDP. Approval shall be by ordinance and may include conditions necessary to ensure compliance with adopted policies and standards. This process shall follow the procedures set forth in Chapter 13 of the Clarkdale Zoning Code.

G. **Findings.** In approving a PAD, the Town Council shall make findings that the PAD is consistent with the General Plan, provides superior planning and design, and protects the public health, safety, and welfare.

## SECTION 6-060 AMENDMENTS TO APPROVED PAD

A. **Purpose.** This Section establishes procedures for amendments to an approved Planned Area Development (PAD) and Master Development Plan (MDP), distinguishing between minor and major amendments to provide flexibility while preserving the integrity of the approved development framework.

B. **Minor Amendments.** Minor amendments may be approved administratively by the Community Development Director or designee and shall include changes that do not increase overall development capacity, alter permitted uses, materially change development standards, or create additional impacts. Minor amendments may include adjustments to internal circulation, site layout, or phasing that remain consistent with the intent of the approved PAD.

C. **Major Amendments.** Major amendments shall require the same review and approval process as the original PAD rezoning. Major amendments include, but are not limited to, increases in development capacity, changes to permitted uses, substantial modifications to development standards or design guidelines, or changes that result in new or increased impacts. Major amendment criteria includes but is not limited to:

1. An increase in the total number of dwelling units of more than 5% above the original approval;
2. An increase in the gross leasable square feet within a PAD of more than 10% above the original approval;
3. Any reconfiguration of land use classifications or parcel sizes that increases or decreases by more than 20%; and
4. Any change that could have a significant impact on areas adjoining the PAD, including significant traffic impact.

E. **Determination of Amendment Type.** The Community Development Director or designee shall determine whether a proposed amendment is minor or major based on the criteria established in this Ordinance. Such determination may be appealed in accordance with this Zoning Code.

F. **Cumulative Amendments.** The cumulative effect of multiple minor amendments shall be considered in determining whether a major amendment process is required. Minor amendments may not be “stacked” to avoid major amendment requirements.

G. **Amendment Documentation.** Approved amendments shall be documented and incorporated into the official PAD and MDP records.

## SECTION 6-070 ENFORCEMENT AND COMPLIANCE

A. **Compliance Required.** All development, use of land, construction activity, and operation within a Planned Area Development (PAD) shall comply with the approved PAD zoning, Master Development Plan (MDP), and any conditions of approval.

B. **Enforcement Authority.** The Town may enforce the provisions of the PAD, MDP, and this Zoning Code through any lawful means, including but not limited to withholding permits, issuing notices of violation, or pursuing civil or criminal remedies as authorized by law.

C. **Permit Issuance.** No building permit, grading permit, certificate of occupancy, or other development approval shall be issued unless the proposed development is in compliance with the approved PAD and MDP.

D. **Remedies Not Exclusive.** The remedies provided herein are cumulative and not exclusive. The Town may pursue one or more remedies simultaneously or consecutively.

## SECTION 6-080 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

~~Articles:~~

~~**6-010 Standards for Planned Unit Development**~~

~~**6-020 Standards for Planned Area Development**~~

~~**Section 6-010 Standards for Planned Unit Development**~~

~~A. In the event a proposal is made to develop a parcel of land for residential, commercial or industrial purposes and in addition to the subdivision of the land, to construct all building, install all walks, drives, and planting and to offer for sale or lease elements of a project complete in every respect, the plans for such project need not conform to the lot and yard requirements. Plans to be approved under this Section must show:~~

~~1. Tentative subdivision plat;~~

~~2. Precise location and typical elevations of all proposed buildings & structures;~~

~~3. Existing and proposed grades and contours;~~

4. All walls and fences, all walks, drives, roadways, parking areas, and pavement of any kind;

5. Complete planting and irrigation plans;

6. Abstract of Covenants, Conditions and Restrictions (CC&R's);

7. Abstract of documents pertaining to formation of owners association or similar group, if any;

8. Financial ability to complete or security;

9. Provisions to guarantee continual permanent maintenance of joint open areas; private street, walkways, service areas and parks of the project. (Prior code § 6-1)

**Section 6-020 Standards for Planned Area Development**

A. A Planned Area Development (PAD) is intended to:

1. Provide for various types and combinations of land uses (such as commercial centers, single and multi-family housing, industrial complexes, and public spaces) through the adoption of preliminary and final development plans;

2. To establish planning and development control parameters while allowing sufficient flexibility to permit final detailed planning at the time of actual development, and to permit flexibility in land use, site design, placement of buildings, use of open spaces, and other development features;

3. To encourage and permit unified planning to achieve a compatible mixture and variety of land uses within the PAD and with the existing and anticipated development in the surrounding area;

4. To accomplish the purpose of zoning and other regulations to an equivalent or higher degree than where such regulations are designed to control development on individual lots; and

5. To promote economical and efficient land use, & improved level of amenities, appropriate and harmonious variety, creative design, and a better environment.

B. A PAD may be established where tracts suitable in location, area, and character for the uses and structures proposed will be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined with reference to the General Plan, and to the existing and prospective character of surrounding development.

1. *Scope.*

a. The development of a PAD may proceed by increments to be called "development units."

b. The PAD is intended to replace traditional rigid zoning regulations with development standards suited to the individual development. The permitted uses allowed, the yard, height, area requirements, and other requirements within the district shall be those approved in the preliminary and final development plans. In cases where requirements are not specified in the development plans, the requirements of the equivalent zoning district shall apply. PAD regulations shall apply generally to the initiation and regulations of all PAD Districts. Where there are conflicts between special PAD regulations, these PAD regulations shall apply in the PAD unless the Commission or Town Council shall find in the particular case, at the time of re- zoning applications, that the provisions herein do not serve the public to a degree at least equivalent to such general zoning, or other regulations.

c. Where actions, designs or solutions are not literally in accord with applicable PAD or general regulations, but the Commission makes a finding in the particular case that the public is served to an equivalent or greater degree, the Commission may recommend specific modifications of the regulations.

2. *Planned Area Development Defined.* For the purpose of this Ordinance, a Planned Area Development shall:

a. Be a single development operation or a definitely programmed series of development operations.

b. Be for principal and accessory structures and uses substantially related to the character and purposes of the district.

c. Be developed according to a preliminary development plan that includes the locations of land uses, streets, utilities, and final development plans for all buildings, and other uses and improvements on the land as related to the buildings.

d. Include a program for provision, operation, and maintenance of any areas, facilities, and improvements designated for common use.

3. *Uses Permitted.* The Planned Area Development shall be used only for the following:

a. Single-family, two-family, multi-family, detached, semi-detached and attached dwellings.

b. Mobile home parks and subdivisions in accordance with the provisions of this Ordinance and any additional requirements of the Commission or Town Council may deem necessary to fulfill the intent of the requirements herein.

c. Home occupations when indicated as part of the development plan or with approval of a use permit.

d. Community facilities and public areas such as schools, parks and playgrounds.

e. Neighborhood retail uses and other non-residential uses limited to those enumerated in the C and CB Districts may be specifically and selectively authorized as to type and size only when integrated by design as an essential element of the development, and only in areas proposed for said uses as approved in the preliminary development plan.

f. Industrial uses in accordance with the provisions of the Industrial District.

g. Accessory uses and structures; such uses and structures may be located in the front one-half (½) of a lot, provided they are not nearer the front lot line than the main building or buildings.

h. *Public Utility Installations.*

i. Signs when submitted as part of the development plan or within the following general sign provisions.

4. *Lot and Yard Requirements.*

a. The yard requirements for a PAD shall be those approved in the preliminary development plan. In cases where yard requirements are not specified in the development plan, the yard requirements of the equivalent zoning district shall apply.

b. The average overall density of residential areas in the PAD shall not exceed that indicated by the Density Chart for PADS. Open spaces and recreational areas within the PAD may be included in land totals to calculate the average overall density. The Density for PADS shall be set forth below:

**Table 3 - Density Chart**

| District_Units per Acre | |
|---|---|
| PAD - 1 | 0.75 |
| PAD - 2 | 1.00 |
| PAD - 3 | 1.35 |
| PAD - 4 | 1.75 |

| District_Units per Acre | |
|---|---|
| PAD - 5 | 2.20 |
| PAD - 6 | 2.75 |
| PAD - 7 | 3.50 |
| PAD - 8 | 4.75 |
| PAD - 9 | 6.00 |
| PAD-10 | 8.00 |
| PAD-11 | 10.00 |
| PAD-12 | 12.00 |

c. Buildings located on sloping lots are permitted an extra story on the downhill side, provided the height does not exceed the maximum height in feet allowed.
d. Non-residential buildings and structures exceeding fifteen (15) feet in height shall be set back from the side and rear boundaries, if adjoining residentially zoned property, a distance equal to the required yard setback plus one (1) additional foot for each foot of height above (15) feet, except where specific setbacks are approved in the preliminary development plan.
e. Zero lot line setbacks may be allowed under the following circumstances;
1. The lot adjacent to the zero (0) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).
2. The setback on the adjacent lot must be either zero (0) feet or greater than ten (10) feet.
3. The opposite side yard of no less than ten (10) feet must be kept perpetually free of permanent obstructions (such as a storage shed or fence without a gate).
4. Similar zero (0) lot line exceptions can be made for the rear yard, but not for both the side and rear yards of the same lot.
5. In considering a proposed PAD, the Commission and/or Town Council may approve modifications of these requirements.

Justification for such modification shall be supplied by the applicant in written form as part of the hearing application procedure.

5. *Other Requirements.* The Commission and/or Town Council shall insure that the public welfare and safety is preserved, and that provision is made for harmonious and appropriate development of the land by requiring as needed:

a. Declaration of public use space for parks, schools, recreation areas, etc.

b. Coordination of street layout with existing or planned streets.

c. Preservation of natural features, such as trees, hilltops, water courses, and archaeological sites.

d. Architectural plans of building design in addition to a final development plan for the PAD.

e. Proof of adequate sanitary sewage and water system.

f. Adequate fire protection.

g. Schedule of plan implementation.

h. Additional issues of public interest.

6. *Amendments.* The following procedure shall be followed for any amendment to a PAD including amendments to the development phasing schedule.

a. *Major Amendments.*

1. A PAD applicant or his successors in interest may file a request for a major amendment with the Community Development Department.

2. The change will be deemed major if it involves any one of the following:

I. An increase in the approved totals of dwelling units or gross leaseable area for the PAD.

II. A significant change in land use boundaries from those approved for the PAD as determined by the Community Development Director.

III. Any change which could have significant impact on areas adjoining the PAD as determined by the Community Development Director.

IV. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD as determined by the Community Development Director.

3. The Community Development Department will bring the major amendment before the Planning Commission and Town Council and will submit background material and recommendations.

b. *Minor Amendments.*

1. A PAD applicant or his successors in interest may file a request for a minor amendment with the Community Development Department.
2. The request will be routed for comment to any affected Town departments or other agencies for comment.
3. Upon receipt of comments, the Community Development Director will determine whether the requested change is minor or major.
4. If the requested change is determined to be minor, an amended plan shall be submitted for public record.

c. *Interpretations.* In the event that it becomes necessary to interpret stipulations within the PAD, the Board of Adjustment shall hold a hearing and make such interpretations.

7. *Application & Development Plan.*

a. *Application.* An application to establish a PAD shall be submitted and processed in the same manner as that for re-zoning amendments. Every application shall be accompanied by a fee as required, except when filed by the Commission.

An application to establish a PAD shall be filed by either:

1. The owner or owners having title to all of the property in the area proposed for the PAD.
2. The Clarkdale Planning Commission

b. *Development Plans Required.*

1. *Preliminary Development Plan.* An application for a PAD shall be accompanied by a preliminary development plan including the following information:

I. A legal description of the parcel;

II. An area map showing existing zoning & land uses surrounding the site;

III. The location and type of land uses, and their area in acres; The proposed residential density of each residential area, and a calculation of the average overall density;

IV. The proposed intensity (in floor area ratio or square footage) for non-residential uses;

V. The proposed site development standards for each area of use;

VI. The proposed circulation system;

VII. The proposed methods for water, sewer and drainage; and

VIII. The proposed phasing plan, indicating development units if appropriate.

2. *Final Development Plan.* Prior to development, a final development plan must be approved by the Town Council. The final development plan (s) shall adhere to the development standards approved under the preliminary development plan, and shall conform to the requirements and format of a preliminary subdivision plat, as delineated in the Subdivision Regulations for the Town of Clarkdale.

If a PAD is to be developed in phases or "development units," a final development plan shall be required for each unit, and separate hearings shall be held to review each final development plan. An approved final development plan shall be binding upon applicants and their successors or assignees. No building permit shall be issued for any building, structures, or use not in accord with the final development plan, except that temporary construction facilities shall be permitted.

8. *Enforceability.*

a. The PAD Program shall continue to be implemented and maintained for the total acreage of the PAD, even though ownership may subsequently be transferred in whole or in part:

i. It is the responsibility of the owner to notify all prospective purchasers of all or part of the property within the district of the existence of the PAD and the PAD Program contained therein.

ii. Conformance with the PAD shall be enforced by recordations of the appropriate deed restrictions for each parcel of property within the district, prior to the issuance of building permits, for each development unit.

iii. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district

b. At such time that the Planning Commission shall determine that the applicant is not proceeding to develop in accordance with the PAD Program, it shall notify the applicant in writing of such deficiency and shall, simultaneously, notice a hearing to determine the cause of the delay.

i. The hearing shall be held within thirty (30) days of the date of the written notice and shall follow Commission procedure for hearings.

ii. The Commission may determine good cause for such deficiencies and may, in conjunction therewith, entertain an application to amend the development phasing schedule.

iii. The Commission may determine that there is not good cause for such deficiency, and in such event may impose additional restrictions on the applicant to

ensure future compliance with the PAD Program including, but not limited to, the filing of such periodic reports as the Commission shall require to enforce this provision.

c. At such time that the Commission shall determine that the current owner of any portion of the Planned Area Development District is not in compliance with a provision of the PAD Program or the public dedication or improvement schedules, no further approval of final development plans or subdivision plats shall occur for that portion. Such determination of noncompliance shall be at a public hearing. The applicant and current owner(s) shall receive written notice of hearing. (Revised by Ordinance #428 on 12/10/24; effective 1/20/25; prior code § 6-2)

**The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.**

Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.

Town Website: www.clarkdale.az.gov

Town Telephone: (928) 639-2400

Hosted by General Code.

# EXHIBIT F
# CHAPTER 6
## PLANNED AREA DEVELOPMENT (PAD)

*This ordinance is intended to replace all existing PAD and PUD provisions in the Clarkdale Zoning Code.*

**SECTIONS:**

Section 6-010 Planned Area Development (PAD) District

Section 6-020 Purpose and Intent

Section 6-030 Master Development Plan (MDP)

- Section 6-030.1 Permitted Uses and Use Framework
- Section 6-030.2 Density, Intensity, and Development Capacity
- Section 6-030.3 Development Standards Hierarchy and Modifications
- Section 6-030.4 Design Guidelines and Site Design Standards
- Section 6-030.5 Circulation, Access, and Parking
- Section 6-030.6 Open Space Standards
- Section 6-030.7 Landscape Standards
- Section 6-030.8 Utilities and Infrastructure
- Section 6-030.9 Phasing

Section 6-040 Operations, Ownership, and Maintenance

Section 6-050 Application, Review, and Approval Procedures

Section 6-060 Amendments to Approved PAD

Section 6-070 Enforcement and Compliance

Section 6-080 Severability

## SECTION 6-010 PLANNED AREA DEVELOPMENT (PAD)

The PAD District is not intended to permit development that is inconsistent with the General Plan or to be used solely as a means to increase development intensity without corresponding public benefits.

A. **Applicability.** The PAD District may be applied to any property within the Town of Clarkdale through a legislative rezoning process. PAD zoning may be appropriate for properties of any size where unified planning, mixed land uses, phased development, or alternative development standards are proposed. There shall be no minimum site area requirement for PAD zoning. The suitability of a site for PAD zoning shall be evaluated based on the proposed development concept, site characteristics, surrounding development, and consistency with the General Plan.

B. **Establishment of PAD District.** A PAD District shall be established only by ordinance adopted by the Town Council following recommendation by the Planning and Zoning Commission. The ordinance establishing the PAD shall approve a Master Development Plan that governs development of the property.

   Upon approval, the PAD zoning classification shall replace the underlying zoning district. All development, use of land, construction, and improvements within the PAD shall comply with the approved PAD ordinance and Master Development Plan (MDP).

C. **Relationship to Other Regulations**. Development within a PAD shall comply with all applicable Town Codes and Regulations except where alternative standards are expressly established in the approved Master Development Plan (MDP). In the event of a conflict, the PAD ordinance and Master Development Plan shall control.

   Any development standard, requirement, or procedure not expressly established or modified by the approved MDP shall be governed by the applicable provisions of the Clarkdale Zoning Code, Subdivision Regulations, and other adopted Town Codes and Standards, including but not limited to landscaping, parking, signage, lighting, grading, drainage, and environmental requirements.

PAD zoning is intended to allow flexibility in development standards; however, it shall not be used to avoid the intent or purpose of this Zoning Code. Flexibility shall be granted only where the overall development, as proposed and regulated through the MDP, provides equal or greater protection of the public health, safety, and welfare and results in superior planning and design.

## SECTION 6-020 PURPOSE AND INTENT

A. **Purpose.** The Planned Area Development (PAD) District is established to provide a zoning mechanism that permits flexibility in the application of land use and development regulations where unified planning and design of a site can result in superior development outcomes. The PAD District is intended to encourage innovative site planning, coordinated infrastructure development, efficient land utilization, preservation of natural features, high-quality architectural and site design, and long-term compatibility with surrounding development and community character.

   The PAD district is intended to replace rigid, conventional zoning standards with a project-specific regulatory framework governed by an approved Master Development Plan (MDP). Through the MDP, the PAD district allows flexibility in land use and development standards when such flexibility results in improved site planning, enhanced architectural and landscape design, better circulation and connectivity, meaningful open space, and equal or greater protection of the public health, safety, and welfare that would not otherwise be achievable under standard zoning districts.

B. **Intent.** It is the intent of the Town of Clarkdale that the PAD District be used to implement the goals and policies of the Clarkdale General Plan through comprehensive site planning and coordinated development. PAD zoning is intended to promote compatibility with surrounding land uses, provide flexibility in development standards, and allow for creative design solutions that respond to site constraints and community context. The purposes of the PAD district include, but are not limited to, the following:

1. Encourage innovative and creative development that responds to site conditions, topography, environmental features, and surrounding land uses through a coordinated and unified planning approach.
2. Promote high-quality site design, building design, and architectural character that enhances the visual quality of the community and reinforces Clarkdale's small-town character and historic context.
3. Allow flexibility in development standards, including land use arrangement, density, intensity, setbacks, and building placement, when such flexibility produces development that is equal to or superior to that which would be allowed under conventional zoning standards.
4. Facilitate mixed-use, integrated, and master-planned developments where residential, commercial, civic, recreational, and open space uses can be thoughtfully arranged to function as a cohesive whole.
5. Ensure compatibility and appropriate transitions between differing land uses, densities, and development intensities both within the PAD and adjacent to surrounding properties.
6. Preserve and incorporate natural features, drainageways, scenic views, and environmentally sensitive areas into development design where practicable.
7. Provide for the coordinated planning and provision of infrastructure, utilities, drainage, access, circulation, and public services in a manner that supports orderly development and minimizes adverse impacts.
8. Implement the goals, policies, and land use framework of the Clarkdale General Plan through a development-specific regulatory document that is clear, enforceable, and binding on future property owners.

## SECTION 6-030 MASTER DEVELOPMENT PLAN (MDP)

A. **Purpose and Function.** The Master Development Plan (MDP) is the primary and controlling regulatory document for a Planned Area Development. The MDP establishes the permitted land uses, development capacity, development standards, design guidelines, circulation framework, open space system, infrastructure provisions, and phasing for the PAD. Upon approval, the MDP

shall supersede the conventional zoning standards otherwise applicable to the property, except where expressly stated.

B. **Requirement.** An MDP shall be required for all PAD zoning requests and shall be submitted concurrently with the rezoning application. No subdivision, site development, building permit, or other development approval shall be issued except in conformance with an approved MDP.

C. **Level of Detail.** The MDP shall be prepared at a level of detail sufficient to allow the Town to evaluate the proposed development and to serve as a clear, enforceable, and binding regulatory document. Conceptual or illustrative plans may be included, but all standards and limitations governing development shall be clearly stated.

D. **Required MDP Components.** The MDP shall include, at a minimum, the following components:

1. *Development Narrative.* A written narrative describing the overall development concept, planning objectives, proposed land use mix, and how the PAD implements the Clarkdale General Plan.
2. *Land Use Plan.* A map identifying the location, acreage, and distribution of all proposed land uses, including residential, commercial, employment, civic, recreational, and open space areas.
3. *Use Framework.* A statement identifying permitted, conditional, and accessory uses within each area of the PAD. Uses not expressly identified shall be prohibited.
4. *Density and Intensity.* A statement of the maximum number of residential dwelling units and the maximum non-residential floor area permitted within the PAD. Residential unit counts shall be stated by housing type, where applicable.
5. *Development Standards.* Standards governing building height, setbacks, lot coverage, floor area ratio, parking, loading, and buffering. Standards may vary by area within the PAD where clearly identified.

6. *Design Guidelines.* Design standards and guidelines addressing architectural character, building massing, materials, colors, site layout, walls and fencing, lighting, signage, landscaping, and streetscape elements.
7. *Circulation Plan.* A plan identifying vehicular, pedestrian, bicycle, transit (if applicable), and emergency access, including internal circulation and connections to adjacent properties and public rights-of-way.
8. *Open Space Plan.* Identification of required and proposed open space areas, including the type, function, and minimum acreage of each open space category.
9. *Landscape Plan.* A conceptual landscape plan demonstrating compliance with Town Standards or approved alternatives, including buffering, screening, and water conservation strategies.
10. *Utilities and Infrastructure.* A plan demonstrating the availability and adequacy of water, sewer, drainage, stormwater management, solid waste, and other public services.
11. *Phasing Plan.* A description and diagram identifying the sequence, timing, and extent of development phases and the infrastructure required for each phase.
12. *Ownership and Maintenance.* A description of ownership, management, and maintenance responsibilities for common areas, private streets, utilities, and open space.

D. **Findings and Consistency.** The MDP shall demonstrate consistency with the Clarkdale General Plan and shall provide sufficient information to support findings that the PAD results in superior planning and design when compared to conventional zoning.

E. **Effect of Approval.** Approval of the PAD rezoning and MDP establishes the allowable development rights for the property. Subsequent site plans, subdivisions, and building permits shall be reviewed for consistency with the approved MDP.

F. **Recordation.** The approved MDP and any conditions of approval shall be recorded with the Yavapai County Recorder and shall run with the land.

### *Section 6-030.1 Permitted Uses and Use Framework*

A. *Use Categories.* The MDP shall organize permitted uses by general use category, which may include residential, commercial, employment, civic, recreational, open space, and accessory uses. The MDP may further distinguish uses by sub-area, phase, or development block.

B. *Residential Uses.* Where residential uses are proposed, the MDP shall identify permitted residential use types, including but not limited to single-family detached, single-family attached, duplex, townhouse, multifamily, live-work, or other housing types. The MDP shall state the maximum number of dwelling units permitted by housing type.

C. *Non-Residential Uses.* Where non-residential uses are proposed, the MDP shall identify permitted commercial, office, employment, institutional, or civic uses and shall state the maximum non-residential development capacity, expressed as gross floor area or other measurable standard.

D. *Mixed-Use Developments.* PADs may include mixed-use development where residential and non-residential uses are integrated vertically or horizontally. The MDP shall describe the relationship between uses, access arrangements, and compatibility measures.

E. *Accessory and Temporary Uses.* Accessory and temporary uses may be permitted where expressly authorized by the MDP and shall be subordinate to the primary permitted uses. Accessory uses not identified in the MDP shall comply with applicable Clarkdale Zoning Code provisions.

F. *Prohibited Uses.* Any use not expressly identified as permitted or conditional within the approved MDP shall be prohibited.

G. *Conditional Uses.* The MDP may identify uses that require additional review or conditions prior to establishment. The MDP shall describe applicable review procedures and performance standards for such uses.

### *Section 6-030.2 Density, Intensity, and Development Capacity*

A. *General.* Residential density and non-residential development intensity within a Planned Area Development (PAD) shall be controlled exclusively through

the approved Master Development Plan (MDP). No minimum or maximum density standards established elsewhere in this Zoning Code shall apply unless expressly incorporated into the MDP.

B. *Residential Density.* Where residential development is proposed, the MDP shall establish the maximum number of dwelling units permitted within the PAD. The maximum dwelling unit count shall be stated numerically and may be allocated by housing type, development area, or phase. Residential density may vary within the PAD where clearly identified in the MDP.

C. *Non-Residential Intensity.* Where non-residential development is proposed, the MDP shall establish the maximum permitted development capacity, which may be expressed as gross floor area, floor area ratio, building square footage, or other measurable standard. Intensity may vary by use type, sub-area, or phase as identified in the MDP.

D. *Density Transfers and Flexibility.* The MDP may allow the transfer or redistribution of residential density or non-residential intensity within the PAD, provided the overall maximum development capacity established by the MDP is not exceeded and the transfer results in improved site planning, open space preservation, or design quality.

E. *Measurement and Compliance.* Density and intensity shall be measured cumulatively across the PAD and by phase, where applicable. Development approvals shall demonstrate compliance with the maximum limits established in the MDP prior to issuance of building permits.

F. *Bonus Provisions.* The MDP may provide for development bonuses or incentives, such as increased density or intensity, in exchange for identified public benefits, including but not limited to enhanced open space, public amenities, infrastructure improvements, or affordable housing, where consistent with the General Plan.

G. *Vested Rights.* Approval of a PAD and MDP shall vest development capacity only to the extent expressly stated in the MDP and subject to any phasing or timing limitations contained therein.

### *Section 6-030.3 Development Standards Hierarchy and Modifications*

A. *Standards Hierarchy.* Development within a Planned Area Development (PAD) shall be governed by a hierarchy of standards. In the event of a conflict, the following order of precedence shall apply: (a) the approved Master Development Plan (MDP) and conditions of approval; (b) applicable development agreements, if any; (c) the Clarkdale Zoning Code; and (d) other adopted Town Codes and Standards.

B. *Modification of Standards.* The MDP may modify or establish alternative development standards, including but not limited to setbacks, building height, lot coverage, parking, loading, open space, and buffering, provided such modifications are clearly stated and result in equal or superior development outcomes.

C. *Minimum Requirements.* Unless expressly modified by the MDP, all development within a PAD shall comply with the minimum standards of the Clarkdale Zoning Code, Subdivision Regulations, and other adopted Town Standards.

D. *Area-Specific Standards.* The MDP may establish different standards for distinct areas, blocks, or phases within the PAD, provided such standards are clearly delineated and internally consistent.

E. *Performance-Based Approach.* Development standards within a PAD may be performance-based, focusing on outcomes such as compatibility, functionality, and design quality rather than strict dimensional requirements.

F. *Administrative Interpretation.* The Community Development Director or designee may interpret the approved MDP for purposes of determining compliance, provided such interpretation does not alter permitted uses, development capacity, or substantive standards.

### *Section 6-030.4 Design Guidelines and Site Design Standards*

A. *Purpose.* Design guidelines for a Planned Area Development (PAD) are intended to ensure high-quality, cohesive, and context-sensitive development that contributes positively to Clarkdale's character while allowing flexibility in design solutions. Design guidelines shall be adopted as part of the approved Master Development Plan (MDP).

B. *Applicability.* All development within a PAD shall comply with the design guidelines established in the approved MDP. Where design guidelines are not specified, applicable provisions of the Clarkdale Zoning Code shall apply.

C. *Architectural Design.* The MDP shall include architectural design standards addressing building form, massing, scale, roof forms, façade articulation, materials, colors, and architectural detailing. Standards shall promote visual interest, human-scale design, and compatibility with surrounding development and Clarkdale's historic context, where applicable, and as allowed under state law.

D. *Site Design.* Site design standards shall address building orientation, relationship to streets and open spaces, pedestrian connections, service and loading areas, refuse collection, and the screening of mechanical equipment.

E. *Streetscape and Public Realm.* The MDP shall establish streetscape standards for sidewalks, pedestrian amenities, street trees, lighting, street furniture, and public spaces. Streetscape design shall support walkability, safety, and visual cohesion.

F. *Walls, Fencing, and Screening.* Standards shall address the design, height, materials, and placement of walls and fencing, including required screening for service areas, parking, utilities, and mechanical equipment.

G. *Lighting and Signage.* The MDP shall include standards for site lighting and signage that promote safety and wayfinding while minimizing glare, light spillover, and visual clutter. All lighting must meet the requirements set within Clarkdale Zoning Code Chapter 8, Outdoor Lighting.

H. *Sustainability and Context.* Design guidelines may include sustainability measures such as energy efficiency, water conservation, shade structures, and heat mitigation strategies, where appropriate to the development.

### *Section 6-030.5 Circulation, Access, and Parking*

A. *Purpose.* Circulation standards for a Planned Area Development (PAD) are intended to ensure safe, efficient, and connected movement for vehicles,

pedestrians, bicyclists, and emergency services within and adjacent to the development.

B. *Circulation Plan Required.* The Master Development Plan (MDP) shall include a circulation plan identifying internal and external vehicular circulation, pedestrian and bicycle facilities, emergency access, and connections to adjacent properties and public rights-of-way.

C. *Street Design.* Streets within a PAD may be public or private and shall be designed to accommodate anticipated traffic volumes, emergency access, and pedestrian safety. Alternative street cross-sections may be approved through the MDP where demonstrated to be functional and context-appropriate.

D. *Connectivity.* The circulation system shall promote connectivity within the PAD and to surrounding development, including vehicular, pedestrian, and bicycle connections, where practicable.

E. *Emergency Access.* The circulation plan shall provide adequate emergency access in accordance with applicable fire and building codes. Coordination with the serving fire district shall be required.

F. *Parking Standards.* Parking requirements within a PAD shall be established by the MDP. Parking standards may be modified from conventional zoning requirements where supported by shared parking analysis, mixed-use design, or alternative transportation strategies.

G. *Loading and Service Areas.* The MDP shall identify the location and design of loading areas, service access, and refuse collection facilities and shall provide for appropriate screening and circulation.

H. *Traffic Studies.* Traffic impact studies may be required based on the scale, intensity, or anticipated impacts of the PAD.

### *Section 6-030.6 Open Space Standards*

A. *Purpose.* Open space within a Planned Area Development (PAD) is intended to provide functional, accessible, and meaningful areas for recreation,

environmental preservation, buffering, visual relief, and community amenities.

B. *Open Space Plan Required.* The Master Development Plan (MDP) shall include an open space plan identifying the location, acreage, and function of all proposed open space areas within the PAD.

C. *Types of Open Space.* Open space may include active recreation areas, passive open space, natural resource areas, plazas, greens, trails, landscaped common areas, and similar features. The MDP shall identify the type and intended function of each open space area.

D. *Minimum Open Space.* Minimum open space requirements shall be established by the MDP based on project scale, land use mix, and site conditions. Where not specified, applicable Clarkdale standards shall apply.

E. *Accessibility and Design.* Open space areas shall be designed to be accessible, usable, and integrated into the overall development. Open space shall be connected through pedestrian pathways and shall provide visual and physical connections to adjacent development where feasible.

F. *Natural Features.* The MDP shall identify and incorporate existing natural features, drainageways, and environmentally sensitive areas into the open space system to the greatest extent practicable.

G. *Ownership and Maintenance.* The MDP shall identify ownership and maintenance responsibilities for all open space areas, including provisions for long-term maintenance.

### *Section 6-030.7 Landscape Standards*

A. *Purpose.* Landscape standards within a Planned Area Development (PAD) are intended to enhance visual quality, provide buffering between uses, support water conservation, mitigate heat and glare, and contribute to the overall character of the development.

B. *Landscape Plan Required.* The Master Development Plan (MDP) shall include a conceptual landscape plan identifying landscape areas, plant types,

screening, buffering, and streetscape elements. Detailed landscape plans shall be reviewed at subsequent development stages.

C. *Applicability of Town Standards.* Unless expressly modified by the MDP, landscaping within a PAD shall comply with applicable Clarkdale landscape, water conservation, and irrigation standards.

D. *Buffering and Screening.* Landscape standards shall address buffering and screening between incompatible uses, adjacent residential areas, parking areas, service areas, and public rights-of-way.

E. *Plant Selection and Water Use.* Plant materials shall be appropriate to the local climate and may include native and drought-tolerant species and shall be in compliance with Clarkdale's approved and prohibited plant lists. Landscape design shall emphasize water-efficient practices and long-term sustainability.

F. *Streetscape Landscaping.* The MDP shall identify streetscape landscaping elements, including street trees, landscape medians, pedestrian shade, and gateway features.

G. *Maintenance.* The MDP shall identify maintenance responsibilities for landscaped areas, including irrigation systems and landscape features.

### *Section 6-030.8 Utilities and Infrastructure*

A. *Purpose.* Utilities and infrastructure standards for a Planned Area Development (PAD) are intended to ensure that adequate public and private facilities are provided to serve the development in a manner that is coordinated, efficient, and consistent with Town Standards and long-term planning objectives.

B. *Infrastructure Plan Required.* The Master Development Plan (MDP) shall include an infrastructure plan demonstrating the availability, capacity, and adequacy of water, sewer, drainage, stormwater management, solid waste, and other required utilities and public services.

C. *Water and Wastewater.* The MDP shall demonstrate that sufficient water supply and wastewater capacity are available to serve the PAD in accordance with Town Standards and applicable state requirements. Phasing of

development shall be coordinated with the provision of water and wastewater infrastructure.

D. *Drainage and Stormwater Management.* The MDP shall address drainage patterns, stormwater management, and floodplain considerations. Development shall be designed to minimize adverse drainage impacts on surrounding properties and public facilities.

E. *Phased Infrastructure.* Where development is proposed in phases, the MDP shall identify infrastructure improvements required for each phase and shall demonstrate that adequate infrastructure will be available prior to or concurrent with development.

F. *Coordination with Service Providers.* The MDP shall demonstrate coordination with applicable service providers, including fire, police, utility, and other service agencies, as required to support the proposed development.

G. *Financing and Maintenance.* The MDP shall identify responsibility for the construction, financing, and long-term maintenance of private infrastructure and facilities.

### *Section 6-030.9 Phasing*

A. *Purpose.* Phasing provisions for a Planned Area Development (PAD) are intended to ensure orderly development, timely provision of infrastructure and services, and consistency with the approved Master Development Plan (MDP).

B. *Phasing Plan Required.* The MDP shall include a phasing plan identifying the sequence, timing, and geographic extent of each phase of development. The phasing plan shall be sufficiently detailed to allow the Town to evaluate infrastructure, service, and fiscal impacts.

C. *Infrastructure and Services.* Each development phase shall be supported by adequate infrastructure, utilities, and public services prior to or concurrent with development. No phase shall proceed unless required infrastructure for that phase is available.

D. *Consistency with Approved Capacity.* Development within each phase shall remain within the maximum density, intensity, and development capacity established by the MDP.

E. *Phasing Adjustments.* Minor adjustments to the approved phasing plan may be approved administratively where such adjustments do not increase overall development capacity, alter permitted uses, or create adverse impacts. Substantial changes to phasing shall require amendment of the PAD.

F. *Expiration and Timing.* The PAD approval or individual phases may be subject to time limitations as a condition of approval. Failure to commence development within the specified timeframe may result in expiration of approval for the affected phase.

## SECTION 6-040 OPERATIONS, OWNERSHIP, AND MAINTENANCE

A. **Purpose.** Operations, ownership, and maintenance provisions are intended to ensure that common areas, private infrastructure, and shared facilities within a Planned Area Development (PAD) are properly owned, operated, and maintained over the life of the development.

B. **Ownership Structure.** The Master Development Plan (MDP) shall identify the ownership structure for all land, common areas, open space, private streets, utilities, and facilities within the PAD. Ownership may include individual ownership, homeowners' associations, property owners' associations, development entities, or other legally recognized entities.

C. **Maintenance Responsibilities.** The MDP shall clearly assign responsibility for the operation and maintenance of common areas, private streets, utilities, open space, landscaping, stormwater facilities, and other shared improvements.

D. **Town Remedies.** If required maintenance is not performed, the Town may take enforcement action as provided by the Zoning Code or other applicable law, including requiring corrective action or withholding permits.

E. **Modification of Responsibilities.** Changes to ownership or maintenance responsibilities shall require approval through the appropriate PAD amendment process.

## SECTION 6-050 APPLICATION, REVIEW, AND APPROVAL PROCEDURES

A. **Purpose.** The purpose of this Section is to establish clear procedures for the application, review, and approval of Planned Area Development (PAD) zoning and associated Master Development Plans (MDPs), ensuring transparency, consistency, and public participation.

B. **Pre-Application Conference.** A pre-application conference with Town staff shall be required prior to submission of a PAD rezoning application. The purpose of the conference is to identify applicable requirements, review the proposed development concept, and determine the scope of required submittals.

C. **Application Submittal.** A PAD application shall be submitted in accordance with Town application requirements and shall include, at a minimum, the proposed rezoning request, the Master Development Plan, supporting studies, and any additional materials required by the Town.

D. **Staff Review.** Upon submittal of a complete application, Town staff shall review the PAD application and MDP for consistency with the Clarkdale General Plan, the Zoning Code, and applicable Town Standards. Staff may require revisions or additional information prior to scheduling public hearings.

E. **Planning and Zoning Commission Review.** The Planning and Zoning Commission shall hold a public hearing on the PAD application and shall make a recommendation to the Town Council based on the record, applicable standards, and public input. This process shall follow the procedures set forth in Chapter 13 of the Clarkdale Zoning Code.

F. **Town Council Review and Approval.** The Town Council shall hold a public hearing and may approve, approve with conditions, or deny the PAD rezoning and MDP. Approval shall be by ordinance and may include conditions necessary to ensure compliance with adopted policies and standards. This process shall follow the procedures set forth in Chapter 13 of the Clarkdale Zoning Code.

G. **Findings.** In approving a PAD, the Town Council shall make findings that the PAD is consistent with the General Plan, provides superior planning and design, and protects the public health, safety, and welfare.

## SECTION 6-060 AMENDMENTS TO APPROVED PAD

A. **Purpose.** This Section establishes procedures for amendments to an approved Planned Area Development (PAD) and Master Development Plan (MDP), distinguishing between minor and major amendments to provide flexibility while preserving the integrity of the approved development framework.

B. **Minor Amendments.** Minor amendments may be approved administratively by the Community Development Director or designee and shall include changes that do not increase overall development capacity, alter permitted uses, materially change development standards, or create additional impacts. Minor amendments may include adjustments to internal circulation, site layout, or phasing that remain consistent with the intent of the approved PAD.

C. **Major Amendments.** Major amendments shall require the same review and approval process as the original PAD rezoning. Major amendments include, but are not limited to, increases in development capacity, changes to permitted uses, substantial modifications to development standards or design guidelines, or changes that result in new or increased impacts. Major amendment criteria includes but is not limited to:

1. An increase in the total number of dwelling units of more than 5% above the original approval;
2. An increase in the gross leasable square feet within a PAD of more than 10% above the original approval;
3. Any reconfiguration of land use classifications or parcel sizes that increases or decreases by more than 20%; and
4. Any change that could have a significant impact on areas adjoining the PAD, including significant traffic impact.

E. **Determination of Amendment Type.** The Community Development Director or designee shall determine whether a proposed amendment is minor or major based on the criteria established in this Ordinance. Such determination may be appealed in accordance with this Zoning Code.

F. **Cumulative Amendments.** The cumulative effect of multiple minor amendments shall be considered in determining whether a major amendment process is required. Minor amendments may not be "stacked" to avoid major amendment requirements.

G. **Amendment Documentation.** Approved amendments shall be documented and incorporated into the official PAD and MDP records.

## SECTION 6-070 ENFORCEMENT AND COMPLIANCE

A. **Compliance Required.** All development, use of land, construction activity, and operation within a Planned Area Development (PAD) shall comply with the approved PAD zoning, Master Development Plan (MDP), and any conditions of approval.

B. **Enforcement Authority.** The Town may enforce the provisions of the PAD, MDP, and this Zoning Code through any lawful means, including but not limited to withholding permits, issuing notices of violation, or pursuing civil or criminal remedies as authorized by law.

C. **Permit Issuance.** No building permit, grading permit, certificate of occupancy, or other development approval shall be issued unless the proposed development is in compliance with the approved PAD and MDP.

D. **Remedies Not Exclusive.** The remedies provided herein are cumulative and not exclusive. The Town may pursue one or more remedies simultaneously or consecutively.

## SECTION 6-080 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of the ordinance.

# EXHIBIT G

# CHAPTER 7

## SIGNAGECOMMERCIAL AND INDUSTRIAL SIGNS

**ArticlesSECTIONS:**


7-010 Purpose and Intent
7-020 General Provisions
7-030 Sign Standards
7-040 Sign Measurement, Design, and Maintenance
7-050 Sign Illumination
7-060 Signs Exempt from this Ordinance and Fees
7-070 Prohibited Signs
7-080 Non-conforming Signs
7-090 Commercial Sign Uses in Residential Zoning Districts
7-100 Permitted Permanent Signs
7-110 Temporary Signs and Banners
7-120 Maximum Sign Square Footage for Commercial Use
7-130 Visibility Sight Lines
7-140 Permitted Signs by Type and Zoning District Chart
7-150 Enforcement
7-160 Permitted Sign Table
7-170 Political Sign-Free Zone Map


(Created by Ord #348/Res #1421 on 1/22/13, Effective 2/22/13)

**SECTION 7-010 PURPOSE AND INTENT**

It is tThe purpose and intent of this title Chapter Ordinance is to regulate all exterior signs so as to protect property values, the character of various use areas of the Town and the health, safety and public welfare of the citizens of the Town. encourage the efficient and effective use of signs as a means of communication in the Town; and to minimize the negative effects of signs on nearby public and private property.

Signs shall be erected and displayed in such a manner as to avoid clutter, unwarranted distraction and visual or perceptual confusion to the detriment of the safe operation and functioning of the Town's transportation systems.
Furthermore, it is intended these regulations will not unreasonably infringe on any individual's right to communicate ideological expression through the use of signs. All signs constructed within the Town of Clarkdale shall be required to blend with the context of the Town, and shall incorporate elements reflecting the small town character, neighborhood feel and the sense of history defining the Town of Clarkdale. (Prior code § 7-1)
Regulations shall not unreasonably infringe on any individual's right to communicate ideological expression through the use of signs.

All signs constructed within the Town of Clarkdale shall be required to blend with the context of the Town, and shall incorporate elements reflecting the small-town character, neighborhood feel and the sense of history defining the Town of Clarkdale.

**SECTION 7-020 GENERAL PROVISIONS**

A. **A. Permits**Unless exempt from a permit in accordance with Section 7-060 of this Chapter, permits are required for all commercial signs. Applications shall be made to the Community Development Department on applicable forms and include information as required by the Town.:

1. Unless exempt from a permit in accordance with Section 7-160 of this Code, permits are required for all commercial signs. Applications shall be made to the Community Development Department on applicable forms and include information as required by the Town.
2. In the absence of a master sign plan, each individual sign requires a separate permit.

B. 2. PEach individual permanent signs requires a separate permit, unless a cComprehensive Signsign pPlan has been approved and is in effect.

C. B. Whenever a business, industry or service using a commercial sign is discontinued, the sign shall be removed or obscured by the person owning or having possession of the property within 30 days after the discontinuancediscontinuation of the business, industry or service.

D. C. All signs other than wall signs may be back-to-back. Only the size of one side shall count towards the cumulative maximum noted in Section 7-120 Maximum Sign Square Footage for Commercial Use of this codeChapter.

E. D. Attachment of any sign to utility poles, traffic control devices or street signs shall be prohibited. Unless specifically provided for in the Code, no sign shall project, overhang or otherwise be located on public property.

F. E. Any sign to be erected wholly or partially within state highway right-of-way shall be approved by the Arizona Department of Transportation prior to Town consideration approved and in conformance with any Intergovernmental Agreement between Town of Clarkdale and Arizona Department of Transportation (ADOT). Should no agreement exist, then the signage must be approved by ADOT.

F. Sign Measurements: The area of the sign shall be determined by measuring the total area of the sign excluding any supporting framework.
G. All commercial signs, other than temporary signs, must receive approval from the Design Review Board prior to placement.
J. A master sign package for each new commercial, multi-family and residential subdivision, including the type, number, size, locations, materials and colors of the various signs shall be approved by the Design Review Board prior to the issuance of a permit for any sign authorized under this section of the Code. (Prior code § 7-2)

G. F. Signs shall be maintained and beand free of chipping paint, visible cracks or gouges, or general deterioration.

H. G. The back of all one-sided freestanding freestanding signs must be finished with a non-reflective surface.

I. ~~H.~~ A comprehensive sign package for each new industrial, commercial, multi-family and residential subdivision, including the type, number, size, locations, and materials of the various signs shall be approved as a part of the Design Review process prior to the issuance of a permit for any sign authorized under this section of the Code.

J. ~~I.~~ All occupied premises shall have street numbers and room identification numbers for lodgings, which shall be easily viewed from adjacent public rights-of-way.

K. ~~J.~~ No sign shall be erected or maintained:

1. ~~1.~~ In a way that obstructs free and clear vision of traffic or causes a traffic hazard, or
2. ~~2.~~ At any location where, by reason of its position, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device mounted on a police or fire protection vehicle, or
3. ~~3.~~ Using the words "stop", "look", "danger", "caution", or any other word, phrase, symbol, or character in a way that interferes with, misleads, or confuses traffic that has not been installed or erected by a political subdivision of the State of Arizona.

L. ~~K.~~ No sign shall be erected, relocated, or maintained in a way that prevents free ingress to or egress from any door, window, or fire escape, nor shall any sign be attached to a standpipe or fire escape.

M. ~~L.~~ Applications that meet all requirements of this ~~Chapter~~ Ordinance shall be reviewed and approved administratively by the Community Development Director or designee. Only applications requesting deviations, variances, or unique design interpretations shall require review by the ~~Board of~~ Adjustment~~Town Council~~.

N. M. The Community Development Director or designee shall complete administrative sign reviews within 15 business days. Applicants denied administratively may appeal to the Board of Adjustment within 15 business days.

## SECTION 7-030 SIGN STANDARDSs

All Signs shall incorporate design elements consistent with the overall architectural character of buildings and other improvements on the Sign Premises.

A. All signs and supporting structures shall be designed and constructed in conformance with current Town Building and Electrical codes.

B. Any sign that is installed shall have a life expectancy of at least 10 years.

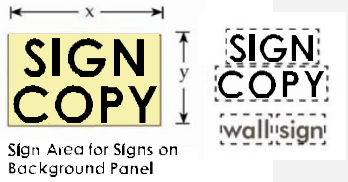
C. All temporary signs shall be constructed using suitably durable materials such as corrugated plastic, PVC board, vinyl or aluminum composite panels.

D. All signs must comply with the height, square footage and illumination standards herein.

E. Permitted signs are those identified in Section 7-140 Permitted Signs by Type and Zoning District Chart.

All signs and supporting structures shall be designed and constructed in conformance with current Town Building and Electrical codes.

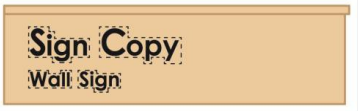
Any Sign that is installed shall have a life expectancy of at least ten years.All Temporary Signs shall be constructed using suitably durable materials.
All signs must comply with the height, square footage and illumination standards herein.Permitted signs are those identified in the Permitted Sign Table in Section 7-160.



## SECTION 7-040 SIGN MEASUREMENT, DESIGN, AND MAINTENANCE

A. **Sign Area** shall be measured as follows:

Sign copy mounted on or affixed to a background panel or area distinctively painted, textured, or constructed as a background for the sSign copy shall be measured as that area contained within the sum of the smallest rectangles that will enclose both the sSign copy and background.

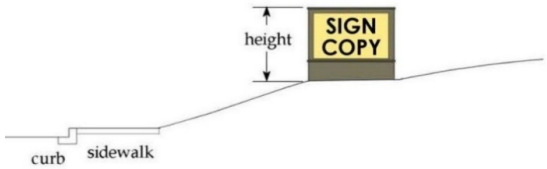



A. **Sign Ccopy** mounted on or cut from as individual letters or graphics on a wall, fascia, mansard, or parapet of a bBuilding or other sStructure that will enclose each word and each graphic in the total sSign.

B.

sign area when both faces are parallel and the greatest distance between faces does not exceed 5feet, or when the interior angle of the sign faces does not exceed 45 degrees in the case of a 'V' – configured sign. If the area of one sign face exceeds the area of the sign's opposing face, the area of the larger face shall be used to determine the sign area.

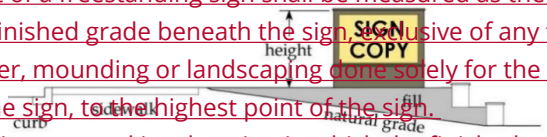
1. The area of a sign that contains three or more faces shall be calculated as 50% of the sum of the area of all faces.
2. Spherical, free-form, sculptural, or other non-planar sign area is measured as 50% of the sum of the areas using only the four vertical faces of the polyhedron that will encompass the sign structure.



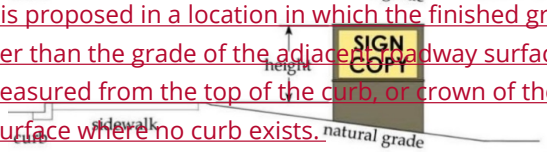

Freestanding Sign Height – Signs Higher than the Grade of an Adjacent Road

D. **Sign Height** shall be measured as follows:

1. The height of a freestanding sign shall be measured as the vertical distance from the finished grade beneath the sign, exclusive of any filing, graded earth buffer, mounding or landscaping done solely for the purpose of locating the sign, to the highest point of the sign.




2. If the sign is proposed in a location in which the finished grade beneath the sign is lower than the grade of the adjacent roadway surface, the sign height shall be measured from the top of the curb, or crown of the adjacent roadway surface where no curb exists.

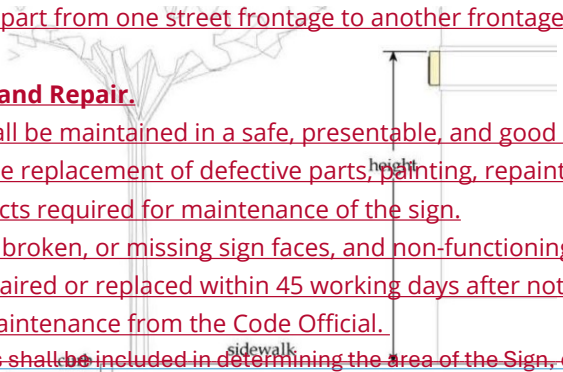



Freestanding Sign Height – Signs Lower than the Grade of an Adjacent Road

3. The height of any freestanding base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

4. Wall fascia, mansard, and parapet-mounted signs shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

5. For sign premises with more than one building frontage, the maximum number and/or area for signage is allowed for the building frontage in which the building or tenant faces. Signage allowance shall not be transferred in whole or in part from one street frontage to another frontage.




E. **Maintenance and Repair.**

1. All signs shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of the sign.
2. All cracked, broken, or missing sign faces, and non-functioning interior lamps shall be repaired or replaced within 45 working days after notification of repair or maintenance from the Code Official.

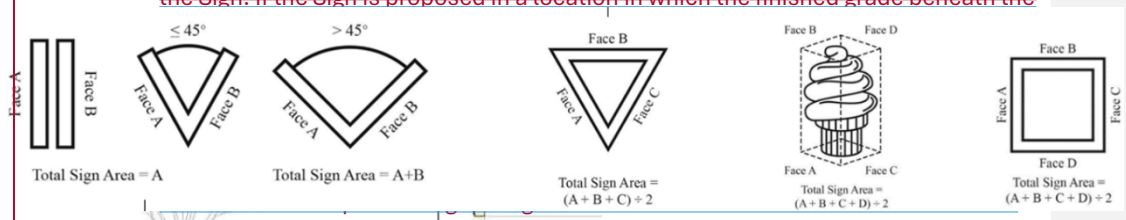
~~The area of all faces shall be included in determining the area of the Sign, except that only one face of a double-faced sign shall be considered in determining the Sign Area when both faces are parallel and the greatest distance between faces does not exceed five feet, or when the interior angle of the Sign faces does not exceed 45 degrees in the case of a 'V'-configured Sign. If the area of one Sign face exceeds the area of the Sign's opposing face, the area of the larger face shall be used to determine the Sign Area.~~

C. The area of a Sign that contains three or more faces shall be calculated as 50 percent of the sum of the area of all faces.

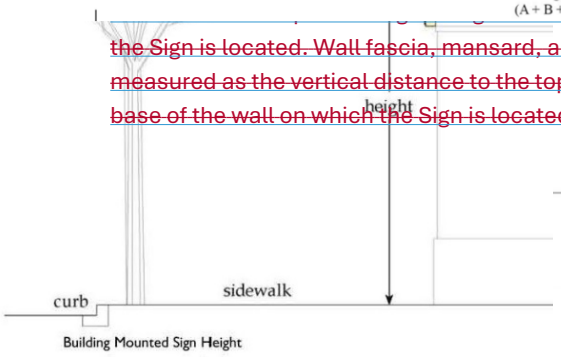
1. Spherical, free-form, sculptural, or other non-planar Sign Area is measured as 50 percent of the sum of the areas using only the four vertical faces of the smallest six-faces polyhedron that will encompass the Sign Structure.

Sign height shall be measured as follows:

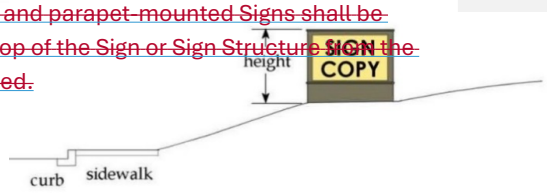
The height of a Freestanding Sign shall be measured as the vertical distance from the finished grade beneath the Sign, exclusive of any filing, berming, mounding or landscaping done solely for the purpose of locating the Sign, to the highest point of the Sign. If the Sign is proposed in a location in which the finished grade beneath the



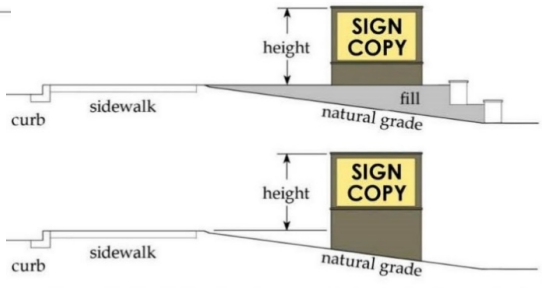

Sign is located. Wall fascia, mansard, and parapet-mounted Signs shall be measured as the vertical distance to the top of the Sign or Sign Structure to the base of the wall on which the Sign is located.



Building Mounted Sign Height



Freestanding Sign Height – Signs Higher than the Grade of an Adjacent Road



Freestanding Sign Height – Signs Lower than the Grade of an Adjacent Road

Multiple-Frontage Buildings: For Sign Premises with more than one Street frontage, the maximum number and/or area for Signage is allowed for the Street frontage in which the building or tenant faces. Signage allowance shall not be transferred in whole or in part from one Street frontage to another frontage.

Maintenance and Repair:

All signs shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of the sign.

All cracked, broken, or missing sign faces and non-functioning interior lamps shall be repaired or replaced within 45 working days after notification of repair or maintenance from the Code Official.

**SECTION 7-050 SIGN ILLUMINATION**

A. A. Exterior Illumination is not allowed within 75 feet of a residential district, except as permitted in a PUD or PAD.

B. B. All light fixtures shall be partially or fully shielded and shall be installed in a manner as defined for partially or fully or partially shielded fixtures.

C. C. Indirect lighting fixtures shall be installed so that the illuminated area is limited to the sign area, and the light must be directed downward.

D. D. Internally illuminated signs shall be constructed with an opaque background and translucent lettering or symbols, or with a colored background and lighter letters. The color of the background is not limited by this CodeOrdinance.

E. E. Illuminated signs must be extinguished by 910:01 p.m. or at the close of business, whichever is earlier later. (Prior code § 7-3)

F. F. Signs shall not be animated except as provided for in Section 7-100 Permanent Signs or have intermittent illumination or flashing lights, except emergency or warning signs installed for traffic control, including signs that draw attention to speed limits, stop signs, fire stations, school zones, and similar governmental or public uses.

**SECTION 7-060 SIGNS EXEMPT FROM THIS ORDINANCE AND FEES**

A. A. Official notices required by a court, public body or safety official.

B. B. Directional, warning or information signs authorized by federal, state or municipal agencies.

C. C. The square footage of mMemorial plaques, building identification signs and building cornerstones when made an integral part of the building or structure, will not count towards the maximum sign square footage for buildings or structures constructed prior to 2025.

D. D. Flags of a government or a non-commercial institution such as a country, state, tribal, school or fraternal organization.

E. E. Religious symbols and seasonal decorations within the appropriate public holiday season.

F. F. Ideological signs. Temporary non-commercial signs expressing personal, political, or ideological messages are allowed subject to the same time, place, and manner restrictions as other temporary signs,. set forth in this Ordinance Chapter.

G. G. Community Town of Clarkdale and public information signs. (Prior code § 7-4)

**SECTION 7-070 PROHIBITED SIGNS**

A. A. Animated signs except as provided for in Section 7-10040 Permanent Signs. 080-A

B. B. Electronic signs. B. Signs with intermittent or flashing illumination except for neon signs.

C. C. Roof signs.

D. D. Private signs in public right-of-way except political signs. See Section 7-110 Temporary Signs and Banners 080 of this CodeChapter.

E. E. Signs emitting sound.

F. F. Signs resembling traffic control devices.

G. G. Signs painted or erected on the exterior of fences, garages or roofs.

H. H. Signs obstructing clear vision in any direction from any street intersection or driveway per Section 7-130 Visibility Sight Lines. 100

I. I. Illuminated signs erected in such a location that a traffic signal is in a direct line of sight between the sign and oncoming traffic.

J. Signs employing lighting or a control mechanism which causes radio, radar or television interference.

A. J. Signs employing lighting or a control mechanism which causes radio, radar or television interference.

K. Signs obstructing any fire escape, window, door or opening used or required as a means of ingress or egress for firefighting purposes.

B. K. Signs obstructing any fire escape, window, door or opening used or required as a means of ingress or egress for firefighting purposes.

N. Signs that are unsafe, dilapidated or not in use. (Prior code § 7-5)

L. L. Any sign which is structurally unsafe or constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not conform to the design, structural, and material standards for signs as adopted by the Town.

M. M. Inflatable displays except as holiday decorations or as part of a local event on public or private property.

**SECTION 7-080 NON-CONFORMING SIGNS**

**A. Non-conforming.:**

A. 1. All non-conformingsigns that are in violation of Chapter 7 shall be brought into conformance with the provisions of this Ordinance Code, either by removal or reconstruction within 1030 thirty (30) days following receipt of official notice of a violation from the Town. Reconstruction, enlargement, relocation, extension, replacement or alteration of the structure of a nonconforming sign to any extent, except as permitted in Section 7-060-A-2 and 7-060-A-3 is not permitted unless it is brought into conformance with this Code.

A.

**B. Legally Non-conforming.:**

B. Existing signs that are in conformance with all standards in effect on the date of their installation prior to the effective date of this ordinance shall be considered legal non-conforming signs. Enlargement, relocation, extension, replacement,

or substantial alteration (greater than 50% of the area or value of the sign) shall require conformance with the current code.

1. 1. A legally nonconforming sign which is destroyed or damaged to the extent that more than 50% percent of its net worth, at the time of damage, due to natural causesshall not be reconstructed except in conformance with this CodeOrdinance.
2. 2. Any legally non-conforming sign destroyed or damaged to any extent by vandalism may be reconstructed to its original state within three3 months.
3. 3. A legally nonconforming, on-site sign shall be considered abandoned when the property upon which it is located becomes vacant or unoccupied for a period of six6 consecutive months from the date of a utility disconnect or a documented inspection of the property for which it advertises. (Prior code § 7-6)

**SECTION 7-090 COMMERCIAL SIGN USES IN RESIDENTIAL ZONING DISTRICTS**

A. **A. Bed & Breakfast.:**

1. 1. Downward directed lighting only. No internally illuminatedlit signs.
2. 2. One wall or free-standing sign per permitted Bed & Breakfast.
3. 3. Maximum total sign size of three3 square feet in single-family residential districts.
4. 4. Maximum total sign height of eight8 feet tall for wall mounted signs including base and sign in all residential districts.
5. 5. Maximum total sign height of 30 inches tall for free-standing signs.

**6. Non-Residential district:**

**a. As permitted by Section 7-090 of this Code for maximum signage square footage for commercial businesses. .**

B. **B. Home Occupation.:**

1. 1. Downward directed lighting only. No internally illuminatedlit signs.

1. 2. One wall or free-standing sign.

2.

3. Limited to name or occupation of occupant conducting a permitted home occupation.
4. Maximum total sign height of 30 inches tall for a freestanding sign.

~~A. 3. Limited to name or occupation of occupant conducting a permitted home occupation.~~

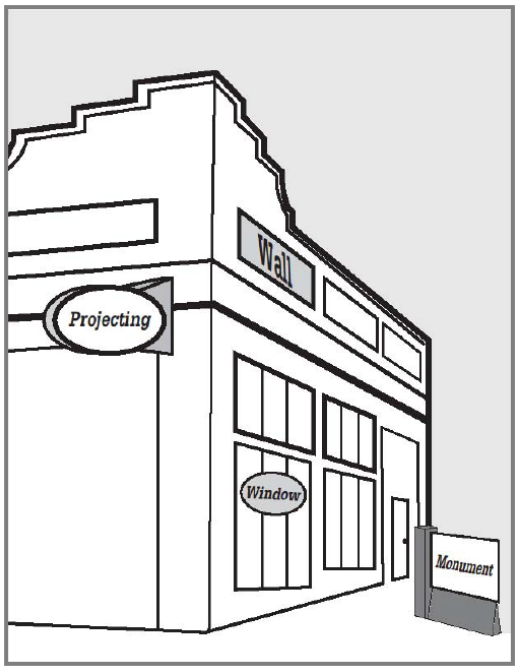
~~4. Maximum total sign height of 30 inches for a free-standing sign.5. Non-Residential district:~~

~~a. As permitted by Section 7-090 of this Code for maximum signage square footage for commercial businesses.~~

C. ~~C.~~ **Multiple-Family Residential.**

1. ~~1.~~ Each multi-family complex is limited to a total number of three on-premise signs per street frontage.
2. ~~2.~~ Non-illuminated.
3. ~~3.~~ See Section 7-160 Sign Table for the maximum ~~signage~~ square footage. ~~(Prior code § 7-7)~~

## SECTION 7-100 PERMANENT Permitted SsIGNS




A. **A. Animated.:**

1. 1. Limited to traditional barber poles and time & temperature devices, or other similar devices that are not illuminated.
2. 2. Maximum of one per business.
3. 3. FreestandingFreestanding, wall or projection.
4. 4. Maximum size not to exceed 50 square feet.
5. 5. Included in the calculation of total sign area maximums.
6. 6. Shall not project above roof line.

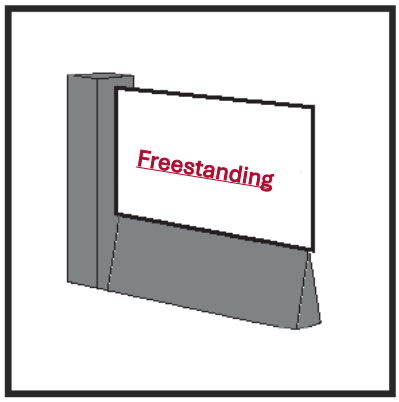
B. **B. Awning (Canopy).:**

1. ~~1.~~ Signs may be attached to awnings made of rigid materials or appliqued or painted on the awning surface.
2. ~~2.~~ Signage on awnings shall not project above the awning.
~~1.~~ ~~3.~~ Bottom of the sign~~awning~~ shall maintain a nine ~~9~~-foot vertical clearance from grade.
3.
4. Signage on awnings shall count toward the maximum signage square footage.

~~**4. Signage on awnings shall count toward the maximum signage square footage in Section 7 – 040.**~~

C. ~~**C. Freestanding Monument**~~**Freestanding Signs**~~**.:**~~

1. ~~1.~~ Permitted in commercial, industrial and multi-family zoning districts and for residential subdivisions.
2. ~~2.~~ Minimum setback from property line equals one~~1~~ foot for each foot of height of the sign for signs six~~6~~ feet or less in height; for signs ~~in excess of~~more than six~~6~~ feet in height the setback shall be greater than or equal to the height of the sign.




3. ~~3.~~ Low-water use, drought-tolerant plants from the Town of Clarkdale Plant List, Chapter~~Section~~ 9 of the Zoning Code, or landscape rocks shall be placed around the sign base to minimize the visual impact of a ~~monument~~ freestanding sign and create a visually attractive appearance.

4. ~~4.~~ One ~~monument~~ freestanding sign is allowed for each road intersection providing access to the property.
5. Maximum square footage of sign shall not exceed 40 square feet.
6. Maximum height of sign and base shall not exceed 10 feet above existing grade at time of construction.
7. The freestanding sign square footage shall count towards the total site allowance.
8. Additional total sign area may be allowed by Conditional Use Permit.

~~**5. See Section 7-160 of this Code for maximum signage square footage.**~~
~~**6. Maximum height of sign and base shall not exceed ten (10) feet above existing grade at time of construction.**~~

D. ~~**D.**~~ **Off-Premises Commercial Signs.~~:~~**

1. ~~1. Maximum number equals (1) one per street frontage per parcel on which the sign is placed.~~One off premise sign per business is allowed in the Town of Clarkdale.
2. Proof provided to the Town of permission from the parcel owner is required prior to installation of any off-premise sign.
3. ~~2.~~ Maximum size of sign advertising a single use equals 32 ~~thirty-two (32)~~ square feet.
4. ~~3.~~ Maximum size of sign advertising multiple uses equals 50 ~~fifty (50)~~ square feet.
5. ~~4.~~ Minimum separation between off-premise signs equals 600 ~~six hundred (600)~~ feet, ~~includes~~including signs on same or different parcels.
6. ~~5.~~ Minimum separation between off-premise and on-site signage equals 200 ~~two hundred (200)~~ feet.
7. ~~6.~~ Minimum setback equals the required setback of the zone district if the parcel is developed or 10 feet if undeveloped.
8. ~~7.~~ Limited to Central Business, Commercial or Industrial zoning districts.
9. ~~8.~~ Fifty percent of the signage allocated to off-premise advertising shall be deducted from the allowable on-site signage of the advertising parcel.
10. ~~9.~~ Maximum height of sign and base shall not exceed 10 feet above existing grade at time of construction.

E. ~~E.~~ **On-Site Commercial Information.**~~:~~

~~1.~~ As reviewed and approved by staff ~~and the Design Review Board~~Planning ~~Commission~~ during review of a ~~master~~ comprehensive sign plan application.

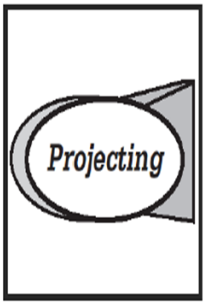
~~2. On-Site information signage shall not contain advertising script or symbols.~~

F. ~~F.~~ **Neon.**~~:~~

1. Permitted in the Central Business and Commercial Districts only.
2. May be projecting, window or wall.
3. One allowed per street frontage
4. Shall only be illuminated during business operating hours.

G. **Projecting.**

1. Maximum height equals top of wall.




2. No signage shall extend over public property except in the Central Business district and in no case shall the bottom of the sign be nearer than nine vertical feet to grade, nor shall the leading edge of the sign be nearer than two linear feet to the curb.
3. Maximum number equals one per business.
4. An agreement indemnifying the Town of Clarkdale from any liability is required if the sign projects over public right-of-way.
5. Maximum sign square footage shall not exceed 24 square feet.

H. **Subdivision Advertising, Directional and Identification.**

**Commented [CP1]:** Do we need this, sounds content based.... What does on-site commercial information mean anyways? Directional, warning signs???

1. *General.* A comprehensive sign package for each development including type, number, size, locations, materials and colors of the various signs shall be approved through the design review process prior to the issuance of a permit for any sign authorized under this section of the Code.
2. *On-Site Subdivision Identification.*
   a. One freestanding sign may be permitted at each entrance up to a maximum of four signs.
   b. The maximum aggregate area of all entry signs shall be 160 square feet, with maximum size of any single sign not to exceed 50 square feet.
   c. Maximum height shall equal six feet tall.
3. *On-Site Advertising and Directional.*
   a. Maximum height shall equal 10 feet.
   b. The edges of all signs shall be boxed.
   c. Such signs shall be maintained until such time as 95% of the lots in the subdivision are sold, or the sales office closes, whichever occurs first.
   d. Such signs shall not be located nearer than 50 feet from a lot containing an occupied residence, unless located within a master planned community.
4. *Off-Site Advertising and Directional.*
   a. Such signs shall be located within 1.5 miles of the subdivision, on vacant property with the written permission of the property owner.
   b. A maximum of two signs are permitted for each subdivision and shall not be located on a local street.
   c. Each sign shall have a maximum area of 32 square feet and a maximum height of eight feet tall, six feet tall in residential zone districts.
   d. Such signs shall be maintained until such time as 95% of the lots in the subdivision are sold, or the sales office closes, whichever occurs first.
5. *Off-Site Weekend Directional Signs.*
   a. Permits are established for each subdivision based on a site plan showing all proposed signs and locations.
   b. Maximum of eight signs per subdivision.
   c. Maximum of four square feet per sign.

d. Signs shall not be installed before 4:00 p.m. on Friday and must be picked up by 10:00 a.m. on Monday, except when Monday is a holiday, then by 10:00 a.m. on Tuesday.
e. Signs shall not be placed in the public right-of-way nor attached to any utility poles, street or regulatory signs, bridges, trees, or similar objects.
f. Signs shall not be placed on private property without the written permission of the property owner.
g. Signs shall be located within 1.5 miles of the subdivision, separated by not less than 50 feet from any other sign and shall not exceed three feet in height.

I. **Wall.**
1. Maximum height equals top of wall to which it is affixed.
2. Maximum projection from wall surface equals 18 inches, with a minimum clearance of 9 vertical feet if located over a public right-of-way.
3. See Section 7-120 of this Chapter for maximum sign square footage.

J. **Window**
1. No more than 50% of the window shall be used for signage.
2. No more than 25% of the allowable window signage shall be illuminated.
3. See Section 7-160 Sign Table for maximum square footage.

K. **Murals**
A mural shall not count towards the maximum sign size calculation for commercial businesses, unless it contains a business's name or logo, then it will be counted as a sign and included in the maximum square footage permitted by Section 7-120 of this Chapter.

~~**1. Permitted in the Central Business and Commercial Districts only.**~~
~~**2. May be projecting, window or wall.**~~
~~**3. Shall only be illuminated during business operating hours.**~~
~~**G. Political – (In Accordance with ARS 16-1019):**~~

1. Maximum size equals sixteen (16) square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two (32) square feet if the sign is located in any other area.
2. Signs may be located on private property or in public right-of-way except state highways or routes subject to the following conditions:
a. The sign supports or opposes a candidate for public office, or it supports or opposes a ballot measure, question or issue;
b. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act;
c. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person;
d. Installation of a sign on any structure or property owned or leased by the Town is prohibited;
e. No political signs will be permitted in the Commercial Tourism Political Sign-Free Zone. Refer to Section 7-140, Political Sign-Free Zone Map;
f. In accordance with ARS Section 16-411, any facility that is used as a polling place on election day, or that is used as an early voting site during the period of early voting, shall allow persons to electioneer and engage in other political activity outside of the seventy-five (75) foot limit prescribed by ARS Section 16-515.

3. If the Town deems the placement of a political sign constitutes an emergency, the Town may immediately relocate the sign and shall notify the candidate or campaign committee that placed the sign within twenty-four (24) hours of relocation. If a political sign does not conform to the conditions in subsection (G)(2) of this section but does not constitute an emergency, the Town may notify the candidate or campaign committee that placed the sign in violation.
a. If the sign remains in violation at least twenty-four (24) hours after the Town notified the candidate or campaign committee, the Town may remove the sign.
b. If the sign is removed in conformance with subsection (G)(3)(a) of this section, the Town shall notify the candidate or campaign committee and

retain the sign for at least ten (10) business days to allow the candidate or campaign committee to retrieve the sign without penalty.

4. For candidates in an election, signs shall be erected no earlier than seventy-one (71) days before the election and must be removed no later than fifteen (15) days after the election. If a candidate in a primary election advances to the general election, the signs must be removed no later than fifteen (15) days after the general election.

5. For signs that support or oppose a ballot measure, question, or issue, the signs shall be erected no earlier than seventy-one (71) days before the election at which the measure, question, or issue is scheduled to appear on the ballot and must be removed no later than fifteen (15) days after that election.

H. Portable Signs:

1. Permitted in the Central Business District, Commercial and Industrial Districts with the following restrictions:

a. Maximum size is six (6) square feet.

b. Signs shall be non-reflective.

c. Information on signs shall be current.

d. Signs shall be of sufficient weight and durability to withstand wind gusts and storms so as not to blow over or become airborne.

e. The portable sign shall not count towards the maximum allowable sign area calculation for the use.

f. One portable sign is allowed per business.

g. No more than three portable signs are allowed per 50-feet of linear street frontage.

h. The sign shall be placed on the property being identified or within the right-of-way directly in front of and immediately abutting the property location.

i. No sign shall be located within the visibility triangle as defined in Section 7-130.

j. One five (5) foot wide pedestrian passageway must be maintained around signs on a public sidewalk.

k. Off-premise portable signs are not permitted.

lk. No attachments to a portable sign are permitted.

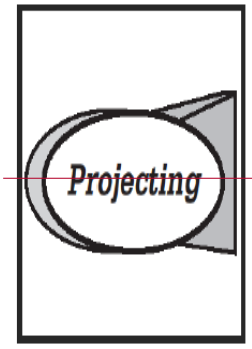
lm. Portable signs shall be displayed only during the posted hours the business is open.

mn. The Town reserves the right to prohibit the use of portable signs during special events in order to ensure public safety by providing full access to the sidewalk

no. Height shall not exceed four feet from ground.

I. Projecting:

1. Maximum height equals top of wall.




2. No signage shall extend over public property except in the Central Business district and in no case shall the bottom of the sign be nearer than 9 vertical feet to grade, nor shall the leading edge of the sign be nearer than 2 linear feet to the curb.
3. Maximum number equals one (1) per business.
4. An agreement indemnifying the Town of Clarkdale from any liability is required if the sign projects over public right-of-way.
5. See Section 7-160 of this Code for maximum sign square footage.
6. Height shall not exceed top of wall.

J. Public Informationnot including Political Signs:

1. May be located on public property, including in municipal rights-of-way.
2. As permitted by law in furtherance of public safety, convenience or economic development.
3. Maximum height not to exceed ten (10) feet from existing grade at time of construction.

K. Real Estate:

1. Maximum size equal six (6) square feet.

2. On-site installation only.

L. Sign Walkers:

1. Sign walkers are permitted per Arizona Revised Statutes 9-499.13

2. No sign walker shall obstruct public right-of way.

3. Sign walkers shall only operate during hours of operation for a business being represented or during daylight hours when advertising a subdivision.

4. No throwing of signs in the air, or twirling, spinning or tossing of signs is permitted.

5. Signs shall be limited to no more than eight (8) feet in height.

6. Signs shall not block visibility of pedestrian or vehicular traffic.

M. Special Events:

1. Portable and temporary signs may be used to advertise the Special Event and must comply with Section 7-110 of this Code.

2. A maximum of 4 (four) portable and/or banner signs advertising the event are allowed.

3. An unlimited number of directional signs are permitted.

4. Directional signs may be placed no sooner than twelve (12) hours before the event and shall be removed within two (2) hours after the event.

5. Banners and other temporary singns advertising the event may be placed on private property up to two weeks prior to the event, placement in the public right-of-way requires review and approval by the Town.

N. Subdivision Advertising, Directional and Identification:

1. General: A master Comprehensive sign package for each development including type, number, size, locations, materials and colors of the various signs shall be approved through the dDesign rReview process prior to the issuance of a permit for any sign authorized under this section of the Code.

2. On-Site Subdivision Identification

a. One monument sign may be permitted at each entrance up to a maximum of four (4) signs.

b. The maximum aggregate area of all entry signs shall be one hundred and sixty (160) square feet, with maximum size of any single sign not to exceed fifty (50) square feet.

c. Maximum height shall equal six (6) feet.

3. On-Site Advertising and Directional:

a. Maximum height shall equal ten (10) feet.

b. The edges of all signs shall be boxed.

c. Such signs shall be maintained until such time as 95% of the lots in the subdivision are sold, or the sales office closes, whichever occurs first.

d. Such signs shall not be located nearer than fifty (50) feet from a lot containing an occupied residence, unless located within a master planned community.

4. Off-Site Advertising and Directional:

a. Such signs shall be located within 1.5 miles of the subdivision, on vacant property with the written permission of the property owner.

b. A maximum of two (2) signs are permitted for each subdivision and shall not be located on a local street.

c. Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet, six (6) feet inches in residential zone districts.

d. Such signs shall be maintained until such time as 95% of the lots in the subdivision are sold, or the sales office close, whichever occurs first.

5. Off-Site Weekend Directional Signs

a. Permits are established for each subdivision on an annual basis based on a site plan showing all proposed signs and locations.

b. Maximum of eight (8) signs per subdivision.

c. Maximum of four (4) square feet per sign.

d. Signs shall not be installed before 4:00 p.m. on Friday and must be picked up by 10:00 a.m. on Monday, except when Monday is a holiday, then by 10:00 a.m. on Tuesday.

e. Signs shall not be placed in the public right-of-way nor attached to any utility poles, street or regulatory signs, bridges, trees or similar objects.

f. Signs shall not be placed on private property without the written permission of the property owner.

g. Signs shall be located within 1.5 miles of the subdivision, separated by not less than fifty (50) feet from any other sign and shall not exceed three (3) feet in height.

O. Temporary Signs and Banners for Commercial Uses

1. Limited to the following:

a. Thirty-two (32) square feet maximum.

b. Maximum number equals one (1) per street frontage per parcel.

2. Shall be placed on the property for which it advertises.

3. Shall be removed on or before the 30th day from date of the initial installation.

4. Temporary signs shall not count towards the maximum sign size calculation for commercial businesses as specified in Section 7-090.

5. No banners shall be hung across any public right-of-way unless specifically granted approval by the Town Manager or designee, or an authorized representative; upon a finding such placement will not be detrimental to public safety and provided such placement shall be for a period of thirty (30) days or less.

6. All banners shall have wind slits.

PO. Wall

1. Maximum number equals one per approved wall area. An approved wall area, per Definitions, Chapter Two of the Town of Clarkdale Zoning Code is a wall facing a public street or containing the primary public access.

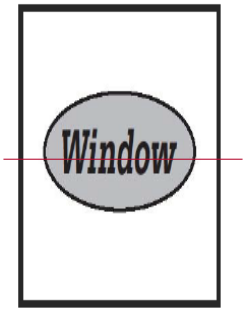
2. Maximum height equals top of wall to which affixed.

3. Maximum projection from wall surface equals 18 inches, with a minimum clearance of 9 vertical feet if located over a public right-of-way.

4. See Section 7-110 of this Code for maximum sign square footage.

Q. Window

1. No more than fifty percent (50%) of the window shall be used for signage.




2. No more than twenty-five (25%) of the allowable window signage shall be illuminated.

3. See Section 7-160 Sign Table for maximum square footage.

R. Yard Sale

1. Must contain the date and address of the yard sale.

2. Must be removed within seventy-two (72) hours of placement.

3. Shall be weighted so as to not fly around

4. Shall be located on private property.

5. Shall not exceed four (4) square feet.

6. Shall not be attached to traffic control devises, utility poles or street signs. (Revised by Ordinance #438 on 12/10/24; effective 1/10/25; Revised by Ordinance #435 on 12/10/24; effective 1/10/25; Revised by Ordinance #427 on 8/13/24; effective 9/14/24; prior code § 7-8)

S. Murals

1. Mural Maximum Sign Square Footage for Commercial Usesshall be exempt from size and height limitations and not be counted toward the maximum number of signs permitted on a property.

2.

## SECTION 7-110 TEMPORARY SIGNS AND BANNERS

A. **Applicability.** Temporary signs include but are not limited to signs previously categorized as: political, ideological, yard sale, real estate, and special event signage. These signs are regulated based on time, place, and manner regardless of the message expressed.

A.

**Applicability.** Temporary signs include but are not limited to signs previously categorized as: political, ideological, yard sale, real estate, and special event signage. These signs are regulated based on time, place, and manner regardless of the message expressed.

B. **General Standards.:**

B.

1. *Maximum Size.*
   a. Six square feet in residential zones.
   b. Thirty two square feet in commercial or industrial zones.
   c. Maximum number equals one per street frontage per parcel.
   d. Maximum height is 10 feet tall for freestanding.
2. *Placement.*
   a. On private property with permission of the property owner.
   b. Not within visibility triangles or public rights-of-way unless expressly permitted.
   c. Placed upon the property it advertises.
   d. No banners shall be hung across any public right-of-way unless specifically granted approval by the Town Manager or designee, or an authorized representative; upon a finding such placement will not be detrimental to public safety and provided such placement shall be for a period of 30 days or less.
   e. All banners shall have wind slits, which shall be crescent-shaped cuts approximately 8.5 inches in radius, spaced approximately 16 to 20 inches on center, unless otherwise specified by the banner manufacturer.
3. *Duration.*

a. Up to 30 days per calendar quarter, unless otherwise specified (e.g. election-related).
b. Shall be removed within 72 hours after the event they reference concludes or after the sale is finalized.

4. *Illumination.* Not permitted for temporary signs.
5. *Permit.* Temporary signs shall not count towards the maximum sign size calculation for commercial businesses as specified in Section 7-120 of this Chapter.

C. **Political Signs.**

1. Maximum size equals 16 square feet, if the sign is located in an area zoned for residential use, or a maximum area of 32 square feet if the sign is located in any other area.
2. Signs may be located on private property or in public right-of-way subject to the following conditions:
   a. The sign supports or opposes a candidate for public office, or it supports or opposes a ballot measure, question or issue.
   b. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.
   c. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.
   d. Installation of a sign on any structure or property owned or leased by the Town is prohibited.
   e. No political signs will be permitted in the Commercial Tourism Political Sign-Free Zone. Refer to Section 7-170 Political Sign-Free Zone Map.
   f. In accordance with ARS Section 16-411, any facility that is used as a polling place on election day, or that is used as an early voting site during the period of early voting, shall allow persons to electioneer and engage in other political activity outside of the 75-foot limit prescribed by ARS Section 16-515.
3. If the Town deems the placement of a political sign constitutes an emergency, the Town may immediately relocate the sign and shall notify the candidate or campaign committee that placed the sign within 24 hours of

relocation. If a political sign does not conform to the conditions in subsection (C)(2) of this section but does not constitute an emergency, the Town may notify the candidate or campaign committee that placed the sign in violation.

a. If the sign remains in violation at least 24 hours after the Town notified the candidate or campaign committee, the Town may remove the sign.
b. If the sign is removed in conformance with subsection (C)(3)(a) of this section, the Town shall notify the candidate or campaign committee and retain the sign for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.

4. For candidates in an election, signs shall be erected no earlier than 71 days before the election and must be removed no later than 15 days after the election. If a candidate in a primary election advances to the general election, the signs must be removed no later than 15 days after the general election.
5. For signs that support or oppose a ballot measure, question, or issue, the signs shall be erected no earlier than 71 days before the election at which the measure, question, or issue is scheduled to appear on the ballot and must be removed no later than 15 days after that election.

D. **Portable Signs.**

1. Permitted in the Central Business District, Commercial and Industrial Districts with the following restrictions:
   a. Maximum size is six square feet.
   b. Signs shall be non-reflective.
   c. Information on signs shall be current.
   d. Signs shall be of sufficient weight and durability to withstand wind gusts and storms so as not to blow over or become airborne.
   e. The portable sign shall not count towards the maximum allowable sign area calculation for the use.
   f. One portable sign is allowed per business.
   g. No more than three portable signs are allowed per 50 feet of linear street frontage.
   h. The sign shall be placed on the property being identified or within the right-of-way directly in front of and immediately abutting the property location.

i. No sign shall be located within the visibility triangle as defined in Section 7-130 Visibility Sight Lines.
j. One 5-foot-wide pedestrian passageway must be maintained around signs on a public sidewalk.
k. No attachments to a portable sign are permitted.
l. Portable signs shall be displayed only during the posted hours when the business is open.
m. The Town reserves the right to prohibit the use of portable signs during special events to ensure public safety by providing full access to the sidewalk.
n. Height shall not exceed 4 feet from the ground.

E. **Sign Walkers.**

1. Sign walkers are permitted per Arizona Revised Statutes 9-499.13.
2. No sign walker shall obstruct public right-of-way.
3. Sign walkers shall only operate during hours of operation for a business being represented or during daylight hours when advertising a subdivision.
4. No throwing of signs in the air, or twirling, spinning or tossing of signs is permitted.
5. Signs shall be limited to no more than six square feet.
6. Signs shall not block visibility of pedestrian or vehicular traffic.

F. **Special Events.**

1. Portable and temporary signs may be used to advertise the Special Event and must comply with Section 7-110 Temporary Signs and Banners of this Chapter.
2. A maximum of four portable and/or banner signs advertising the event are allowed.
3. An unlimited number of directional signs are permitted.
4. Directional signs may be placed no sooner than 12 hours before the event and shall be removed within 12 hours after the event.
5. Banners and other temporary signs advertising the event may be placed on private property up to two weeks prior to the event, placement in the public right-of-way requires review and approval by the Town staff.

G. **Yard Sale.**

1. Must contain the date and address of the yard sale.
2. Must be removed within 72 hours of placement.
3. Shall be weighted so as to not fly around.
4. Shall be located on private property.
5. Shall not exceed four square feet.
6. Shall not be attached to traffic control devises, utility poles or street signs.

~~*Maximum Size:*~~

~~6 square feet in residential zones.~~

~~32 square feet in commercial or industrial zones.~~

~~Maximum number equals one per street frontage per parcel.~~

~~Placement:~~

~~On private property with permission of the property owner.~~

~~Not within visibility triangles or public rights-of-way unless expressly permitted.~~

~~Placed upon the property it advertises.~~

~~No banners shall be hung across any public right-of-way unless specifically granted approval by the Town Manager or designee, or an authorized representative; upon a finding such placement will not be detrimental to public safety and provided such placement shall be for a period of 30 days or less.~~

~~All banners shall have wind slits.~~

~~1. Duration:~~

~~Up to 30 days per calendar quarter, unless otherwise specified (e.g. election-related).~~

~~Must be removed within 72 hours after the event they reference concludes or after the sale is finalized.~~

~~Illumination:~~

~~Not permitted for temporary signs~~

~~Permit:~~

~~No permit required unless over 6 sq ft or placed for more than 30 days.~~

C. Temporary signs shall not count towards the maximum sign size calculation for commercial businesses as specified in Section 7-110 of this code

3. If the Town deems the placement of a political sign constitutes an emergency, the Town may immediately relocate the sign and shall notify the candidate or campaign committee that placed the sign within 24 hours of relocation. If a political sign does not conform to the conditions in subsection (C)(2) of this section but does not constitute an emergency, the Town may notify the candidate or campaign committee that placed the sign in violation.

a. If the sign remains in violation at least 24 hours after the Town notified the candidate or campaign committee, the Town may remove the sign.

b. If the sign is removed in conformance with subsection (C)(3)(a) of this section, the Town shall notify the candidate or campaign committee and retain the sign for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty. t staff .

## SECTION 7-120 MAXIMUM SIGN SQUARE FOOTAGE FOR COMMERCIAL USES

Commercial business located in commercial zoning districts and multi-family developments shall use a combination of awnings, wall, window, freestanding and projecting signage on-site to promote their business. Maximum cumulative signage is calculated based on linear street frontage.

A. Commercial business located in commercial zoning districts and multi-family developments may use a combination of awnings, wall, window, freestanding and projecting signage on-site to promote their business.

B. The maximum aggregate signage area shall be calculated at 1.5 square feet per linear foot of building frontage, up to a maximum of 250 square feet per business.

C. All commercial signs, except for temporary signs, are subject to review and administrative approval.

Commented [CP2]: "can"

Commented [CP3]: "can"

D. Additional square footage can be requested with the application of a Conditional Use Permit. The maximum allowance is available for each street frontage on which the commercial building has a public entrance.

| Linear Street Frontage | Maximum total square footage of sign area |
|---|---|
| 50 | 75 |
| 100 | 150 |
| 150 | 225 |
| 200 | 300 |
| 250 | 375 |
| 300 | 450 |
| 350 | 525 |
| 400 | 600 |
| 450 | 675 |
| 500 | 750 |

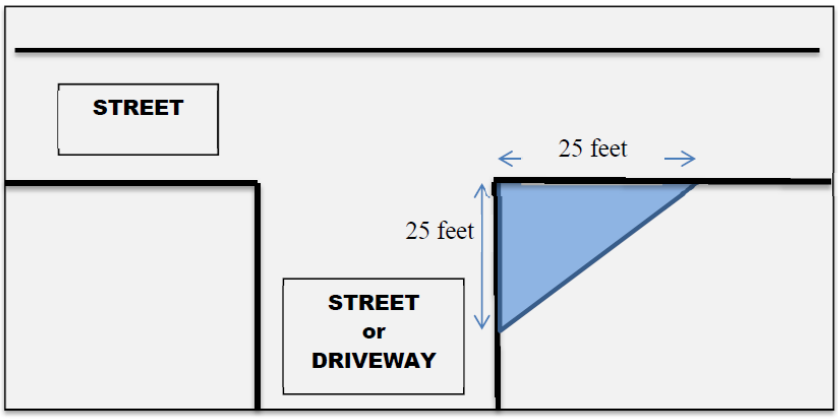
The maximum allowable combined signage size is calculated as square feet per one (1) linear foot of street frontage.

All commercial signs, except for temporary signs, are subject to review and administrative approval by the Design Review Boarddesign review process and shall meet all of the criteria for design review listed in Section 11, including the requirements that all signage 'shall be visually compatible with the buildings, structures and places to which it is related'. This should be taken into consideration when allocating square footage to the various types of signs proposed for a development. (Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 7-9)

**SECTION 7-130 VISIBILITY SIGHT LINES**

To preserve visibility at intersections, an unobstructed view shall be maintained within these triangular areas:

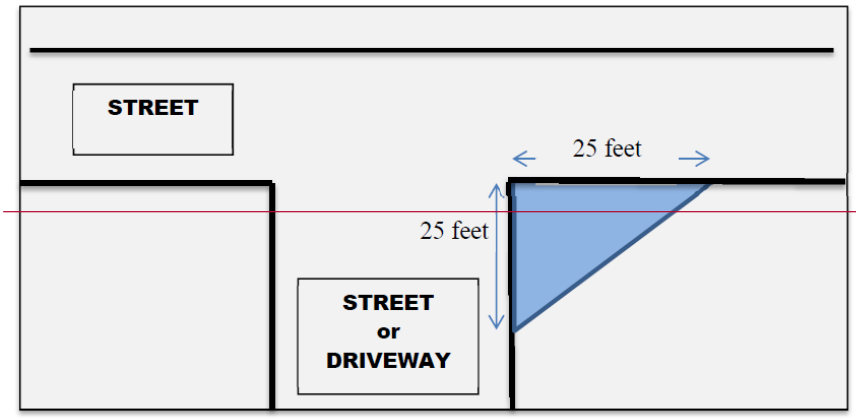
A. At the intersection of two streets, or where a driveway or alley intersects a street, a triangle defined by measuring 25 feet in length along the curb or edge of improved roadway from their point of intersection, the third side being a diagonal line connecting the first two. The Town may require more than 25 feet in high-volume, high-speed traffic areas.

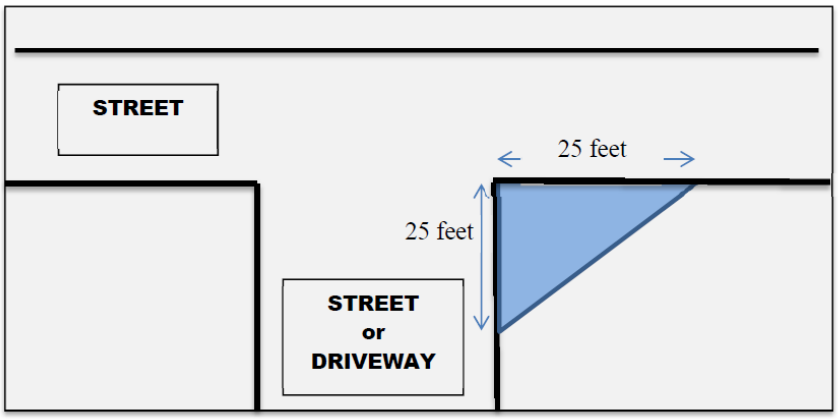



B. No signs, except traffic signs, shall exceed a height of 30 inches above grade.

~~1. At the intersection of two (two) streets, or where a driveway or alley intersects a street, a triangle defined by measuring twenty-five (25) feet in length along the curb or edge of improved roadway from their point of intersection, the third side being a diagonal line connecting the first two (2). The Town may require more than twenty-~~

five (25) feet in high-volume, high-speed traffic areas.




2. No signs, except traffic signs, shall exceed a height of thirty (30) inches above the grade of the lower roadway within the triangular area. In addition, sign projection, or overhang, across this area shall be permitted only when the bottom of the sign is a minimum of 9 feet above the grade of the higher roadway. (Prior code § 7-10)

**SECTION 7-140 PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART**

| Sign Type | R1A | R1 | R1L | RS3 | R2 | R3 | R3H | R4 | R4A | CB | C | I | Fee/ Permit | Design Staff Review |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **P = Permitted N= Not Permitted Y= Yes Required** | | | | | | | | | | | | | | |
| Animated | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| Awning | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Freestanding MonumentFreestanding | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Ideological (1) | P | P | P | P | P | P | | P | P | P | P | P | N | N |
| Illuminated (2) | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| Off-Ppremise Commercial | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| On-ssite linfo Commercial | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Neon | N | N | N | N | N | N | N | N | N | P | P | N P | Y | Y |
| Projecting | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Political (3) | P | P | P | P | P | P | P | P | P | P | P | P | N | N |
| Portable | N | N | N | N | N | N | N | N | N | P | P | P N | Y | Y |
| Projecting | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Public linfo. | P | P | P | P | P | P | P | P | P | P | P | P | N | N |

| Sign Type | R1A | R1 | R1L | RS3 | R2 | R3 | R3H | R4 | R4A | CB | C | I | Fee/ Permit | Design Staff Review |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Real estate (4) | P | P | P | P | P | P | | P | P | P | P | P | N | N |
| Special Events | P | P | P | P | P | P | P | P | P | P | P | P | Y | NY |
| Subdivision Freestanding,s Advertising. and, Directional, ID | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Temporary (54) | NP | PN | PN | PN | P | P | P | P | P | P | P | N P | YYN | NY |
| Wall (65) | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Window | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |

**(1)** Not to exceed 6 square feet.

(1) **(2)** Not permitted within 75 feet of a residential district for PUD or PAD development.

(2) **(3)** Political signs not permitted in 'sign free' zones.

**(4)** For sale, for lease signs not to exceed 6 square feet in residential districts.

(3) **(54)** Permitted for a maximum of 30 days for bonafide Grand Openings, Going Out of Business Sales, Open Houses, or similar short-term events.

**(65)** Home occupation only signs permitted in residential districts.

**SECTION 7-150 ENFORCEMENT**

A. A. All signs shall be subject to inspection and approval by the Community Development Department to ensure compliance with the Zoning Code and Design Review Board Approval.

B. B. Footing inspections shall be required for all signs with footings.

C. C. Signs containing electrical wiring shall conform to the standards of the applicable electrical code and the components shall bear the label of a testing agency approved by the State of Arizona.

D. D. When, in the opinion of the Town Manager or authorized representative, reasonable cause exists concerning the safety of a proposed or existing sign structure, the applicant or owner shall furnish written documentation from a registered civil, structural, electrical or mechanical engineer certifying its safety. The Town reserves the right to order removal of a sign if it poses a threat to public safety.

E. E. Notice of noncompliance of any sign shall be given to the owner of record of the property and user of such sign by first-class mail sent to the last known address of the owner ofr record and user.

F. F. Failure to remove or bring the sign into compliance in accordance with a notice given pursuant to Section 7-030 aboveTown Code shall result in appropriate enforcement action, including but not limited to:

1. a. The Town Attorney, acting on behalf of the Town Council, shall seek the removal of any sign not erected in compliance with this Code Ordinance or maintained in a safe manner and,
2. b. The billing of the owner or user of such sign an amount equal to the costs to the Town in removing and storing any such sign; or
3. c. Issuance of a citation by the Clarkdale Police Department for the offending party(ies) to appear before the Town Magistrate.

G. G. For dDefinitions see Chapter 2 of the Zoning Code.

(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 7-12)

H. H. The TownTown may remove illegal or unsafe signs and at the cost to the ownerowner's expense.

I. I. All signs shall be maintained in good condition and in accordance with the following priority:

1. 1. Structural safety and stability.
2. 2. Visibility and traffic safety compliance.
1. 3. Aesthetic upkeep and material integrity.
3.
4. Continued compliance with approved design and placement.
4.

## SECTION 7-160 SIGN TABLE

| **Animated** | |
|---|---|
| Limited To | ▪ Barber poles<br>▪ Time/temperature devices<br>▪ Included in maximum area calculations |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Freestanding<br>▪ Wall<br>▪ Projection |
| Maximum Square Footage | ▪ 50 sq. ft. |
| Maximum Height | ▪ Not to project above the roof line |
| Setbacks | ▪ Not located in the site triangle |

| | |
|---|---|
| Allowed Zoning Districts | ▪ Commercial |
| **Awning** | |
| Limited To | ▪ Signage shall not project above awning surface<br>▪ 9-foot vertical clearance required |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ NA |
| Maximum Height | ▪ NA |
| Setbacks | ▪ Not located in the site triangle |
| Allowed Zoning Districts | ▪ Multi-Family Residential<br>▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Bed and Breakfast** | |
| Limited To | ▪ Included in maximum area calculations |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Wall<br>▪ Freestanding |
| Maximum Square Footage | ▪ 3 sq. ft. |

| | |
|---|---|
| Maximum Height | ▪ 8 feet tall for wall mounted<br>▪ 30 inches tall for freestanding |
| Setbacks | ▪ Not located in the site triangle |
| Allowed Zoning Districts | ▪ Residential<br>▪ Commercial |
| **Freestanding** | |
| Limited To | ▪ Included in maximum area calculations |
| Allowed per Business/ Development | ▪ One per adjacent intersection |
| Type | ▪ Freestanding |
| Maximum Square Footage | ▪ 40 sq. ft. |
| Maximum Height | ▪ 10 feet tall from existing grade at time of construction |
| Setbacks | ▪ Signs less than 6 feet tall = 1 foot for each foot of sign height<br>▪ Signs greater than 6 feet tall = greater than or equal to sign height |
| Allowed Zoning Districts | ▪ Commercial<br>▪ Subdivision<br>▪ Multi-family Development |
| **Home Occupation** | |
| Limited To | ▪ Non-illuminated<br>▪ Name and Occupation only |

| | |
|---|---|
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Wall<br>▪ Freestanding |
| Maximum Square Footage | ▪ 3 sq. ft. |
| Maximum Height | ▪ Top of wall<br>▪ 30 inches for freestanding |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Residential |
| **Multi-Family Residential** | |
| Limited To | ▪ Non-illuminated |
| Allowed per Business/ Development | ▪ Three on-premise signs per street frontage |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Based on linear footage of building frontage |
| Maximum Height | ▪ Depends on the sign type |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Multi-Family Residential<br>▪ Single Family Residential Multiple Dwelling Units |
| **On-Site Commercial Information** | |
| Limited To | ▪ Included in maximum area calculations |

| | |
|---|---|
| Allowed per Business/ Development | ▪ As approved during review of a sign application |
| Type | ▪ As approved during review of a sign application |
| Maximum Square Footage | ▪ As approved during review of a sign application |
| Maximum Height | ▪ As approved during review of a sign application |
| Setbacks | ▪ As approved during review of a sign application |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Neon** | |
| Limited To | ▪ Illuminated during business operation hours only |
| Allowed per Business/ Development | ▪ One per street frontage |
| Type | ▪ Projection<br>▪ Window<br>▪ Wall |
| Maximum Square Footage | ▪ Based on linear footage of building frontage |
| Maximum Height | ▪ Not to project above the roof line |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial |

| | |
|---|---|
| **Political** | |
| Limited To | ▪ Not permitted in political sign free zones<br>▪ Permitted no earlier than 71 days prior to election<br>▪ Must be removed no later than 15 days after the election |
| Allowed per Business/ Development | ▪ One per street frontage |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 16 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ If freestanding, 10 feet from grade at the time of installation |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Portable** | |
| Limited To | ▪ Must not impede pedestrian traffic<br>▪ Shall not be reflective<br>▪ No attachments are permitted<br>▪ Off-premise is not permitted<br>▪ No more than three for 50 linear feet of street frontage |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. |

| | |
|---|---|
| Maximum Height | ▪ 4 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Projecting** | |
| Limited To | ▪ Vertical clearance of 9 feet from grade<br>▪ Must be located 2 feet from the curb<br>▪ Indemnity agreement required if the sign projects over any public right-of-way |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Projecting |
| Maximum Square Footage | ▪ 24 sq. ft. |
| Maximum Height | ▪ Not to project above the roof line |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Public Information** | |
| Limited To | ▪ May be located on public or private property, including right-of-way |

| | |
|---|---|
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent<br>▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ 10 feet tall from existing grade at the time of construction |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Sign Walkers** | |
| Limited To | ▪ Shall not obstruct rights-of-way<br>▪ Shall only operate during the hours of the business being represented |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. |
| Maximum Height | ▪ 6 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Special Events** | |

| | |
|---|---|
| Limited To | ▪ On property up to two weeks before event<br>▪ Directional signs only 12 hours before event<br>▪ All signs shall be removed within 12 hours after the event |
| Allowed per Business/ Development | ▪ 4 banners<br>▪ Unlimited directional |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ 10 feet tall grom grade if freestanding |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Subdivision On-Site Freestanding** | |
| Limited To | ▪ Must be approved as part of a comprehensive sign package |
| Allowed per Business/ Development | ▪ One per entry up to a maximum of four |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Aggregate of all entry signs 160 sq. ft.<br>▪ Any single sign not to exceed 50 sq. ft. |
| Maximum Height | ▪ 6 feet tall |
| Setbacks | ▪ Not located in a site triangle |

| | |
|---|---|
| Allowed Zoning Districts | ▪ Residential |
| **Subdivision On-Site Advertising and Directional** | |
| Limited To | ▪ Edges of all signs shall be boxed<br>▪ Shall be removed after 95% of the lots are sold or the sales office closes, whichever comes first<br>▪ Not located within 50 feet of an occupied residence |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ Must be approved as part of a comprehensive sign package |
| Maximum Height | ▪ 6 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ NA |
| **Subdivision Off-Premise** | |
| Limited To | ▪ Shall be located within 1.5 miles, on vacant property with written permission of the property owner<br>▪ Shall not be located on a local street<br>▪ Shall be removed after 95% of the lots are sold or the sales office closes, whichever comes first |
| Allowed per Business/ Development | ▪ Two |

| | |
|---|---|
| Type | ▪ Freestanding |
| Maximum Square Footage | ▪ 32 sq. ft. |
| Maximum Height | ▪ 6 feet in residential districts<br>▪ 8 feet in all other districts |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Subdivision Off-Site Weekend Directional** | |
| Limited To | ▪ Permits are established for each subdivision based on a site plan showing all proposed signs and locations<br>▪ Shall be removed after 95% of the lots are sold or the sales office closes, whichever comes first |
| Allowed per Business/ Development | ▪ Eight |
| Type | ▪ Portable |
| Maximum Square Footage | ▪ 4 sq. ft. |
| Maximum Height | ▪ 4 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Temporary Signs and Banners** | |
| Limited To | ▪ Up to 30 days per calendar quarter, unless otherwise specified (e.g. election-related).<br>▪ Permit Required<br>▪ Shall be removed within 72 hours after the event they reference concludes or after the sale is finalized |

| | |
|---|---|
| Allowed per Business/ Development | ▪ One per street frontage per |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ 10-feet tall if freestanding |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Wall** | |
| Limited To | ▪ NA |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Maximum aggregate signage area shall be calculated at 1.5 square feet per linear foot of building frontage<br>▪ Maximum of 250 square feet for all signs per business |
| Maximum Height | ▪ Top of wall to which it is affixed |
| Setbacks | ▪ NA |
| Allowed Zoning Districts | ▪ Residential with Home Occupation<br>▪ Central Business<br>▪ Commercial<br>▪ Industrial |

| | |
|---|---|
| **Window** | |
| Limited To | ▪ No more than 50% of the window shall be used for signage<br>▪ No more than 25% of the window signage shall be illuminated |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Cumulative based on the linear footage of the building frontage |
| Maximum Height | ▪ NA |
| Setbacks | ▪ NA |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Yard Sale** | |
| Limited To | ▪ Must contain the date and address of the yard sale<br>▪ Must be removed within 72 hours of placement<br>▪ Shall be weighted<br>▪ Shall be located on private property<br>▪ Shall not be attached to traffic control devices, utility poles or street signs |
| Allowed per Business/ Development | ▪ NA |

| | |
|---|---|
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 4 sq. ft. |
| Maximum Height | ▪ 2 feet tall |
| Setbacks | ▪ NA |
| Allowed Zoning Districts | ▪ All |
| | |

| SIGN TYPE | LIMITATIONS | ALLOWED PER BUSINESS / DEVELOPMENT | INSTALLATION TYPE | MAXIMUM SIZE | MAXIMUM HEIGHT | PROPERTY SETBACKS | ZONING DISTRCITS |
|---|---|---|---|---|---|---|---|
| Animated | Barber poles and time/ temperature Devices only. Included in maximum area calculations | 1 | Freestanding wall or projection | 50 square feet | Not to project above roof line | Beyond the site triangle | Commercial |
| Awning | Signage on awning shall not project above awning surface. 9-foot vertical clearance required | | | | | | Commercial counts towards maximum signage square footage. |
| Bed & Breakfast | One wall or one freestanding sign only | 1 | Wall orf Freestanding | 3 square feet | 8 feet for wall mounted, 30 inches for freestanding | | Residential and Commercial |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Freestanding Monument | | 1 monument sign per adjacent intersection | Freestanding | | 10 feet from existing grade at time of construction | Minimum (signs< 6' tall) = 1 foot for each foot of sign height: Minimum (signs> or = 6' tall) = greater than or equal to sign height | Subdivisions, multi-family developments and commercial |
| Home Occupancy | Non-illuminated limited to name and occupation only | 1 | Wall or freestanding | 3 square feet | Top of wall or 30 inches for freestanding | N/A | Residential |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Off-Premise Commercial | 600-foot minimum separation between off-premise signs. 200-foot minimum separation between off-premise and on-premise signs | 1 per street frontage per parcel where located | Freestanding | 32 square feet for single use; 50 square feet for multiple uses. | 10 feet from existing grade at time of construction | Equal to minimum setback of zoning district if property is developed. Minimum of 10 feet if property is undeveloped | Central Business, Commercial and Industrial districts only |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| On-Site Commercial | Shall not contain advertising script or symbols | As approved during review of a master comprehensive sign application. Shall not contain advertising. | As approved during review of a master comprehensive sign application | As approved during review of a master comprehensive sign application | As approved during review of a master comprehensive sign application | As approved during review of a masterc omprehensive sign application | Central Business, Commercial and Industrial Districts only |
| Neon | Only illuminated during business operation hours | | Projection, window or wall | | | | Central business/ Commercial |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Political | Not permitted in sign free zones. Permitted 60 days prior to election, must be removed by 15 days after election. | N/A | Temporary | 16 square feet in residential districts. 32 feet in commercial other districts | | | All |
| Portable | Must not impede pedestrian traffic. Shall not be reflective. No attachments are permitted. Off-Premise portable signs are not permitted. | 1 | Temporary | 6 square feet | Not to exceed 4 feet | | Central Business and Commercial Districts only. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Projecting | Minimum of 9' from grade – 2' from curb. Indemnity agreement required if sign projects over sidewalk | 1 per businesses | Projecting | Cumulative based on linear street frontage | Top of wall | N/A | Central Business, Commercial and Industrial |
| Public Information | May be located on public or private property. Including right-of-way. | | Permanent / Temporary | | 10' from existing grade at time of construction | | All |
| Sign Walkers | Shall not obstruct right-of-way. Shall only operate during hours of business being represented. | 1 | Temporary | | 8 feet | | All |

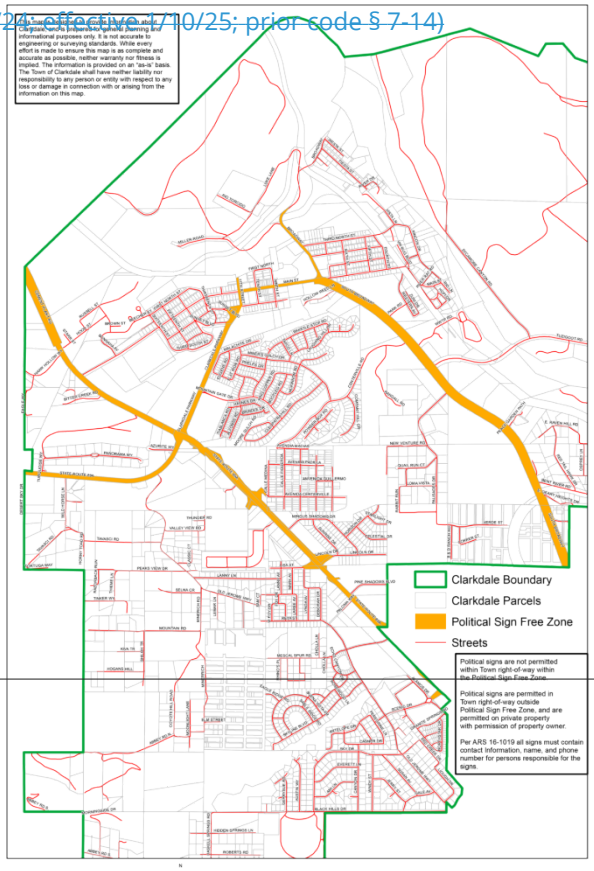
| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Special Events | On private property up to 2-weeks before event; directional signs only 12 hours before event | 4 banners; unlimited directional | Temporary | | | | All |
| Subdivision – On-Site Monument | Must be approved as part of sign package | 1 per entry | Permanent | 160 square feet | 10 feet | | |
| Subdivision – Off-Site | Shall be located within 1.5 miles | 2 | Temporary | 32 square feet | 8 feet, 6 feet in residential zoning districts | | All |
| Subdivision – Weekend Off-Site Directional | Must have permit – shall be installed before 4 pm on Friday and removed by 10 am on Monday | 8 per subdivision | Temporary | 4 square feet | Not to exceed 4 feet from existing grade | | All |
| Temporary Signs and Banners | 30 days only – permit required | One per street frontage per parcel | | 32 square feet | To be determined during permitting | | All |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Wall | | One per approved wall area | Permanent | Cumulative based on linear street frontage | Top of wall | | Commercial, Central Businesses and Industrial |
| Window | No more than 25 percent of allowable window signage may be illuminated | | Permanent | No more than 50 percent of window. Cumulative based on linear street frontage | N/A | | Commercial, Central Businesses and Industrial |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Yard Sale | Shall be located on private property | 1 | Temporary | | Not to exceed 4 square feet | | All |
| | | | | | | | |
| **Section 7-160 Permitted Sign Table** | | | | | | | |

**Section 7-170 Political Sign Free Zone Map**

(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; Revised by Ordinance #435 on 12/10/24; effective 1/10/25; prior code § 7-14)



# EXHIBIT G
# CHAPTER 7
## SIGNAGE

**SECTIONS:**


7-010 Purpose and Intent

7-020 General Provisions

7-030 Sign Standards

7-040 Sign Measurement, Design, and Maintenance

7-050 Sign Illumination

7-060 Signs Exempt from this Ordinance and Fees

7-070 Prohibited Signs

7-080 Non-conforming Signs

7-090 Commercial Sign Uses in Residential Zoning Districts

7-100 Permanent Signs

7-110 Temporary Signs and Banners

7-120 Maximum Sign Square Footage for Commercial Use

7-130 Visibility Sight Lines

7-140 Permitted Signs by Type and Zoning District Chart

7-150 Enforcement

7-160 Sign Table

7-170 Political Sign-Free Zone Map

## SECTION 7-010 PURPOSE AND INTENT

The purpose and intent of this Ordinance is to encourage the efficient and effective use of signs as a means of communication in the Town; and to minimize the negative effects of signs on nearby public and private property.

Signs shall be erected and displayed in such a manner as to avoid clutter, unwarranted distraction and visual or perceptual confusion to the detriment of the safe operation and functioning of the Town's transportation systems.

Regulations shall not unreasonably infringe on any individual's right to communicate ideological expression through the use of signs.

## SECTION 7-020 GENERAL PROVISIONS

A. Unless exempt from a permit in accordance with Section 7-060 of this Chapter, permits are required for all commercial signs. Applications shall be made to the Community Development Department on applicable forms and include information as required by the Town.

B. Permanent signs require a separate permit, unless a comprehensive sign plan has been approved and is in effect.

C. Whenever a business, industry or service using a commercial sign is discontinued, the sign shall be removed or obscured by the person owning or having possession of the property within 30 days after the discontinuation of the business, industry or service.

D. All signs other than wall signs may be back-to-back. Only the size of one side shall count towards the cumulative maximum noted in Section 7-120 Maximum Sign Square Footage for Commercial Use of this Chapter.

E. Attachment of any sign to utility poles, traffic control devices or street signs shall be prohibited. Unless specifically provided for in the Code, no sign shall project, overhang or otherwise be located on public property.

F. Any sign to be erected wholly or partially within state highway right-of-way shall be approved and in conformance with any Intergovernmental Agreement

between Town of Clarkdale and Arizona Department of Transportation (ADOT). Should no agreement exist, then the signage must be approved by ADOT.

G. Signs shall be maintained and free of chipping paint, visible cracks or gouges, or general deterioration.

H. The back of all one-sided freestanding signs must be finished with a non-reflective surface.

I. A comprehensive sign package for each new industrial, commercial, multi-family and residential subdivision, including the type, number, size, locations, and materials of the various signs shall be approved as a part of the Design Review process prior to the issuance of a permit for any sign authorized under this section of the Code.

J. All occupied premises shall have street numbers and room identification numbers for lodgings, which shall be easily viewed from adjacent public rights-of-way.

K. No sign shall be erected or maintained:

1. In a way that obstructs free and clear vision of traffic or causes a traffic hazard, or
2. At any location where, by reason of its position, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device mounted on a police or fire protection vehicle, or
3. Using the words “stop”, “look”, “danger”, “caution”, or any other word, phrase, symbol, or character in a way that interferes with, misleads, or confuses traffic that has not been installed or erected by a political subdivision of the State of Arizona.

L. No sign shall be erected, relocated, or maintained in a way that prevents free ingress to or egress from any door, window, or fire escape, nor shall any sign be attached to a standpipe or fire escape.

M. Applications that meet all requirements of this Ordinance shall be reviewed and approved administratively by the Community Development Director or designee. Only applications requesting deviations, variances, or unique design interpretations shall require review by the Board of Adjustment.

N. The Community Development Director or designee shall complete administrative sign reviews within 15 business days. Applicants denied administratively may appeal to the Board of Adjustment within 15 business days.

## SECTION 7-030 SIGN STANDARDS

A. All signs and supporting structures shall be designed and constructed in conformance with current Town Building and Electrical codes.

B. Any sign that is installed shall have a life expectancy of at least 10 years.

C. All temporary signs shall be constructed using suitably durable materials such as corrugated plastic, PVC board, vinyl or aluminum composite panels.

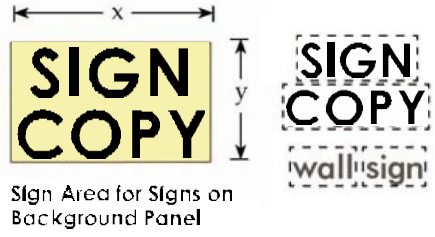
D. All signs must comply with the height, square footage and illumination standards herein.

E. Permitted signs are those identified in Section 7-140 Permitted Signs by Type and Zoning District Chart.

## SECTION 7-040 SIGN MEASUREMENT, DESIGN, AND MAINTENANCE

A. **Sign Area** shall be measured as follows:

Sign copy mounted on or affixed to a background panel or area distinctively painted, textured, or constructed as a background for the sign copy shall be measured as that area contained within the sum of the smallest rectangles that will enclose both the sign copy and background.

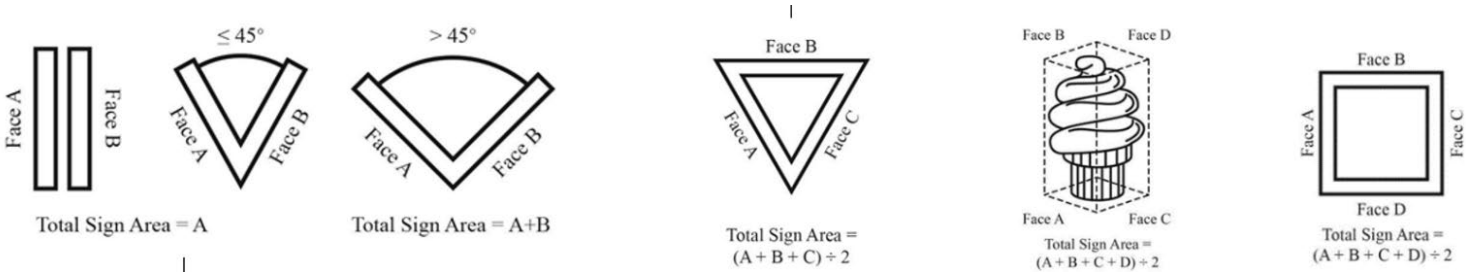


B. **Sign Copy** mounted on or cut from as individual letters or graphics on a wall, fascia, mansard, or parapet of a building or other structure that will enclose each word and each graphic in the total sign.

C. **Signs with Multiple Faces** shall be measured as follows:

The area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the greatest distance between faces does not exceed 5feet, or when the interior angle of the sign faces does not exceed 45 degrees in the case of a 'V' – configured sign. If the area of one sign face exceeds the area of the sign's opposing face, the area of the larger face shall be used to determine the sign area.

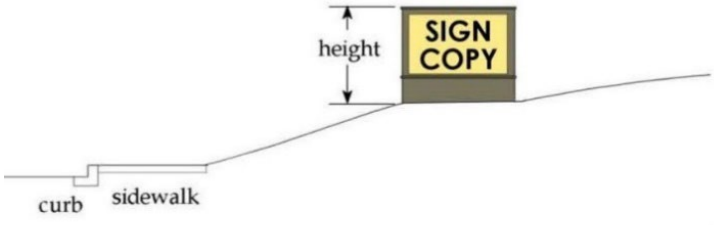
1. The area of a sign that contains three or more faces shall be calculated as 50% of the sum of the area of all faces.
2. Spherical, free-form, sculptural, or other non-planar sign area is measured as 50% of the sum of the areas using only the four vertical faces of the polyhedron that will encompass the sign structure.



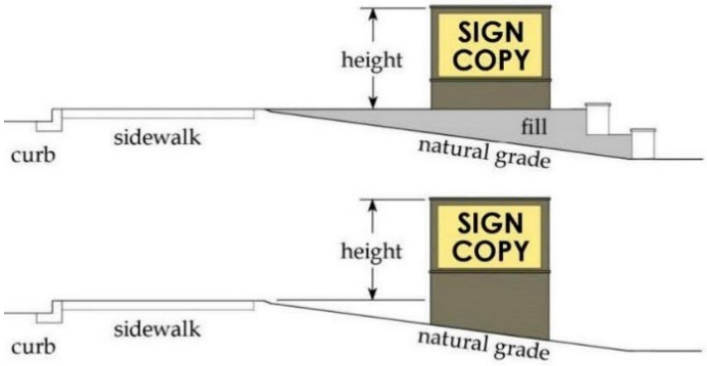

D. **Sign Height** shall be measured as follows:

1. The height of a freestanding sign shall be measured as the vertical distance from the finished grade beneath the sign, exclusive of any filing, graded earth buffer, mounding or landscaping done solely for the purpose of locating the sign, to the highest point of the sign.
2. If the sign is proposed in a location in which the finished grade beneath the sign is lower than the grade of the adjacent roadway surface, the sign height

shall be measured from the top of the curb, or crown of the adjacent roadway surface where no curb exists.

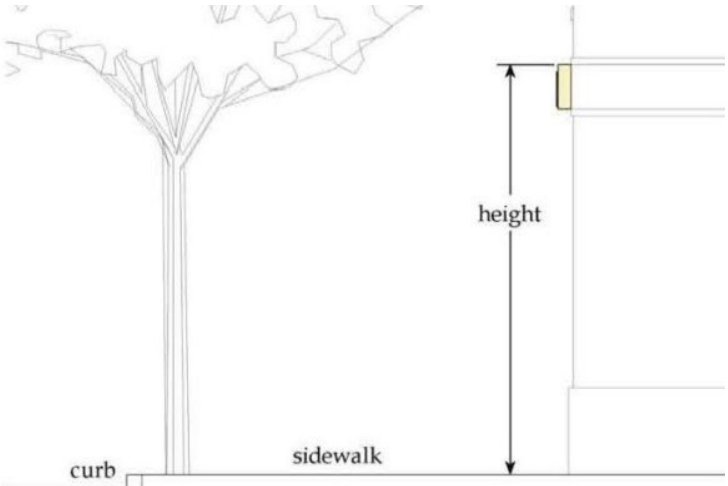



Freestanding Sign Height – Signs Higher than the Grade of an Adjacent Road




Freestanding Sign Height – Signs Lower than the Grade of an Adjacent Road

3. The height of any freestanding base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
4. Wall fascia, mansard, and parapet-mounted signs shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.




Building Mounted Sign Height

5. For sign premises with more than one building frontage, the maximum number and/or area for signage is allowed for the building frontage in which the building or tenant faces. Signage allowance shall not be transferred in whole or in part from one street frontage to another frontage.

E. **Maintenance and Repair.**

1. All signs shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of the sign.
2. All cracked, broken, or missing sign faces, and non-functioning interior lamps shall be repaired or replaced within 45 working days after notification of repair or maintenance from the Code Official.

## SECTION 7-050 SIGN ILLUMINATION

A. Exterior Illumination is not allowed within 75 feet of a residential district, except as permitted in a PUD or PAD.

B. All light fixtures shall be partially or fully shielded and shall be installed in a manner as defined for partially or fully shielded fixtures.

C. Indirect lighting fixtures shall be installed so that the illuminated area is limited to the sign area, and the light must be directed downward.

D. Internally illuminated signs shall be constructed with an opaque background and translucent lettering or symbols, or with a colored background and lighter letters. The color of the background is not limited by this Ordinance.

E. Illuminated signs must be extinguished by 10:01 p.m. or at the close of business, whichever is later.

F. Signs shall not be animated except as provided for in Section 7-100 Permanent Signs or have intermittent illumination or flashing lights, except emergency or warning signs installed for traffic control, including signs that draw attention to speed limits, stop signs, fire stations, school zones, and similar governmental or public uses.

## SECTION 7-060 SIGNS EXEMPT FROM THIS ORDINANCE AND FEES

A. Official notices required by a court, public body or safety official.

B. Directional, warning or information signs authorized by federal, state or municipal agencies.

C. The square footage of memorial plaques, building identification signs and building cornerstones when made an integral part of the building or structure, will not count towards the maximum sign square footage for buildings or structures constructed prior to 2025.

D. Flags of a government or a non-commercial institution such as a country, state, tribal, school or fraternal organization.

E. Religious symbols and seasonal decorations.

F. Temporary non-commercial signs are allowed subject to the same time, place, and manner restrictions as other temporary signs, set forth in this Ordinance.

G. Town of Clarkdale public information signs.

## SECTION 7-070 PROHIBITED SIGNS

A. Animated signs except as provided for in Section 7-100 Permanent Signs.

B. Signs with intermittent or flashing illumination except for neon signs.

C. Roof signs.

D. Private signs in public right-of-way except political signs. See Section 7-110 Temporary Signs and Banners of this Chapter.

E. Signs emitting sound.

F. Signs resembling traffic control devices.

G. Signs painted or erected on the exterior of fences, garages or roofs.

H. Signs obstructing clear vision in any direction from any street intersection or driveway per Section 7-130 Visibility Sight Lines.

I. Illuminated signs erected in such a location that a traffic signal is in a direct line of sight between the sign and oncoming traffic.

J. Signs employing lighting or a control mechanism which causes radio, radar or television interference.

K. Signs obstructing any fire escape, window, door or opening used or required as a means of ingress or egress for firefighting purposes.

L. Any sign which is structurally unsafe or constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not conform to the design, structural, and material standards for signs as adopted by the Town.

M. Inflatable displays except as holiday decorations or as part of a local event on public or private property.

## SECTION 7-080 NON-CONFORMING SIGNS

A. **Non-conforming.** All signs that are in violation of Chapter 7 shall be brought into conformance with the provisions of this Ordinance, either by removal or reconstruction within 30 days following receipt of official notice of a violation from the Town.

B. **Legal Non-conforming.** Existing signs that are in conformance with all standards in effect on the date of their installation prior to the effective date of this ordinance shall be considered legal non-conforming signs. Enlargement, relocation, extension, replacement, or substantial alteration (greater than 50% of the area or value of the sign) shall require conformance with the current code.

   1. A legal nonconforming sign which is destroyed or damaged to the extent that more than 50% of its net worth, at the time of damage, shall be reconstructed in conformance with this Ordinance.

   2. Any legal nonconforming sign destroyed or damaged to any extent by vandalism may be reconstructed to its original state within three months.

3. A legal nonconforming, on-site sign shall be considered abandoned when the property upon which it is located becomes vacant or unoccupied for a period of six consecutive months from the date of a utility disconnect or a documented inspection of the property for which it advertises.

## SECTION 7-090 COMMERCIAL SIGN USES IN RESIDENTIAL ZONING DISTRICTS

A. **Bed & Breakfast.**

1. Downward directed lighting only. No internally illuminated signs.
2. One wall or free-standing sign per permitted Bed & Breakfast.
3. Maximum total sign size of three square feet in single-family residential districts.
4. Maximum total sign height of eight feet tall for wall mounted signs including base and sign in all residential districts.
5. Maximum total sign height of 30 inches tall for freestanding signs.

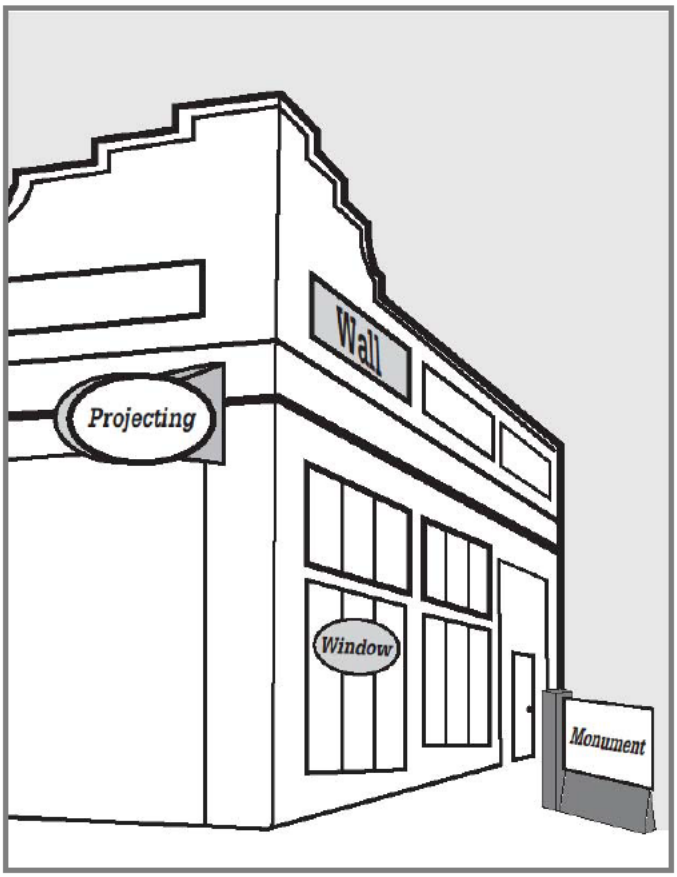
B. **Home Occupation.**

1. Downward directed lighting only. No internally illuminated signs.
2. One wall or free-standing sign.
3. Limited to name or occupation of occupant conducting a permitted home occupation.
4. Maximum total sign height of 30 inches tall for a freestanding sign.

C. **Multiple-Family Residential.**

1. Each multi-family complex is limited to a total number of three on-premise signs per street frontage.
2. Non-illuminated.
3. See Section 7-160 Sign Table for the maximum square footage.

## SECTION 7-100 PERMANENT SIGNS




A. **Animated**.

1. Limited to traditional barber poles and time & temperature devices, or other similar devices that are not illuminated.
2. Maximum of one per business.
3. Freestanding, wall or projection.
4. Maximum size not to exceed 50 square feet.
5. Included in the calculation of total sign area maximums.
6. Shall not project above roof line.

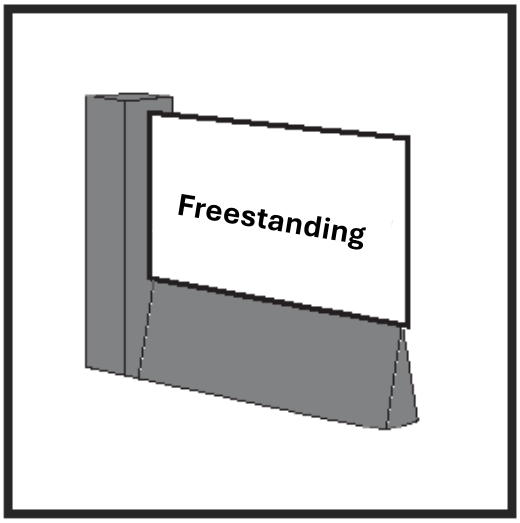
B. **Awning (Canopy)**.

1. Signs may be attached to awnings made of rigid materials or appliqued or painted on the awning surface.
2. Signage on awnings shall not project above the awning.

3. Bottom of the sign shall maintain a nine foot vertical clearance from grade.
4. Signage on awnings shall count toward the maximum signage square footage.

C. **Freestanding Signs.**

1. Permitted in commercial, industrial and multi-family zoning districts and for residential subdivisions.
2. Minimum setback from property line equals one foot for each foot of height of the sign for signs six feet or less in height; for signs more than six feet in height the setback shall be greater than or equal to the height of the sign.




3. Low-water use, drought-tolerant plants from the Town of Clarkdale Plant List, Chapter 9 of the Zoning Code, or landscape rocks shall be placed around the sign base to minimize the visual impact of a freestanding sign and create a visually attractive appearance.
4. One freestanding sign is allowed for each road intersection providing access to the property.
5. Maximum square footage of sign shall not exceed 40 square feet.
6. Maximum height of sign and base shall not exceed 10 feet above existing grade at time of construction.

7. The freestanding sign square footage shall count towards the total site allowance.
8. Additional total sign area may be allowed by Conditional Use Permit.

D. **Off-Premises Commercial Signs.**

1. One off premise sign per business is allowed in the Town of Clarkdale.
2. Proof provided to the Town of permission from the parcel owner is required prior to installation of any off-premise sign.
3. Maximum size of sign advertising a single use equals 32 square feet.
4. Maximum size of sign advertising multiple uses equals 50 square feet.
5. Minimum separation between off-premise signs equals 600 feet, including signs on same or different parcels.
6. Minimum separation between off-premise and on-site signage equals 200 feet.
7. Minimum setback equals the required setback of the zone district if the parcel is developed or 10 feet if undeveloped.
8. Limited to Central Business, Commercial or Industrial zoning districts.
9. Fifty percent of the signage allocated to off-premise advertising shall be deducted from the allowable on-site signage of the advertising parcel.
10. Maximum height of sign and base shall not exceed 10 feet above existing grade at time of construction.

E. **On-Site Commercial Information.**

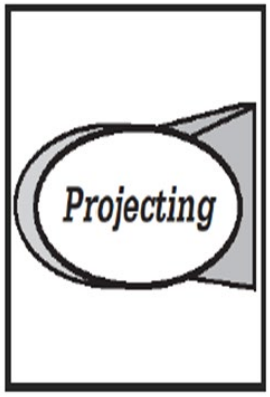
As reviewed and approved by staff during review of a comprehensive sign plan application.

F. **Neon.**

1. Permitted in the Central Business and Commercial Districts only.
2. May be projecting, window or wall.
3. One allowed per street frontage
4. Shall only be illuminated during business operating hours.

G. **Projecting.**

1. Maximum height equals top of wall.




2. No signage shall extend over public property except in the Central Business district and in no case shall the bottom of the sign be nearer than nine vertical feet to grade, nor shall the leading edge of the sign be nearer than two linear feet to the curb.
3. Maximum number equals one per business.
4. An agreement indemnifying the Town of Clarkdale from any liability is required if the sign projects over public right-of-way.
5. Maximum sign square footage shall not exceed 24 square feet.

H. **Subdivision Advertising, Directional and Identification.**

1. *General.* A comprehensive sign package for each development including type, number, size, locations, materials and colors of the various signs shall be approved through the design review process prior to the issuance of a permit for any sign authorized under this section of the Code.
2. *On-Site Subdivision Identification.*
   a. One freestanding sign may be permitted at each entrance up to a maximum of four signs.
   b. The maximum aggregate area of all entry signs shall be 160 square feet, with maximum size of any single sign not to exceed 50 square feet.
   c. Maximum height shall equal six feet tall.

3. *On-Site Advertising and Directional.*
    a. Maximum height shall equal 10 feet.
    b. The edges of all signs shall be boxed.
    c. Such signs shall be maintained until such time as 95% of the lots in the subdivision are sold, or the sales office closes, whichever occurs first.
    d. Such signs shall not be located nearer than 50 feet from a lot containing an occupied residence, unless located within a master planned community.
4. *Off-Site Advertising and Directional.*
    a. Such signs shall be located within 1.5 miles of the subdivision, on vacant property with the written permission of the property owner.
    b. A maximum of two signs are permitted for each subdivision and shall not be located on a local street.
    c. Each sign shall have a maximum area of 32 square feet and a maximum height of eight feet tall, six feet tall in residential zone districts.
    d. Such signs shall be maintained until such time as 95% of the lots in the subdivision are sold, or the sales office closes, whichever occurs first.
5. *Off-Site Weekend Directional Signs.*
    a. Permits are established for each subdivision based on a site plan showing all proposed signs and locations.
    b. Maximum of eight signs per subdivision.
    c. Maximum of four square feet per sign.
    d. Signs shall not be installed before 4:00 p.m. on Friday and must be picked up by 10:00 a.m. on Monday, except when Monday is a holiday, then by 10:00 a.m. on Tuesday.
    e. Signs shall not be placed in the public right-of-way nor attached to any utility poles, street or regulatory signs, bridges, trees, or similar objects.
    f. Signs shall not be placed on private property without the written permission of the property owner.

g. Signs shall be located within 1.5 miles of the subdivision, separated by not less than 50 feet from any other sign and shall not exceed three feet in height.

I. **Wall.**

1. Maximum height equals top of wall to which it is affixed.
2. Maximum projection from wall surface equals 18 inches, with a minimum clearance of 9 vertical feet if located over a public right-of-way.
3. See Section 7-120 of this Chapter for maximum sign square footage.

J. **Window**

1. No more than 50% of the window shall be used for signage.
2. No more than 25% of the allowable window signage shall be illuminated.
3. See Section 7-160 Sign Table for maximum square footage.

K. **Murals**

A mural shall not count towards the maximum sign size calculation for commercial businesses, unless it contains a business's name or logo, then it will be counted as a sign and included in the maximum square footage permitted by Section 7-120 of this Chapter.

## SECTION 7-110 TEMPORARY SIGNS AND BANNERS

A. **Applicability.** Temporary signs include but are not limited to signs previously categorized as: political, ideological, yard sale, real estate, and special event signage. These signs are regulated based on time, place, and manner regardless of the message expressed.

B. **General Standards.**

1. *Maximum Size.*
   a. Six square feet in residential zones.
   b. Thirty two square feet in commercial or industrial zones.
   c. Maximum number equals one per street frontage per parcel.

d. Maximum height is 10 feet tall for freestanding.

2. *Placement.*
   a. On private property with permission of the property owner.
   b. Not within visibility triangles or public rights-of-way unless expressly permitted.
   c. Placed upon the property it advertises.
   d. No banners shall be hung across any public right-of-way unless specifically granted approval by the Town Manager or designee, or an authorized representative; upon a finding such placement will not be detrimental to public safety and provided such placement shall be for a period of 30 days or less.
   e. All banners shall have wind slits, which shall be crescent-shaped cuts approximately 8.5 inches in radius, spaced approximately 16 to 20 inches on center, unless otherwise specified by the banner manufacturer.
3. *Duration.*
   a. Up to 30 days per calendar quarter, unless otherwise specified (e.g. election-related).
   b. Shall be removed within 72 hours after the event they reference concludes or after the sale is finalized.
4. *Illumination.* Not permitted for temporary signs.
5. *Permit.* Temporary signs shall not count towards the maximum sign size calculation for commercial businesses as specified in Section 7-120 of this Chapter.

C. **Political Signs.**

1. Maximum size equals 16 square feet, if the sign is located in an area zoned for residential use, or a maximum area of 32 square feet if the sign is located in any other area.
2. Signs may be located on private property or in public right-of-way subject to the following conditions:

a. The sign supports or opposes a candidate for public office, or it supports or opposes a ballot measure, question or issue.

b. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.

c. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

d. Installation of a sign on any structure or property owned or leased by the Town is prohibited.

e. No political signs will be permitted in the Commercial Tourism Political Sign-Free Zone. Refer to Section 7-170 Political Sign-Free Zone Map.

f. In accordance with ARS Section 16-411, any facility that is used as a polling place on election day, or that is used as an early voting site during the period of early voting, shall allow persons to electioneer and engage in other political activity outside of the 75-foot limit prescribed by ARS Section 16-515.

3. If the Town deems the placement of a political sign constitutes an emergency, the Town may immediately relocate the sign and shall notify the candidate or campaign committee that placed the sign within 24 hours of relocation. If a political sign does not conform to the conditions in subsection (C)(2) of this section but does not constitute an emergency, the Town may notify the candidate or campaign committee that placed the sign in violation.

   a. If the sign remains in violation at least 24 hours after the Town notified the candidate or campaign committee, the Town may remove the sign.

   b. If the sign is removed in conformance with subsection (C)(3)(a) of this section, the Town shall notify the candidate or campaign committee and retain the sign for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.

4. For candidates in an election, signs shall be erected no earlier than 71 days before the election and must be removed no later than 15 days after the

election. If a candidate in a primary election advances to the general election, the signs must be removed no later than 15 days after the general election.

5. For signs that support or oppose a ballot measure, question, or issue, the signs shall be erected no earlier than 71 days before the election at which the measure, question, or issue is scheduled to appear on the ballot and must be removed no later than 15 days after that election.

D. **Portable Signs.**

1. Permitted in the Central Business District, Commercial and Industrial Districts with the following restrictions:
    a. Maximum size is six square feet.
    b. Signs shall be non-reflective.
    c. Information on signs shall be current.
    d. Signs shall be of sufficient weight and durability to withstand wind gusts and storms so as not to blow over or become airborne.
    e. The portable sign shall not count towards the maximum allowable sign area calculation for the use.
    f. One portable sign is allowed per business.
    g. No more than three portable signs are allowed per 50 feet of linear street frontage.
    h. The sign shall be placed on the property being identified or within the right-of-way directly in front of and immediately abutting the property location.
    i. No sign shall be located within the visibility triangle as defined in Section 7-130 Visibility Sight Lines.
    j. One 5-foot-wide pedestrian passageway must be maintained around signs on a public sidewalk.
    k. No attachments to a portable sign are permitted.
    l. Portable signs shall be displayed only during the posted hours when the business is open.

m. The Town reserves the right to prohibit the use of portable signs during special events to ensure public safety by providing full access to the sidewalk.

n. Height shall not exceed 4 feet from the ground.

E. **Sign Walkers.**

1. Sign walkers are permitted per Arizona Revised Statutes 9-499.13.
2. No sign walker shall obstruct public right-of-way.
3. Sign walkers shall only operate during hours of operation for a business being represented or during daylight hours when advertising a subdivision.
4. No throwing of signs in the air, or twirling, spinning or tossing of signs is permitted.
5. Signs shall be limited to no more than six square feet.
6. Signs shall not block visibility of pedestrian or vehicular traffic.

F. **Special Events.**

1. Portable and temporary signs may be used to advertise the Special Event and must comply with Section 7-110 Temporary Signs and Banners of this Chapter.
2. A maximum of four portable and/or banner signs advertising the event are allowed.
3. An unlimited number of directional signs are permitted.
4. Directional signs may be placed no sooner than 12 hours before the event and shall be removed within 12 hours after the event.
5. Banners and other temporary signs advertising the event may be placed on private property up to two weeks prior to the event, placement in the public right-of-way requires review and approval by the Town staff.

G. **Yard Sale.**

1. Must contain the date and address of the yard sale.
2. Must be removed within 72 hours of placement.

3. Shall be weighted so as to not fly around.
4. Shall be located on private property.
5. Shall not exceed four square feet.
6. Shall not be attached to traffic control devises, utility poles or street signs.

## SECTION 7-120 MAXIMUM SIGN SQUARE FOOTAGE FOR COMMERCIAL USES

A. Commercial business located in commercial zoning districts and multi-family developments may use a combination of awnings, wall, window, freestanding and projecting signage on-site to promote their business.

B. The maximum aggregate signage area shall be calculated at 1.5 square feet per linear foot of building frontage, up to a maximum of 250 square feet per business.

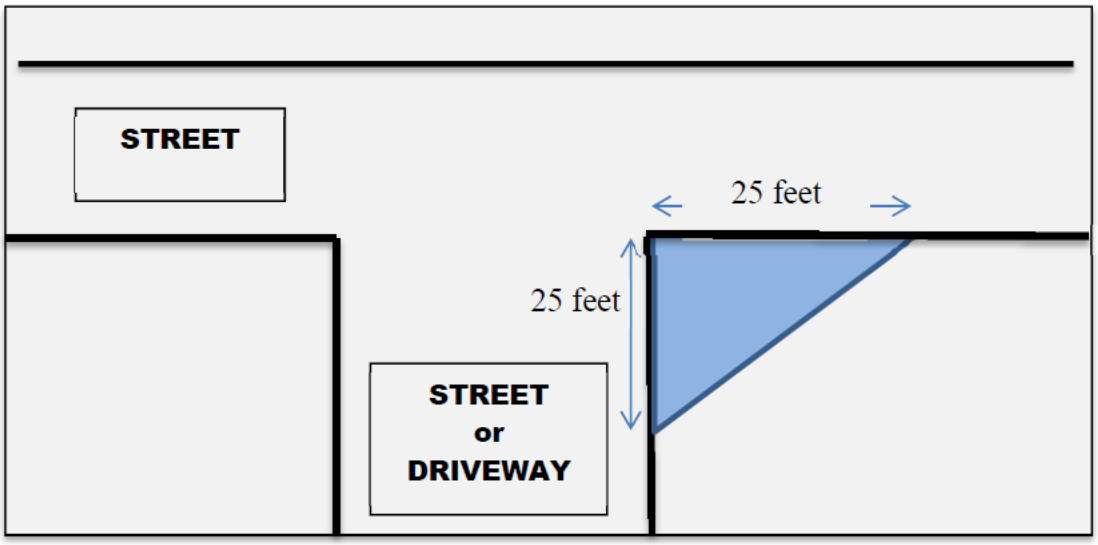
C. All commercial signs, except for temporary signs, are subject to review and administrative approval.

D. Additional square footage can be requested with the application of a Conditional Use Permit.

## SECTION 7-130 VISIBILITY SIGHT LINES

To preserve visibility at intersections, an unobstructed view shall be maintained within these triangular areas:

A. At the intersection of two streets, or where a driveway or alley intersects a street, a triangle defined by measuring 25 feet in length along the curb or edge of improved roadway from their point of intersection, the third side being a diagonal line connecting the first two. The Town may require more than 25 feet in high-volume, high-speed traffic areas.




B. No signs, except traffic signs, shall exceed a height of 30 inches above grade.

**SECTION 7-140 PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART**

| Sign Type | R1A | R1 | R1L | RS3 | R2 | R3 | R3H | R4 | R4A | CB | C | I | Fee/ Permit | Staff Review |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **P = Permitted N= Not Permitted Y= Yes Required** | | | | | | | | | | | | | | |
| Animated | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| Awning | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Freestanding | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Illuminated | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| Off-Premise Commercial | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| On-site Info | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |

| Sign Type | R1A | R1 | R1L | RS3 | R2 | R3 | R3H | R4 | R4A | CB | C | I | Fee/ Permit | Staff Review |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Commercial | | | | | | | | | | | | | | |
| Neon | N | N | N | N | N | N | N | N | N | P | P | N | Y | Y |
| Projecting | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Political | P | P | P | P | P | P | P | P | P | P | P | P | N | N |
| Portable | N | N | N | N | N | N | N | N | N | P | P | P | Y | Y |
| Projecting | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |
| Public Info. | P | P | P | P | P | P | P | P | P | P | P | P | N | N |
| Special Events | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Subdivision Freestanding, Advertising and Directional | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Temporary | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Wall | P | P | P | P | P | P | P | P | P | P | P | P | Y | Y |
| Window | N | N | N | N | P | P | P | P | P | P | P | P | Y | Y |

## SECTION 7-150 ENFORCEMENT

A. All signs shall be subject to inspection by the Community Development Department to ensure compliance with the Zoning Code.

B. Footing inspections shall be required for all signs with footings.

C. Signs containing electrical wiring shall conform to the standards of the applicable electrical code and the components shall bear the label of a testing agency approved by the State of Arizona.

D. When, in the opinion of the Town Manager or authorized representative, reasonable cause exists concerning the safety of a proposed or existing sign structure, the applicant or owner shall furnish written documentation from a registered civil, structural, electrical or mechanical engineer certifying its safety. The Town reserves the right to order removal of a sign if it poses a threat to public safety.

E. Notice of noncompliance of any sign shall be given to the owner of record of the property and user of such sign by first-class mail sent to the last known address of the owner of record.

F. Failure to remove or bring the sign into compliance in accordance with a notice given pursuant to Town Code shall result in appropriate enforcement action, including but not limited to:

   1. The Town Attorney, acting on behalf of the Town Council, shall seek the removal of any sign not erected in compliance with this Ordinance or maintained in a safe manner and,

   2. The billing of the owner or user of such sign an amount equal to the costs to the Town in removing and storing any such sign; or

   3. Issuance of a citation by the Clarkdale Police Department for the offending party(ies) to appear before the Town Magistrate.

G. For definitions see Chapter 2 of the Zoning Code.

H. The Town may remove illegal or unsafe signs at the owner’s expense.

I. All signs shall be maintained in good condition and in accordance with the following priority:

1. Structural safety and stability.
2. Visibility and traffic safety compliance.
3. Aesthetic upkeep and material integrity.
4. Continued compliance with approved design and placement.

**SECTION 7-160 SIGN TABLE**

| **Animated** | |
|---|---|
| Limited To | ▪ Barber poles<br>▪ Time/temperature devices<br>▪ Included in maximum area calculations |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Freestanding<br>▪ Wall<br>▪ Projection |
| Maximum Square Footage | ▪ 50 sq. ft. |
| Maximum Height | ▪ Not to project above the roof line |
| Setbacks | ▪ Not located in the site triangle |
| Allowed Zoning Districts | ▪ Commercial |

| **Awning** | |
|---|---|
| Limited To | ▪ Signage shall not project above awning surface<br>▪ 9-foot vertical clearance required |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ NA |
| Maximum Height | ▪ NA |
| Setbacks | ▪ Not located in the site triangle |
| Allowed Zoning Districts | ▪ Multi-Family Residential<br>▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Bed and Breakfast** | |
| Limited To | ▪ Included in maximum area calculations |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Wall<br>▪ Freestanding |
| Maximum Square Footage | ▪ 3 sq. ft. |
| Maximum Height | ▪ 8 feet tall for wall mounted |

| | |
|---|---|
| | ▪ 30 inches tall for freestanding |
| Setbacks | ▪ Not located in the site triangle |
| Allowed Zoning Districts | ▪ Residential<br>▪ Commercial |
| **Freestanding** | |
| Limited To | ▪ Included in maximum area calculations |
| Allowed per Business/ Development | ▪ One per adjacent intersection |
| Type | ▪ Freestanding |
| Maximum Square Footage | ▪ 40 sq. ft. |
| Maximum Height | ▪ 10 feet tall from existing grade at time of construction |
| Setbacks | ▪ Signs less than 6 feet tall = 1 foot for each foot of sign height<br>▪ Signs greater than 6 feet tall = greater than or equal to sign height |
| Allowed Zoning Districts | ▪ Commercial<br>▪ Subdivision<br>▪ Multi-family Development |
| **Home Occupation** | |
| Limited To | ▪ Non-illuminated<br>▪ Name and Occupation only |

| | |
|---|---|
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Wall<br>▪ Freestanding |
| Maximum Square Footage | ▪ 3 sq. ft. |
| Maximum Height | ▪ Top of wall<br>▪ 30 inches for freestanding |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Residential |
| **Multi-Family Residential** | |
| Limited To | ▪ Non-illuminated |
| Allowed per Business/ Development | ▪ Three on-premise signs per street frontage |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Based on linear footage of building frontage |
| Maximum Height | ▪ Depends on the sign type |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Multi-Family Residential<br>▪ Single Family Residential Multiple Dwelling Units |
| **On-Site Commercial Information** | |
| Limited To | ▪ Included in maximum area calculations |

| | |
|---|---|
| Allowed per Business/ Development | ▪ As approved during review of a sign application |
| Type | ▪ As approved during review of a sign application |
| Maximum Square Footage | ▪ As approved during review of a sign application |
| Maximum Height | ▪ As approved during review of a sign application |
| Setbacks | ▪ As approved during review of a sign application |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Neon** | |
| Limited To | ▪ Illuminated during business operation hours only |
| Allowed per Business/ Development | ▪ One per street frontage |
| Type | ▪ Projection<br>▪ Window<br>▪ Wall |
| Maximum Square Footage | ▪ Based on linear footage of building frontage |
| Maximum Height | ▪ Not to project above the roof line |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial |

| **Political** | |
|---|---|
| Limited To | ▪ Not permitted in political sign free zones<br>▪ Permitted no earlier than 71 days prior to election<br>▪ Must be removed no later than 15 days after the election |
| Allowed per Business/ Development | ▪ One per street frontage |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 16 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ If freestanding, 10 feet from grade at the time of installation |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Portable** | |
| Limited To | ▪ Must not impede pedestrian traffic<br>▪ Shall not be reflective<br>▪ No attachments are permitted<br>▪ Off-premise is not permitted<br>▪ No more than three for 50 linear feet of street frontage |
| Allowed per Business/ Development | ▪ One |

| | |
|---|---|
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. |
| Maximum Height | ▪ 4 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Projecting** | |
| Limited To | ▪ Vertical clearance of 9 feet from grade<br>▪ Must be located 2 feet from the curb<br>▪ Indemnity agreement required if the sign projects over any public right-of-way |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Projecting |
| Maximum Square Footage | ▪ 24 sq. ft. |
| Maximum Height | ▪ Not to project above the roof line |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |

| **Public Information** | |
|---|---|
| Limited To | ▪ May be located on public or private property, including right-of-way |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent<br>▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ 10 feet tall from existing grade at the time of construction |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Sign Walkers** | |
| Limited To | ▪ Shall not obstruct rights-of-way<br>▪ Shall only operate during the hours of the business being represented |
| Allowed per Business/ Development | ▪ One |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. |
| Maximum Height | ▪ 6 feet tall |

| | |
|---|---|
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Special Events** | |
| Limited To | ▪ On property up to two weeks before event<br>▪ Directional signs only 12 hours before event<br>▪ All signs shall be removed within 12 hours after the event |
| Allowed per Business/ Development | ▪ 4 banners<br>▪ Unlimited directional |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ 10 feet tall grom grade if freestanding |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Subdivision On-Site Freestanding** | |
| Limited To | ▪ Must be approved as part of a comprehensive sign package |
| Allowed per Business/ Development | ▪ One per entry up to a maximum of four |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Aggregate of all entry signs 160 sq. ft. |

| | |
|---|---|
| | ▪ Any single sign not to exceed 50 sq. ft. |
| Maximum Height | ▪ 6 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ Residential |
| **Subdivision On-Site Advertising and Directional** | |
| Limited To | ▪ Edges of all signs shall be boxed<br>▪ Shall be removed after 95% of the lots are sold or the sales office closes, whichever comes first<br>▪ Not located within 50 feet of an occupied residence |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ Must be approved as part of a comprehensive sign package |
| Maximum Height | ▪ 6 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ NA |
| **Subdivision Off-Premise** | |
| Limited To | ▪ Shall be located within 1.5 miles, on vacant property with written permission of the property owner<br>▪ Shall not be located on a local street |

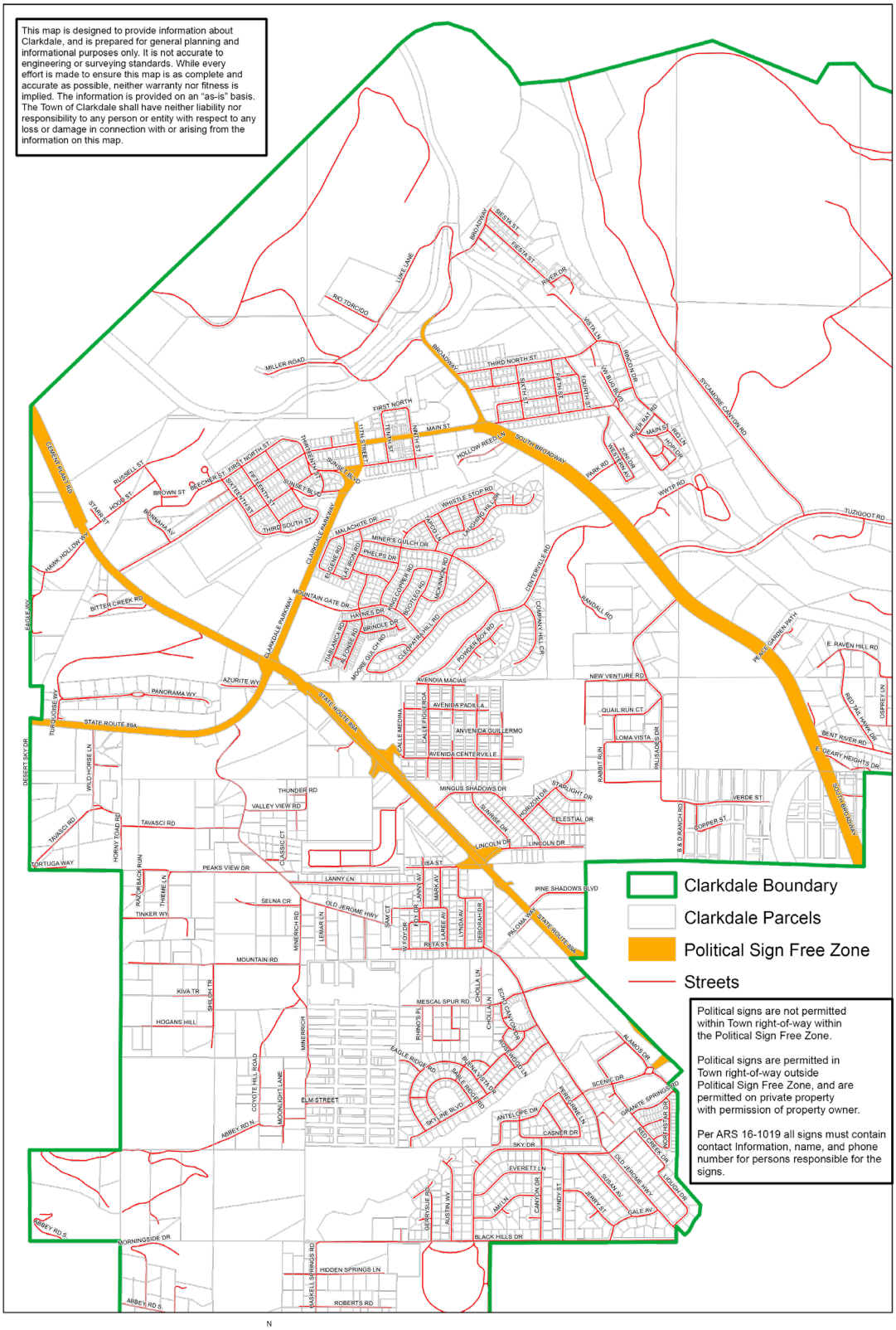
| | |
|---|---|
| | ▪ Shall be removed after 95% of the lots are sold or the sales office closes, whichever comes first |
| Allowed per Business/ Development | ▪ Two |
| Type | ▪ Freestanding |
| Maximum Square Footage | ▪ 32 sq. ft. |
| Maximum Height | ▪ 6 feet in residential districts<br>▪ 8 feet in all other districts |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Subdivision Off-Site Weekend Directional** | |
| Limited To | ▪ Permits are established for each subdivision based on a site plan showing all proposed signs and locations<br>▪ Shall be removed after 95% of the lots are sold or the sales office closes, whichever comes first |
| Allowed per Business/ Development | ▪ Eight |
| Type | ▪ Portable |
| Maximum Square Footage | ▪ 4 sq. ft. |
| Maximum Height | ▪ 4 feet tall |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |

| **Temporary Signs and Banners** | |
|---|---|
| Limited To | ▪ Up to 30 days per calendar quarter, unless otherwise specified (e.g. election-related).<br>▪ Permit Required<br>▪ Shall be removed within 72 hours after the event they reference concludes or after the sale is finalized |
| Allowed per Business/ Development | ▪ One per street frontage per |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 6 sq. ft. in residential districts<br>▪ 32 sq. ft. in all other districts |
| Maximum Height | ▪ 10-feet tall if freestanding |
| Setbacks | ▪ Not located in a site triangle |
| Allowed Zoning Districts | ▪ All |
| **Wall** | |
| Limited To | ▪ NA |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Maximum aggregate signage area shall be calculated at 1.5 square feet per linear foot of building frontage |

| | |
|---|---|
| | ▪ Maximum of 250 square feet for all signs per business |
| Maximum Height | ▪ Top of wall to which it is affixed |
| Setbacks | ▪ NA |
| Allowed Zoning Districts | ▪ Residential with Home Occupation<br>▪ Central Business<br>▪ Commercial<br>▪ Industrial |
| **Window** | |
| Limited To | ▪ No more than 50% of the window shall be used for signage<br>▪ No more than 25% of the window signage shall be illuminated |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Permanent |
| Maximum Square Footage | ▪ Cumulative based on the linear footage of the building frontage |
| Maximum Height | ▪ NA |
| Setbacks | ▪ NA |
| Allowed Zoning Districts | ▪ Central Business<br>▪ Commercial<br>▪ Industrial |

| **Yard Sale** | |
|---|---|
| Limited To | ▪ Must contain the date and address of the yard sale<br>▪ Must be removed within 72 hours of placement<br>▪ Shall be weighted<br>▪ Shall be located on private property<br>▪ Shall not be attached to traffic control devices, utility poles or street signs |
| Allowed per Business/ Development | ▪ NA |
| Type | ▪ Temporary |
| Maximum Square Footage | ▪ 4 sq. ft. |
| Maximum Height | ▪ 2 feet tall |
| Setbacks | ▪ NA |
| Allowed Zoning Districts | ▪ All |

## Section 7-170 Political Sign Free Zone Map



# EXHIBIT H

## CHAPTER 8

## OUTDOOR LIGHTING ~~CODE~~

**Sections~~Articles~~:**


8-010 Purpose and Intent ~~Incorporation by Reference~~

8-020 Compliance with the Zoning Code and Permit Requirements ~~Mission Statement~~

8-030 Applicability ~~Purpose and Intent~~

8-040 Lighting Definitions ~~Conflicting Regulations~~

8-050 General Requirements ~~Approved Materials and Methods of Construction or Installation/ Operation~~

8-060 Residential Lighting ~~Preferred Source~~

8-070 Special Uses ~~Lighting Requirements~~

8-080 Prohibited Outdoor Lighting ~~Parking Lot Lighting Standards~~

8-090 Exceptions ~~Temporary Lighting Permits~~

8-100 Nonconforming Outdoor Lighting ~~Nonconforming Uses~~

8-110 Outdoor Lighting Variances ~~Variances~~

8-120 Violations and Enforcement ~~Definitions~~


## 8-010 Purpose and Intent

The purpose of this lighting code is to enhance the safety, well-being, and enjoyment of our residents while preserving the beauty of the night sky. It aims to minimize the impact on wildlife and natural habitats, reduce energy consumption, and support Clarkdale's mission of sustainability and safety. This code is designed to be practical for residents and is in alignment with the Illuminating Engineering Standards (IES) and the Dark-Sky ~~International~~ guidelines.

**Section 8-010 Incorporation by Reference**

A.R.S., Title 49, Chapter 7, Light Pollution § 49-1101 et seq., is hereby incorporated by reference. (Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 8-1)

**Section 8-020 Mission Statement**

To afford every citizen of Clarkdale the flexibility to engage in the pursuit of safe, inexpensive lighting practices for the purpose of commercial and private use without being impeded upon or impeding upon other citizens desiring a more pristine nighttime environment free from light pollution, waste, trespass, or clutter while providing nighttime safety, security and productivity. (Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 8-2)

**Section 8-030 Purpose and Intent**

A. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principal among these concerns are:

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;

2. Unnecessary waste of energy and resources in the production of too much light or wasted light;

3. Interference in the use or enjoyment of property which is not intended to be illuminated at night; and

4. The loss of the often-neglected scenic view of the night sky due to increased urban skyglow.

It is hereby recognized that these different interests, those of safety and utility and those of aesthetic appearance, need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to questions of when, where and how much lighting is needed, will lead to better lighting practice from all viewpoints.

B. It is also recognized that the topography and atmospheric conditions in northern Arizona are uniquely suited for government, military, commercial, and private astronomical observation in the area, and that unnecessary or excessive use of outdoor nighttime lighting has an adverse impact on astronomical observation in the area, and that unnecessary or excessive uses of outdoor nighttime lighting has an adverse impact on astronomical observation, even at relatively distant observatories.

C. Accordingly, it is the intent of this section of the Zoning Ordinance to encourage lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity. (Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 8-3)

## 8-020 Compliance with the Zoning Code and Permit Requirements

A. An outdoor lighting permit shall be obtained prior to the installation, modification, or replacement of any Outdoor Light Fixture subject to Section 8-030.

1. Any modification of an existing Outdoor Light Fixture shall comply with this article.

2. All outdoor lighting shall be installed in compliance with the Town of Clarkdale Building Regulations; and The Town of Clarkdale Fire Code.

## Section 8-040 Conflicting Regulations

A. In the event of conflict between the regulations set forth in this section of this chapter and any other regulations applicable to the same area, the more stringent limitations of requirement shall govern. (Prior code § 8-4)

## Section 8-050 Approved Materials and Methods of Construction or Installation/Operation

A. The provisions of this section of the Zoning Ordinance are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this chapter, provided any such alternate has been approved.

B. The Planning Director may approve any such proposed alternate provided that such alternate:

1. Provides at least equivalence to the applicable specific requirements of this chapter; and

2. Is otherwise satisfactory and complies with the intent of this chapter. (Prior code § 8-5)

## Section 8-060 Preferred Source

A.Due to their high energy efficiency, long life and spectral characteristics, low-pressure Sodium (LPS) lamps are the preferred illuminations source for outdoor lighting throughout the Town of Clarkdale. (Prior code § 8-6)

## 8-030 Applicability

A. New Development and Parking Areas.

The provisions of this article shall apply to any new development of a vacant lot or parcel and any installation of outdoor lighting to support that development, including parking areas and areas within an unenclosed parking garage.

B. Major Additions, Modifications, Replacements, and Change of Use

The provisions of this article shall apply to all major additions, modifications, replacements, or change of use. The entire property shall comply with the requirements of this article when any of the following occur:

1. "Major" shall be defined as an increase of 25% percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this provision; or

2. Single or cumulative modifications or replacements of legally installed outdoor light fixtures after December 31, 2025, constituting 25% percent or more of the lumens that would be permitted under this articlesection for the property, regardless of the total outdoor light output currently existing on a site.

3. New uUses ~~or Structures,~~ or cChange of uUse. Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. Minor Additions, Modifications, Replacements, and Change of Use

~~.~~The provisions of this article shall not apply to minor (less than 25% ~~percent~~ as referenced above) additions, modifications, replacements, or change of use after December 31, 2025, except for the following:

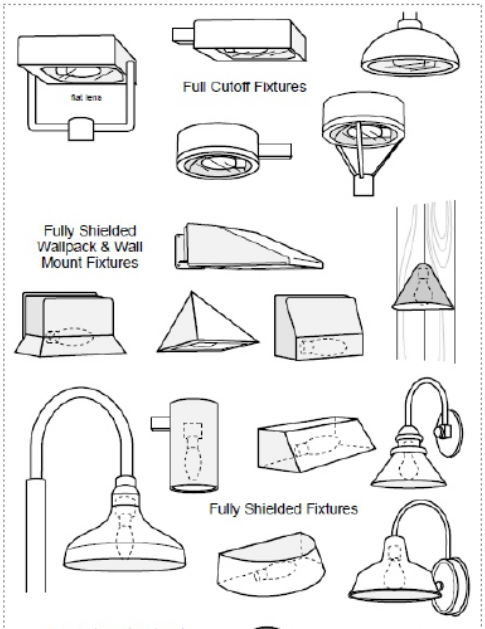
1. All new or modified oOutdoor lLight fFixtures shall comply with the requirements of this article.

2. The t~~T~~otal oO~~o~~utdoor lL~~l~~ight oO~~o~~utput shall not exceed the amount allowed by this article, or the total legal nonconforming light output, whichever is greater.

## 8-040 Lighting Definitions

~~A. As used in this chapter, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:~~

~~Planning Director: means the Planning Director for the Town of Clarkdale or his/her representative.~~



**CFL:** A lamp that uses a coiled or folded fluorescent tube and an integrated ballast to produce light. A CFL is designed to provide energy-efficient lighting comparable to incandescent lamps while using less electricity and lasting significantly longer. CFLs contain a small amount of mercury and must be properly recycled or disposed of in accordance with applicable regulations~~a compact fluorescent lamp that uses less electricity and lasts longer than incandescent bulbs~~.

~~Class 1 Lighting: means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important.~~

~~Class 2 Lighting: means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination of the grounds is the primary concern.~~

~~Class 3 Lighting: means any outdoor lighting used for decorative effects, including but not limited to architectural illuminations, flag monument lighting, and illumination of trees, bushes, etc.~~

~~Discontinued: means the discontinuation of use for a period of six (6) months.~~

~~Development Project: means any residential, commercial, industrial, mixed use subdivision plan, individual building development or remodeling plan which is submitted to the Town for approval.~~

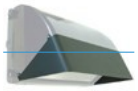
~~Direct Illumination: means illumination resulting from light emitted directly from a lamp. Luminary or reflector, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.~~

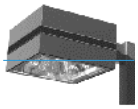
**Fully Shielded Luminaire**: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

~~Fully Shielded Fixture: means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

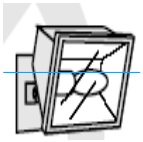
~~**Examples of fixtures that are Fully Shielded:**~~

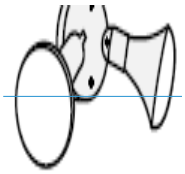
~~(Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal)~~





**Examples of fixtures that are NOT Fully Shielded:**





~~Installed: means attached, or fixed in place, whether or not connected to a power source.~~

**LED:** a light emitting diode ~~that emits light when current flows through it~~.

~~Light Trespass: is spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.~~

**Lumen:** the amount of visible light emitted per second by a source, indicating its brightness or luminous flux. ~~is the unit used to measure the actual amount of visible light, which is produced by a lamp as defined by the manufacturer. A lumen is the light produced by one candle.~~

~~Luminary: means the complete lighting assembly, less the support assembly.~~

**Luminaire Lumens:** For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

**Lux**: The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.

**Net Acre:** The remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

~~Multi-class Lighting: means any other outdoor lighting used for more than one (1) purpose, such as security and decorations, when those purposes fall under the definitions for two (2) or more lighting classes as defined for Class 1,2, and 3 Lighting above.~~

~~Motions Sensing Security Lighting: means a fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.~~

~~Neon Lighting: means lighting using luminous gas filled tubes often formed into text, symbols or decorative elements. Neon Lighting includes tubes with typical diameters of 10 to 20 millimeters filled with neon, argon, xenon, or other gasses and producing various colors of light. Not included are replaceable T-8 (1 inch diameter) and T-12 (1.5 inch diameter) or PL ("compact") fluorescent tubes.~~

~~Acreage: means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.~~

~~Outdoor Light Fixtures: means all outdoor illuminating devices, reflective surfaces, lamps and other devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:~~

- ~~a. Buildings and structures~~
- ~~b. Recreational areas~~
- ~~c. Parking lot lighting~~
- ~~d. Landscape and architectural lighting~~
- ~~e. Billboards and other signs (advertising or other)~~
- ~~f. Street lighting~~
- ~~g. Product display area lighting~~
- ~~h. Building overhangs and open canopies~~
- ~~i. Security lighting~~

~~Outdoor Recreation Facility: means an area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball, soccer or football fields, golf courses, tennis courts and swimming pools.~~

~~Person: includes a corporation, company, partnership, firm, association or society, as well as an individual.~~

~~Security Lighting: is lighting designed to illuminate a property or grounds for the purpose of visual security. This includes full shielded lighting designed to be left on during the night time hours as well as motion sensing lighting fixtures.~~

~~Temporary Lighting: means lighting which does not conform to the provisions of this chapter and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. holiday decorations, civic events, or construction projects.~~

~~Total Outdoor Light Output: means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a property. For lamp types that vary in their output as they age (such as high pressure sodium and metal halide), the initial output, as defined by the manufacturer, is value to be considered.~~

**Sky Glow**: The brightening of the nighttime ~~sky that~~sky results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

~~**Unshielded Fixture:** means a fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.~~

**Unshielded Luminaire**: A luminaire capable of emitting light in any direction including downwards.

**Watt:** ~~–~~the unit of power in an electric circuit. ~~is the unit used to measure the electrical power consumption (not the light output) of a lamp. (Prior code § 8-13)~~

## Section 8-070 Lighting Requirements

A. Outdoor floodlighting by floodlight projections above the horizontal is prohibited except for lamps specifically exempted under subsections K and R below and properly adjusted motion sensing security lighting fixtures as defined in Section 8-130.A.14.

B. All light fixtures which are required to be shielded shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures. Wiring to light poles and standards must be buried underground.

C. All light fixtures, including security lighting, except street lamps, shall be aimed or shielded so that the direction illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illuminations does not fall onto or across any public or private street or road. Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases. Direct or indirect lighting must not exceed one-half (0.5) foot candle (fc) at the lot line or upon abutting residential properties.

D. No new mercury vapor light fixtures nor replacement equipment other than bulbs shall be sold or installed for use as outdoor lighting within the Town of Clarkdale after the effective date of this Code and the use of mercury vapor light fixtures for outdoor lighting is prohibited after January 1, 2005.

E. *Search Light.* Laser source lights, strobe or flashing lights, motion or illusion lights or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel at their direction.

F. Class 1 lighting, including, but not limited to, sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operations until 10:00 p.m., or for as long as the area is in active use. This provision is not applicable to fixtures lawfully installed or implemented prior to the adoption of the ordinance codified in this section.

G. Class 2 lighting shall have no time restrictions unless stipulated as a condition of approval for new projects.

~~H. Class 3 lighting, except for flagpole lighting, must be extinguished after 10:00 p.m. or at the close of business, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15th to January 15th.~~

~~I. Multi-class lighting, except for security lights, must conform to the time limitations of the most strict class.~~

~~J. Except as permitted in subsections K, L, and M below, total outdoor light output, excluding streetlights used for illumination of public rights-of-way, of any development project shall not exceed one hundred thousand (100,000) lumens per net acre, averaged over the entire property. No more than five thousand five hundred (5,500) lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in subsection R below.~~

~~K. Lighting, in all cases, for all outdoor athletic fields, courts, tracks or ranges shall be considered Class 1 (Color Rendition). When the proposed lumens per acre exceeds the limits of subsection J above, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IEDNA). The installation shall also limit off-site spill (off the parcel containing the sport facility) to a maximum of one-half (0.5) fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this section.~~

~~All events shall be scheduled so as to complete all activity by 10:00 p.m. Illumination of the playing field, court, track or range shall be permitted after 10:00 p.m. only to conclude a scheduled event that was unable to conclude before 10:00 p.m. due to unusual circumstances. Fully shielded lighting shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:~~

~~1. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as required in Section 8-130.A.10; and~~

2. Are installed and maintained with aiming angles that permit no greater than two percent (2%) of the light emitted by each fixture to project above the horizontal.

L. Lighting for outdoor display lots shall be considered Class 1 (Color Rendition), and shall conform to the lumens per acre limits of subsection J above except as follows:

All such lighting shall utilize full shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics. When the proposed lumens per acre exceed the limits of subsection J above, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illumination Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the display lot) to a maximum of one-half (0.5) fc at any location on any nonresidential property, and one-twentieth (0.05) fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this section. Outdoor display lot lighting exceeding the lumens per acre cap of subsection J above shall be turned off at 10:00 p.m. or within thirty (30) minutes after closing of business or activity, whichever is later. Lighting in the outdoor display lot after this time shall be limited to Class 2 lighting, and shall conform to all restrictions of this section applicable for this class, including the lumens per acre caps in subsection J above.

M. Lighting for service station or similar canopies shall be considered Class 1 lighting. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy.

All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent (50%) of the lumen output of all lamps mounted within or under a canopy, except internally illuminated signs, is included in the lumen caps in subsection J above.

N. Lighting used for all externally illuminated signs shall conform to all restrictions of this section, shall be fully shielded, and shall be turned off at 10:00 p.m. or at the close of business, whichever is later.

~~O. All site lighting not directly associated with the special uses as permitted in Section 8-130.A.14 and subsections K, L, and M above shall conform to all lighting standards described in this section.~~

~~P. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illuminations source: the color of such opaque backgrounds is not restricted by this section. Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set in subsection J above. All illuminated signs shall be turned off at 10:00 p.m. or at the close of business, whichever is later.~~

~~Q. All outdoor neon lighting shall be fully shielded and shall be turned off at 10:00 p.m. or at the close of business, whichever is later.~~

~~R. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:~~

~~Shielding/Use Code: A = allowed, unshielded, F = allowed fully shielded~~

| ~~LAMP TYPE~~ | ~~SHIELDING~~ |
|---|---|
| ~~Class 1, 2 and 3 lighting~~ | |
| ~~All lamp types above 2,050 lumens~~ | ~~F (See Note #1)~~ |
| ~~All types below 2,050 lumens~~ | ~~A (See Note #2)~~ |
| ~~All neon tube lighting~~ | ~~F~~ |

| LAMP TYPE | SHIELDING |
|---|---|
| Class 1, 2 and 3 lighting | |
| Lamps in motion sensing security lights (Section 8-130.A.14) | A (subsection C above) |

Note #1: Examples of lamp types of 2,050 lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage, check manufacturer's specifications):

a. 100-watt standard incandescent and less.

b. 100-watt midbreak tungsten-halogen (quartz) and less.

c. 25-watt T-12 cool white fluorescent and less.

d. 18-watt low-pressure sodium and less.

Note #2: Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties. Unshielded light (all types) are limited to a minimum of 5,500 lumens per net acre (see subsection J above). Residential parcels and development projects containing one net acre or less are allowed 5,500 lumens of unshielded light (all classes).

S. Uses other than single-family residential must have adequate exterior lighting to provide for their safe use during nighttime hours if such use is contemplated. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; prior code § 8-7)

## 8-050 General Lighting Requirements

A. All light fixtures which are required to be shielded shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures.

B. Wiring to light poles and standards must be buried underground

C. Any use of LED lighting shall prioritize low correlated color temperatures (CCTs) below 4000 Kelvin (K) ~~that minimize blue light pollution and reduce skyglow~~ and be fully shielded.

D. Lighting Classes~~.~~

The Total Outdoor Light Output for a lot or parcel is cumulative of the light emitted by all lighting classes.

1. ~~—~~Class 1 Lighting (High-Impact Areas)

Class 1 lighting applies to areas with high-activity or safety requirements, such as athletic fields, sales, service, commercial, assembly, repair, and maintenance. This class is designed for high-visibility and operational needs, and all fixtures must be fully shielded to ~~minimize~~prevent off-site glare and light pollution. Lighting in Class 1 areas may remain operational until 10:00 p.m. or for as long as the area is in active use. After 10:00 p.m., lighting ~~should~~shall be reduced or turned off unless required for safety, operational, or security purposes. This provision does not apply to fixtures lawfully installed prior to the adoption of this ordinance.

2. Class 2 Lighting (Industrial and Light Industrial Uses)

Class 2 lighting applies to industrial and light industrial areas, including but not limited to manufacturing plants, cement plants, railroad yards, and other heavy industrial facilities. Due to the nature of these operations, higher lighting allowances are permitted to ensure safety, security, and operational efficiency. These areas may use higher-intensity lighting as necessary to meet

operational needs, but all lighting must be designed to preventminimize light trespass spill and glare, especially toward surrounding residential areas or natural habitats. Class 2 is lighting used for applications where general illumination for safety or security is the primary concern.

a. Operational Hours: Lighting may remain operational 24 hours a day, seven days a week, but all non-essential lighting shouldshall be turned off or reduced after 10:00 p.m. unless required for ongoing operations, security, or safety measures.

b. Maximum Illumination Levels: Lighting levels shouldshall not exceed 0.1 footcandles (1 lux) or less of light trespass at residential property boundaries, with a minimum of 0.5-1.0 footcandles for low-traffic areas and 3.0-5.0 footcandles for high-traffic areas like entrances and exits, unless specific exceptions are approved by the Townlighting authority for safety or operational needs.

Commented [CP1]: Do we define this? Who is the authority?

c. Fixture Requirements: Fixtures shallmust be shielded or directed to prevent light trespass and glare. Where possible, energy-efficient lighting technologies, such as LED lights, shall should be used to reduce energy consumption.

3. Class 3 Lighting (Moderate-Impact Areas)

Class 3 lighting applies to residential areas and community spaces, including but not limited to street lighting, pathway lighting, and security lighting. Lighting in these areas must be designed to preventminimize glare and light trespass into neighboring properties. All fixtures must be shielded, and lighting shall should be dimmed or turned off during non-use hours (e.g., after 10:00 p.m.) unless necessary for safety.

E. Total Outdoor Light Output.

1. The Total Outdoor Light Output shall not exceed the amounts allowed in the following ttable:.

*Table 8-050.A Maximum Total Outdoor Light Output Standards*

| **Land Use** | |
|---|---|
| **Commercial, Industrial, and Multiple-Family Development (Lumens per Net Net Acre)** | |

| | | |
|---|---|---|
| **Land Use** | | |
| | Combined maximum for fFully and pPartially sShielded fFixtures, and fixtures mounted to a building or canopy | 35,000 |
| | Partially sShielded fFixtures maximum | 4,620 |
| | Fixtures that are not directly mounted to the side of a building or to the underside of, or within, a canopy or overhang~~Fixtures not mounted to a building or canopy[1]~~ maximum<br>Maximum lumens per net acre | 35,000<br>70,000 |
| **Single-Family and Duplex Developments, Including Accessory Structures (Lumens per ~~Lot, or Parcel~~Net Acre)** | | |
| | Combined maximum for fFully and pPartially sShielded fFixtures, and fixtures ~~not~~ mounted to a building or ccanopy~~, excluding motion sensing Outdoor Light Fixtures[2]~~ | 5,500 |
| | Partially sShielded fFixtures maximum | 2,780 |
| | Motion sSensing oOutdoor lLight fFixtures ~~[2] (fully shielded)~~ maximum | 2,780 |
| | Fixtures that are not directly mounted to the side of a building or to the underside of, or within, a canopy or overhang ~~Fixtures that are not mounted to a building or canopy[1]~~ maximum | 1,600 |
| | Maximum lumens per net acre | 7,100 |
| ~~**End Note**~~ | | |
| ~~*1. Fixtures that are not directly mounted to the side of a building or to the underside of, or within, a canopy or overhang.*~~<br>~~*2. Motion sensing Outdoor Light Fixtures shall have an automated timer set to turn off the fixture at a time no greater than five minutes after the light has been turned on.*~~ | | |

E.C. —Shielding

. The standards provided in Table 8-050.B, Shielding Standards, shall apply:

*Table 8-050.B Shielding Standards*

| | | |
|---|---|---|
| **Land Use and Lighting Class** | | |
| **Commercial, Industrial, and Multiple-Family Development** | | |
| Class 1 Lighting<br>All outdoor light fixtures | | FS |
| Class 2 Lighting<br>All outdoor light fixtures | | FS |
| Class 3 Lighting | | |
| | All outdoor light fixtures with a lumen output below 1,750[1] lumens | A[1] |
| | All outdoor light fixtures with a lumen output equal to and above 1,750[1] lumens | X |
| **Single-Family and Duplex Residential Dwelling Units** | | |
| Class 1 – 3 Lighting | | |
| | All outdoor light fixtures with a lumen output below 700[1] lumens | A[1] |
| | All outdoor light fixtures with a lumen output equal to and above 700[1] lumens | X |
| **End Notes** | | |
| 1. | For purposes of determining the total outdoor light output from an outdoor light Fixture, lighting assemblies which include multiple unshielded or partially shielded fixtures or lamps on a single pole or assembled as a single unit shall be considered as one fixture. Refer to the Table 8-040.B. | |

| Land Use and Lighting Class | |
|---|---|
| Key | |
| *FS = ~~Allowed;~~Allowed, Only Fully Shielded Fixtures*<br>*A = Allowed; Fully Shielded Fixtures preferred, and Partially Shielded Fixtures are allowed subject to the Lumen amounts listed in Table 8-040.A*<br>*X = Outdoor light fixture is prohibited* | |

F. ~~—~~Effective Shielding

All light fixtures, including security lighting, except ~~street lamps~~streetlamps, shall be aimed or shielded so that the direction of illumination shall be confined to the property boundaries of the source. Particular care is to be taken to ~~assure~~ensure that the direct illuminations does not fall onto or across any public or private -street or road. ~~Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.~~ Direct or indirect lighting must not exceed 0.5 ~~one-half (0.5)~~ foot candle (fc) at the lot line or upon abutting residential properties. All o~~O~~utdoor l~~L~~ight f~~F~~ixtures that are required to be fully shielded shall be installed in such a manner that the shielding satisfies the definition of a f~~F~~ully s~~S~~hielded l~~L~~ight f~~F~~ixture.

G. Light Trespass Standard

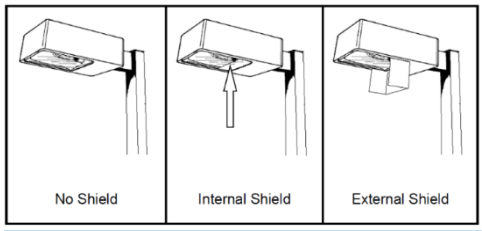
1. ~~—~~All o~~O~~utdoor l~~L~~ight f~~F~~ixtures, including motion sensing lighting, shall be located, aimed, and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.

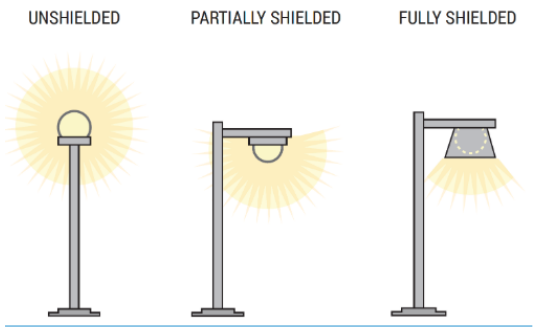
2. ~~—~~Any privately or publicly owned o~~O~~utdoor l~~L~~ight f~~F~~ixture with an output over 10,000 l~~L~~umens located within 50 feet of any residential (including Multiple-Family Developments) property or public right-of-way shall utilize an internal or external shield, with the o~~O~~utdoor l~~L~~ight f~~F~~ixture and shield oriented to prevent direct illumination over the adjacent property or right-of-

way line. If an external shield is used, its surface must be painted black to minimize reflections (Figure 8-040.A).

*Figure 8-040.A*

*Shielding Configurations*




H. —Motion Sensing Outdoor Light Fixtures

~~. Motion sensing Outdoor Light Fixtures shall be fully shielded.~~1. ~~Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.~~Motion sensing Outdoor Light Fixtures shall be fully shielded.

2. Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions.

3. Motion sensors shall be programmed to activate lighting only when movement is detected and to automatically turn off after no movement is detected for a period of no longer than 5 minutes.

I. ~~—~~Time Limits for Outdoor Lighting~~.~~

All outdoor Class 1 and Class 3 Lighting, and outdoor Class 2 Lighting located more than 50 feet from any structure, outdoor product display, or storage area shall be turned off no later than 30 minutes after the business closes and are to remain off until the business reopens. Decorative holiday lights are exempt, and outdoor sports facilities are subject to the time limits herein.

J. ~~—~~Sign Illumination~~.~~

Standards for external and internal sign illumination are provided in Section 7, Signages. Lighting used for the external illumination of signs is included ~~towardin~~ the t~~T~~otal o~~O~~utdoor l~~L~~ight o~~O~~utput standards of subsection B. of this section.

K. Neon Building Lighting~~.~~

Neon building lighting is included in the t~~T~~otal o~~O~~utdoor l~~L~~ight o~~O~~utput calculations for the site. Lumens for neon lighting are calculated on a per foot basis, rather than per "fixture." Unshielded neon lighting is not allowed except for signage.

L. Multi-Class Lighting~~.~~

Multi-class lighting must either conform to the lamp-type and shielding requirements of the strictest included class as shown in Table 8-040. A. Maximum Total Outdoor Light Output Standards, and Table 8-040.B, Shielding Standards, or be turned off no later than 30 minutes after the business closes.

M. Internally Illuminated Architectural Elements~~.~~

Any architectural element, including walls or portions of buildings, including canopy facias, that areis internally illuminated and arethat is not a sign or fenestration (windows or doors), shall have 100 percent of the initial lamp output of all lamps or lLuminous tTubes used to provide such illumination counted toward partially shielded lighting for the purposes of calculating tTotal oOutdoor lLight oOutput for the site and is subject to the standards of this section.

N. Architectural/Landscape Lighting.

Architectural lighting used to illuminate a structure or landscape lighting used to illuminate trees or other landscape elements is allowed subject to the following:

1. Architectural and landscape lighting that is directed downward onto a structure, tree, or other landscape feature shall be included in the tTotal oOutdoor lLight oOutput standards provided in Table 8-040. A - ,—Maximum Total Outdoor Light Output Standards, based on whether a fFully sShielded or pPartially sShielded lLight fFixture is used; and

2. —Architectural and landscape lighting that is directed upward onto a structure, tree, or other landscape features is not allowed.

3. .—Lighting shall not be directed toward adjacent properties to prevent light trespasspollution.

O. Emergency Lighting.

Emergency lighting that is only turned on in the event of a power failure or when an alarm is activated is allowed and is excluded from the tTotal oOutdoor lLight oOutput standards provided in Table 8-040. A - ,Maximum Total Outdoor Light Output Standards.

P. Security Lighting.

Security lighting is permitted for doors, entries, exits, and secluded areas where safety and security are a concern. The intent is to provide adequate illumination without causing excessive light pollution, light trespass or disruption to surrounding areas.

a. Motion Sensor Requirements: Security lighting in these areas must be equipped with motion sensors to minimize unnecessary lighting during non-use periods. The motion sensors should be programmed to activate lighting only when movement is detected and to automatically turn off after no movement is detected for a period of no longer than 5 minutes.

1. b. Lighting Levels: The lighting shallshould be bright enough to provide adequate visibility for security purposes and not hinder the use of any CCTV systems but shouldshall not exceed 0.5 foot-candles at the property line in residential areas.

2. c. Shielding and Direction: All security lighting must be shielded or directed to prevent light trespassspill or glare onto adjacent properties, roadways, or natural habitats.

3. d. Use During Inactivity: Security lighting should shall not remain continuously illuminated unless absolutely necessarynecessary for safety or operational reasons and shall be equipped with. motion sensors programmed to activate lighting only when movement is detected and to automatically turn off after no movement is detected for a period of no longer than 5 minutes.After the motion sensor's time limit is reached, the lighting should automatically dim or turn off to reduce energy consumption.

Q. Use of Mercury Vapor Outdoor Light Fixtures.

Except for outdoor lighting systems erected prior to 1950, no mercury vapor oOutdoor lLight fFixtures are allowed within the Town of Clarkdale.

## 8-060 Residential Lighting

A. For residential properties, including multiple residential properties without common areas, all outdoor lighting fixtures must be fully shielded. The lumen output shouldshall not exceed the following typical ranges:

1.a. General Outdoor Lighting: 100–300 lumens (5–10 lux)

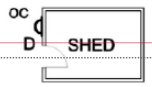
2.b. Main Entry Lighting: 200–800 lumens (10–30 lux)

3.c. Low-Voltage Landscape Lighting: 50–200 lumens (2–5 lux)

4.d. Shielded Floodlighting: 500–1500 lumens (20–30 lux)

Exceptions include:

1. One partly shielded or unshielded luminaire at the main entry, ~~as long as~~if its lumen output stays within the general residential limits of 200–800 lumens (10–30 lux).
2. Any other partly shielded or unshielded luminaires~~,~~ provided their lumen output is within the 100–300 lumens (5–10 lux) range.
3. Low-voltage landscape lighting aimed away from adjacent properties, ensuring the lumen output does not exceed 50–200 lumens (2–5 lux).
4. Shielded directional floodlighting, aimed so that direct glare is not visible from adjacent properties, with a lumen output between 500 and 1500 lumens (20–30 lux).
5. Lighting with a vacancy sensor that automatically extinguishes the lights no more than 15 minutes after the area is vacated.

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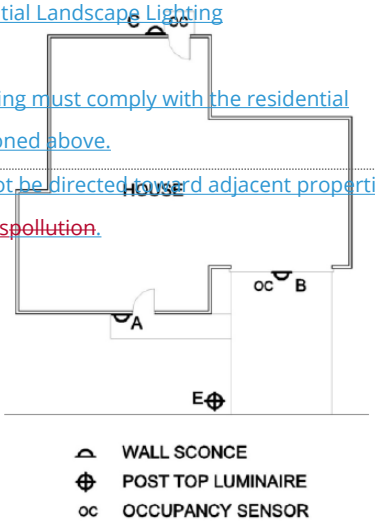
B. Requirements for Residential Landscape Lighting




1. ~~1.~~ Landscape lighting must comply with the residential lumen output limits mentioned above.
2. ~~2.~~ It ~~should~~shall not be directed toward adjacent properties to prevent light ~~trespass~~pollution.

**Property Type: Residential**

| Luminaire Type | Location | Luminaire Description | Fully Shielded | Lamp Type | Initial Luminiare Lumens* | Maximum Allowed Initial Luminaire Lumens (Table G) | Controls | Compliant |
|---|---|---|---|---|---|---|---|---|
| A | Front Entry | Decorative wall sconce | No | 9W CFL | 420 | 420 | None | Yes |
| B | Garage Door | Fully shielded wall pack | Yes | 23W CFL | 1050 | 1260 | Occupancy Sensor | Yes |
| C | Back Entry | Decorative wall sconce | No | 7W CFL | 280 | 315 | Occupancy Sensor | Yes |
| D | Shed Entry | Fully shielded wall pack | Yes | 40W INC | 343 | 1260 | Occupancy Sensor | Yes |
| E | Driveway | Fully shielded post top | Yes | 13W CFL | 1260 | 1260 | None | Yes |

*Initial Luminaire Lumens are calculated by multiplying the total initial lamp lumens by the luminaire efficiency. If the luminaire efficiency is not known, assume an efficiency of 70% and multiply the lamp lumen value by 0.7.

8

**Property Type: Residential**

| Luminaire Type | Location | Luminaire Description | Fully Shielded | Lamp Type | Initial Luminiare Lumens* | Maximum Allowed Initial Luminaire Lumens (Table G) | Controls | Compliant |
|---|---|---|---|---|---|---|---|---|
| A | Front Entry | Decorative wall sconce | No | 9W CFL | 420 | 420 | None | Yes |
| B | Garage Door | Fully shielded wall pack | Yes | 23W CFL | 1050 | 1260 | Occupancy Sensor | Yes |
| C | Back Entry | Decorative wall sconce | No | 7W CFL | 280 | 315 | Occupancy Sensor | Yes |
| D | Shed Entry | Fully shielded wall pack | Yes | 40W INC | 343 | 1260 | Occupancy Sensor | Yes |
| E | Driveway | Fully shielded post top | Yes | 13W CFL | 1260 | 1260 | None | Yes |

*Initial Luminaire Lumens are calculated by multiplying the total initial lamp lumens by the luminaire efficiency. If the luminaire efficiency is not known, assume an efficiency of 70% and multiply the lamp lumen value by 0.7.

## 8-070 Special Uses

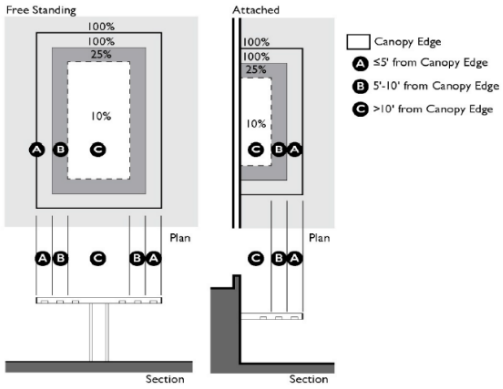
A. Canopies, Building Overhangs, and Roof Eave Lighting.

1. Shielding. All outdoor light fixtures attached, mounted to, or within a canopy, building overhang, or roof eave shall be fully shielded.

2. Total Lumens. The total lumens of each outdoor light fixture shall be calculated based on the distance from the edge of the canopy, building overhang, or roof eave subject to Figure 8-050. A.

**Figure 8-050. A**

*Plan and Section Views of a Freestanding and Attached Canopy or Overhang, Showing Fixture Location and Initial Lamp Output Percentage Counted Toward Total Outdoor Light Output*




B. Service Station Canopy Lighti~~i~~ng~~.~~

Lighting at service stations and under canopies shall~~should~~ prioritize safety, visibility, and energy efficiency, while minimizing light pollution. The following guidelines are intended to provide a balance between operational needs and environmental considerations:

1. ~~—~~Light Color and Temperature: Lighting ~~should~~shall use warm-toned lighting (such as amber or soft white) rather than harsh blue or cool white lights. ~~Warm lighting enhances visibility and reduces glare.~~

2. ~~—~~Fixture Design: All lighting fixtures under canopies must be fully shielded to minimize light trespass~~spill~~ and glare, ensuring that light is directed only where needed—such as at the service area, pump stations, and customer pathways.

3. ~~—~~Energy Efficiency: Fixtures shall~~should~~ utilize energy-efficient technologies, like LED lighting, and be equipped with dimming capabilities or motion sensors where feasible. L~~While canopy lighting should remain on throughout night hours for safety purposes, l~~ighting in non-essential areas (such as store lighting or decorative lighting) ~~should~~shall be minimized or turned off when not in use~~.~~).

4. ~~—~~Security Lighting: Lighting for doorways, payment areas, and pumps must remain operational throughout the night to ensure customer safety and security. However, unnecessary lighting, including decorative or ambient lights, ~~should~~shall be minimized, especially when the facility is not in active use.

C. Outdoor Recreation Facilities~~.~~

1. ~~—~~Lighting Class~~.~~

Lighting for an athletic field/ track/ arena area only shall be considered Class 1 Lighting.

2. Lumen Cap Requirements~~.~~

a. ~~—~~In Lighting Zone 1, lighting for athletic field/ track/ arena areas is subject to the maximum Total Outdoor Light Output standards set in Table 8-040.A; and

b. In Lighting Zone 2, lighting for athletic field/ track/ arena areas is not subject to the maximum Total Outdoor Light per acre limit set in Table 8-040.A; and

c. Illumination levels for the athletic field/ track/ arena areas shall be designed to be no higher than recommended for Class IV play, as defined by the Illuminating Engineering Society of North America publication ANSI/IES RP-6-20, as amended.

3. Shielding

~~.~~Fixtures used for athletic field/ track/ arena areas shall be fully shielded.

4. Time Limits~~.~~

Outdoor sports facilities shall not be illuminated after 10:00 PM, except to conclude a scheduled recreational or sporting event in progress prior to the time limitation.

5. Certification

~~.~~ Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in Arizona as conforming to all applicable restrictions of this code before construction commences. Further, after installation is complete, the system shall be again certified by a registered engineer to verify that the installation is consistent with the certified design.

D. Street Lighting~~.~~

1. Street lighting installed on public rights-of-way shall be in accordance with the Town of Clarkdale Engineering Design Standards and Specifications ~~for New Infrastructure~~.

2. Street lighting installed on private street tracts or easements shall be in accordance with the Town of Clarkdale Engineering Design Standards and Specifications ~~for New Infrastructure~~.

E. Parking Lots

1. Fixture Design

Fixtures must be designed and installed to minimize glare, light trespass, and upward light pollution. Light shall be directed to illuminate the parking area and walking paths without affecting adjacent properties or the sky.

2. Maximum Color Temperature

All outdoor lighting in parking lots must have a color temperature of 4000 Kelvin or lower and be fully shielded. This helps reduce glare and light pollution and is more compatible with the natural night environment.

3. Illumination Levels

The illumination level in parking lots must provide adequate visibility for safety while reducing excess brightness. The appropriate lighting levels are as follows:

a. Pedestrian Areas: Minimum 0.5 foot-candles for areas where pedestrians walk or gather.

b. Vehicular Parking Areas: Minimum 1.0 foot-candle for parking lot areas to ensure visibility for drivers and pedestrians.

c. Entrance and Exit Areas: Minimum 2.0 foot-candles at entrances and exits to ensure the safe flow of traffic.

d. Uniformity: The lighting in the parking lot shall be uniform, avoiding hotspots or areas with insufficient lighting. The average illumination shall not vary more than 3:1 between the brightest and darkest spots.

4. Maximum fixture height is 20 feet.

5. Security lighting shall focus on vulnerable areas, exterior doors, remote corners.

6. Motion sensors or timers shall be used during low-traffic hours.

## ~~Section 8-080~~ Parking Lot Lighting Standards

~~A. Lighting Standards (poles) shall be sized in such a manner that the top of any luminary does not exceed twenty-four (24) feet above adjacent grade, unless otherwise approved for new projects.~~ ~~(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 8-8)~~

~~E. Parking Lots~~

~~Fixture Design: Fixtures must be designed and installed to minimize glare, light trespass, and upward light pollution. Light should be directed to illuminate the parking area and walking paths without affecting adjacent properties or the sky.~~

~~Maximum Color Temperature: All outdoor lighting in parking lots must have a color temperature of 4000 Kelvin or lower to minimize blue light emissions and be fully shielded. This helps reduce glare and light pollution and is more compatible with the natural night environment.~~

~~Illumination Levels: The illumination level in parking lots must provide adequate visibility for safety while reducing excess brightness. The recommended lighting levels are as follows:~~

~~Pedestrian Areas: Minimum 0.5 foot-candles for areas where pedestrians walk or gather.~~
~~Vehicular Parking Areas: Minimum 1.0 foot-candle for parking lot areas to ensure visibility for drivers and pedestrians.~~
~~Entrance and Exit Areas: Minimum 2.0 foot-candles at entrances and exits to ensure the safe flow of traffic.~~
~~Uniformity: The lighting in the parking lot should be uniform, avoiding hotspots or areas with insufficient lighting. The average illumination should not vary more than 3:1 between the brightest and darkest spots.~~

~~Maximum Fixture Height is 20 ft.~~

~~5. Security Lighting Focus on vulnerable areas, exterior doors, remote corners~~

~~6. Motion Sensors or timers for energy efficiency and reduce light pollution during low-traffic hours.~~

F. Parking Garages~~.~~

1. Lighting Class~~.~~

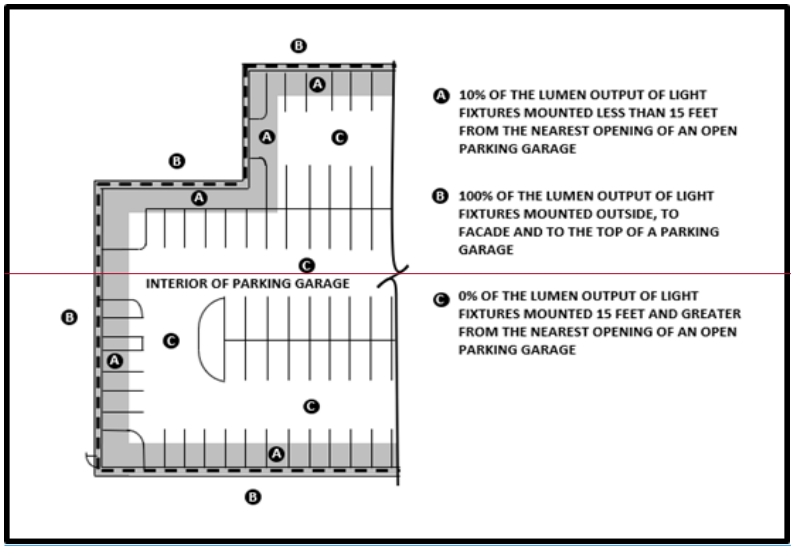
Lighting installed for general illumination of parking areas within parking garages, where the parking areas are open to the outside, shall be considered Class 2.

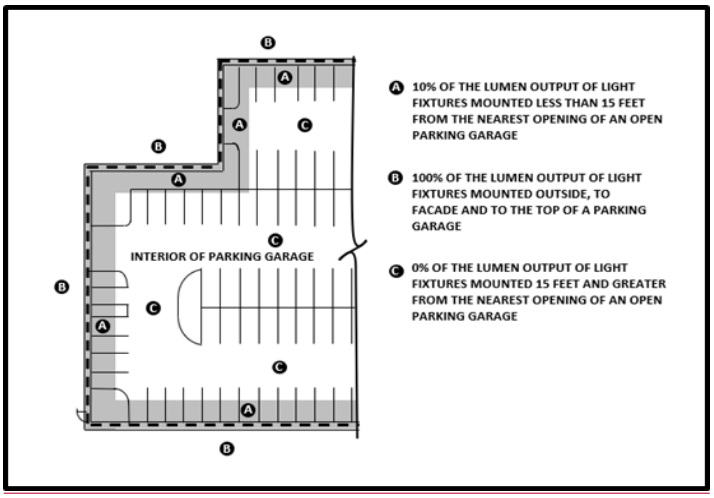
2. Total Outdoor Light Output

Ten percent of the lLumen output of lLight fFixtures mounted less than 16 feet from the nearest opening to the outdoors of an open parking garage shall be included toward the tTotal oOutdoor lLight oOutput standards established in Table 8-040.A subject to Figure 8-050.A. The lLumen output of lLight fFixtures mounted 16 feet or more from the nearest opening to the outdoors of an open parking garage shall not be included toward the tTotal oOutdoor lLight oOutput standards in Table 8-040.A subject to Figure 8-040.B.

**Figure 8-050.B**

*Calculation of Total Lumens of the Light Fixtures Located Inside of Parking Garagee*






3. —Shielding.

All light fixtures used on or within open parking garages, including those mounted to the ceilings ~~over~~above the parking decks, shall be fully shielded.

G. —Outdoor Display Lots.

1. Lighting Class:. Class 1 Lighting may be used to illuminate o~~O~~utdoor d~~D~~isplay l~~L~~ots, and shall be included toward the t~~T~~otal o~~O~~utdoor l~~L~~ight o~~O~~utput standards in Table 8-040.A.

2. Lighting Time Limitations:. All Class 1 outdoor display lighting shall be turned off no later than 30 minutes after the ~~business closes~~close of business. Only lighting meeting Class 2 l~~L~~ighting standards may be used to illuminate an outdoor display area 30 minutes or later after the close of business.

3. —Shielding:. All light fixtures used in o~~O~~utdoor d~~D~~isplay lots shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.

## Section 8-090 Temporary Lighting Permits

H. Temporary Lighting.

Temporary lighting which does not conform to the provisions of this OrdinanceOrdinance, and which will not be used for more than one 30 thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration;duration, e.g. civic events, or construction projects.

1. The Community Development Director may grant a permit for temporary lighting if he/she finds all ofall the following:

a. The purpose for which the lighting is proposed is not intended to extend beyond 30 days; and

b. The proposed lighting is designed in such a manner as to minimize light pollution and light trespass as much as is feasible; and

c. The proposed lighting will comply with the general intent of this Ordinance; and

d. The permit will be in the public's best interest.

2. a. The purpose for which the lighting is proposed is not intended to extend beyond (30) days,

b. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible;

c. The proposed lighting will comply with the general intent of this Ordinance chapter, and

d. The permit will be in the public interest.

~~2.~~ The Community Development Director shall rule on the application within five ~~(5)~~ business days from the date of submission of the request and notify the applicant in writing of his/her decision. The Community Development ~~Planning~~ Director may grant one ~~(1)~~ renewal of the permit for an additional 30 ~~thirty (30)~~ days if he or she finds that, because of an unanticipated change in circumstances, a renewal would be in the public's best interest. The Community Development Director is not authorized to grant more than one ~~(1)~~ temporary permit and one renewal for the same property within one ~~(1)~~ calendar year. Temporary c~~C~~onstruction projects may be extended at the discretion of the Community Development Director up to a time that is reasonable for project completion.

## 8-080 Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited:

A. ~~—~~Outdoor floodlighting by flood light projection above the horizontal plane.

B. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire or medical personnel or at their direction; or for meteorological data gathering purposes.

C. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

## 8-090 Exceptions

A. Infrared Security Lighting~~.~~

Lights emitting infrared radiation used for remote security surveillance systems are permitted in all zones with the following restrictions:

1. —Fixed lights must be fully shielded; and

2. Movable lights, such as ~~spot lights~~spotlights attached to infrared sensitive cameras, must be mounted such that the lights cannot be directed higher than 20 degrees below the horizontal, measured from the center of the light beam.

B. —Emergency Lighting by Emergency Services~~.~~

Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted when used in emergencies by police, fire, medical, or utility personnel or at their direction.

C. Holiday Decorations~~.~~

In all zoning~~lighting~~ districts~~zones~~, ~~low-Lumen output~~ holiday decorations ~~-~~may be unshielded and remain on all night ~~as long as~~if they are maintained and in operable condition.

D. Solar-Powered Lighting~~.~~

Solar-powered lights of 5~~five~~ watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total l~~L~~umen calculations for the site.

E. Construction and Renovation of Municipal Facilities~~.~~

All outdoor lighting used for construction or major renovation of municipal buildings, structures and facilities is exempt from the provisions of this article.

**8-100 Nonconforming Outdoor Lighting**

Nonconforming oOutdoor lLighting shall follow the same process and enforcement as a nNon-cConforming uUse.

A. —Mercury vapor lamps in use for outdoor lighting shall not be used.

B. —Bottom or side-mounted outdoor advertising sign lighting shall not be used.

C. —No outdoor lighting fixture or use which was lawfully installed or implemented prior to the enactment of this Ordinance chapter shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Ordinancechapter, except that identical lamp replacement is allowed.

**Commented [CP3]:** This is a loophole that people will take full advantage of.

D. In the event thatIf an outdoor lighting fixture is abandoned or isdamaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this chapter Ordinance. Commercial light installations that are removed or relocated during a building remodel or expansion will be required to meet the provisions of this chapter Ordinance. (Prior code § 8-10)

## Section 8-100 Nonconforming Uses

A. Mercury vapor lamps in use for outdoor lighting on the effective date of this chapter shall not be so used after January 1, 2005.

B. Bottom or side-mounted outdoor advertising sign lighting shall not be used after January 1, 2005.

(Prior code § 8-10)

## 8-110 Outdoor Lighting Variances Variances

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the Board of Adjustment for a variance from the regulations in question. ~~Such variances shall be allowed only as provided by Section 17-2-2.C of the Town Code.~~

A. ~~—~~Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage, a Conditional Use Permit, subdivision approval or any development plan needing Town approval, including all Town projects, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Director to determine whether the proposed lighting will comply with this ~~chapter~~ Ordinance. All commercial remodeling, or expansion of current buildings will be subject to review and action through the design review process and must comply with ~~this chapter~~ Ordinance.

B. ~~—~~All lighting applications, except those for single family residences, shall include the following:

1. ~~—~~A site plan indicating the proposed location, type and size of all outdoor lighting fixtures; and

2. ~~—~~A description of each illuminating device, fixture, lamp, support and shied. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs~~:~~ and

3. Such other information as the Community Development Director may determine is necessary to ensure compliance with this Ordinance. For large developments this may include a shingle detailed sheet which specifically lists all fixtures and outputs for the entire project to enable the Community Development Department to determine compliance to this ~~chapter~~ Ordinance.

C. ~~—~~If the Community Development Director determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved. ~~(Revised by Ordinance #438 on 12/10/24; effective 1/10/25; prior code § 8-11)~~

## 8-120 Violations and Enforcement

A. ~~—~~It shall be unlawful to install or operate an o~~O~~utdoor l~~L~~ight f~~F~~ixture in violation of this article. Any person violating any provisions of this article shall be guilty of a misdemeanor. Each and ~~every~~ ~~day~~every day during which the illegal erection, maintenance, and continued use shall be considered a separate offense.

B. The requirements of this article shall be enforced in compliance with the enforcement provisions of the Town of Clarkdale Town Code.

# EXHIBIT H
# CHAPTER 8
## OUTDOOR LIGHTING

**SECTIONS:**


8-010 Purpose and Intent

8-020 Compliance with the Zoning Code and Permit Requirements

8-030 Applicability

8-040 Lighting Definitions

8-050 General Requirements

8-060 Residential Lighting

8-070 Special Uses

8-080 Prohibited Outdoor Lighting

8-090 Exceptions

8-100 Nonconforming Outdoor Lighting

8-110 Outdoor Lighting Variances

8-120 Violations and Enforcement


### SECTION 8-010 PURPOSE AND INTENT

The purpose of this lighting code is to enhance the safety, well-being, and enjoyment of our residents while preserving the beauty of the night sky. It aims to minimize the impact on wildlife and natural habitats, reduce energy consumption, and support Clarkdale's mission of sustainability and safety. This code is designed to be practical for residents and is in alignment with the Illuminating Engineering Standards (IES) and the DarkSky guidelines.

## SECTION 8-020 COMPLIANCE WITH THE ZONING CODE AND PERMIT REQUIREMENTS

A. An outdoor lighting permit shall be obtained prior to the installation, modification, or replacement of any Outdoor Light Fixture subject to Section 8-030.

   1. Any modification of an existing Outdoor Light Fixture shall comply with this article.

   2. All outdoor lighting shall be installed in compliance with the Town of Clarkdale Building Regulations; and The Town of Clarkdale Fire Code.

## SECTION 8-030 APPLICABILITY

A. **New Development and Parking Areas**. The provisions of this article shall apply to any new development of a vacant lot or parcel and any installation of outdoor lighting to support that development, including parking areas and areas within an unenclosed parking garage.

B. **Major Additions, Modifications, Replacements, and Change of Use.** The provisions of this article shall apply to all major additions, modifications, replacements, or change of use. The entire property shall comply with the requirements of this article when any of the following occur:

   1. “Major” shall be defined as an increase of 25% or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this provision; or

   2. Single or cumulative modifications or replacements of legally installed outdoor light fixtures after December 31, 2025, constituting 25% or more of the lumens that would be permitted under this Ordinance for the property, regardless of the total outdoor light output currently existing on a site.

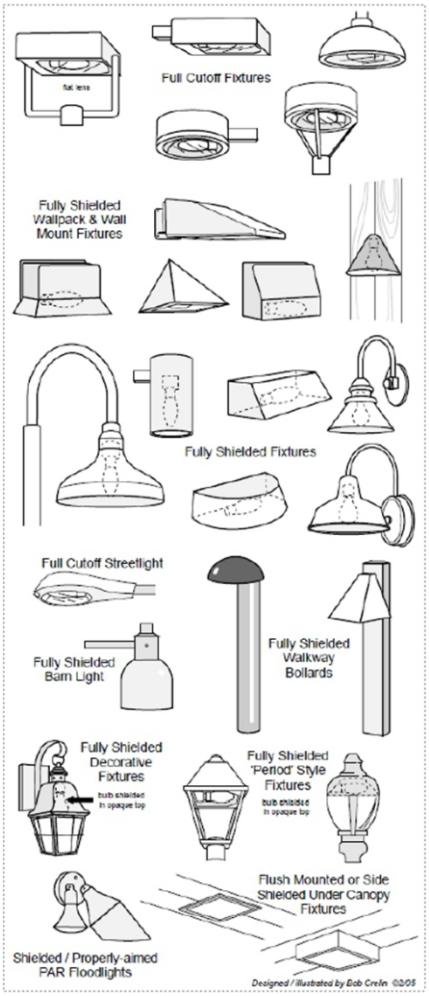
   3. New uses or change of use. Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all

outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. **Minor Additions, Modifications, Replacements, and Change of Use.** The provisions of this article shall not apply to minor (less than 25% as referenced above) additions, modifications, replacements, or change of use after December 31, 2025, except for the following:

1. All new or modified outdoor light fixtures shall comply with the requirements of this article.
2. The total outdoor light output shall not exceed the amount allowed by this article, or the total legal nonconforming light output, whichever is greater.

## SECTION 8-040 LIGHTING DEFINITIONS



**CFL.** A lamp that uses a coiled or folded fluorescent tube and an integrated ballast to produce light. A CFL is designed to provide energy-efficient lighting comparable to incandescent lamps while using less electricity and lasting significantly longer. CFLs contain a small amount of mercury and must be properly recycled or disposed of in accordance with applicable regulations.

**Fully Shielded Luminaire.** A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

**LED.** A light emitting diode.

**Lumen.** The amount of visible light emitted per second by a source, indicating its brightness or luminous flux.

**Luminaire Lumens.** For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

**Lux.** The SI unit of illuminance. One lux is one lumen per square meter. One Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.

**Net Acre.** The remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

**Sky Glow.** The brightening of the nighttime sky results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

**Unshielded Luminaire.** A luminaire capable of emitting light in any direction including downwards.

**Watt.** The unit of power in an electric circuit.

## SECTION 8-050 GENERAL LIGHTING REQUIREMENTS

A. All light fixtures which are required to be shielded shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures.

B. Wiring to light poles and standards must be buried underground.

C. Any use of LED lighting shall prioritize low correlated color temperatures (CCTs) below 4000 Kelvin (K) and be fully shielded.

D. **Lighting Classes.** The Total Outdoor Light Output for a lot or parcel is cumulative of the light emitted by all lighting classes.

1. *Class 1 Lighting (High-Impact Areas).* Class 1 lighting applies to areas with high-activity or safety requirements, such as athletic fields, sales, service, commercial, assembly, repair, and maintenance. This class is designed for high-visibility and operational needs, and all fixtures must be fully shielded to prevent off-site glare and light pollution. Lighting in Class 1 areas may remain operational until 10:00 p.m. or for as long as the area is in active use. After 10:00 p.m., lighting shall be reduced or turned off unless required for safety, operational, or security purposes. This provision does not apply to fixtures lawfully installed prior to the adoption of this Zoning Code.

2. *Class 2 Lighting (Industrial and Light Industrial Uses).* Class 2 lighting applies to industrial and light industrial areas, including but not limited to manufacturing plants, cement plants, railroad yards, and other heavy industrial facilities. Due to the nature of these operations, higher lighting allowances are permitted to ensure safety, security, and operational efficiency. These areas may use higher-intensity lighting as necessary to meet operational needs, but all lighting must be designed to prevent light trespass and glare, especially toward surrounding residential areas or natural habitats. Class 2 is lighting used for applications where general illumination for safety or security is the primary concern.

    a. Operational Hours. Lighting may remain operational 24 hours a day, seven days a week, but all non-essential lighting shall be turned off or reduced after 10:00 p.m. unless required for ongoing operations, security, or safety measures.

b. Maximum Illumination Levels. Lighting levels shall not exceed 0.1 footcandles (1 lux) or less of light trespass at residential property boundaries, with a minimum of 0.5-1.0 footcandles for low-traffic areas and 3.0-5.0 footcandles for high-traffic areas like entrances and exits, unless specific exceptions are approved by the Town for safety or operational needs.

c. Fixture Requirements. Fixtures shall be shielded or directed to prevent light trespass and glare. Where possible, energy-efficient lighting technologies, such as LED lights, shall be used to reduce energy consumption.

3. *Class 3 Lighting (Moderate-Impact Areas)*. Class 3 lighting applies to residential areas and community spaces, including but not limited to street lighting, pathway lighting, and security lighting. Lighting in these areas must be designed to prevent glare and light trespass into neighboring properties. All fixtures must be shielded, and lighting shall be dimmed or turned off during non-use hours (e.g., after 10:00 p.m.) unless necessary for safety.

E. **Total Outdoor Light Output.** The Total Outdoor Light Output shall not exceed the amounts allowed in the following table:

*Table 8-050.E Maximum Total Outdoor Light Output Standards*

| **Land Use** | |
|---|---|
| **Commercial, Industrial, and Multiple-Family Development** **(Lumens per Net Acre)** | |
| Combined maximum for fully and partially shielded fixtures, and fixtures mounted to a building or canopy | 35,000 |
| Partially shielded fixtures maximum | 4,620 |
| Fixtures that are not directly mounted to the side of a building or to the underside of, or within, a canopy or overhang maximum<br>Maximum lumens per net acre | 35,000<br>70,000 |

| Land Use | |
|---|---|
| **Single-Family and Duplex Developments, Including Accessory Structures (Lumens per Net Acre)** | |
| Combined maximum for fully and partially shielded fixtures, and fixtures mounted to a building or canopy | 5,500 |
| Partially shielded fixtures maximum | 2,780 |
| Motion sensing outdoor light fixtures maximum | 2,780 |
| Fixtures that are not directly mounted to the side of a building or to the underside of, or within, a canopy or overhang maximum | 1,600 |
| Maximum lumens per net acre | 7,100 |

F. **Shielding.** The standards provided in Table 8-050.F, Shielding Standards, shall apply:

*Table 8-050.F Shielding Standards*

| Land Use | |
|---|---|
| **Commercial, Industrial, and Multiple-Family Development** | |
| Class 1 Lighting<br>All outdoor light fixtures | FS |
| Class 2 Lighting<br>All outdoor light fixtures | FS |
| Class 3 Lighting | |
| All outdoor light fixtures with a lumen output below 1,750[1] lumens | A[1] |

| | | |
|---|---|---|
| **Land Use** | | |
| | All outdoor light fixtures with a lumen output equal to and above 1,750[1] lumens | X |
| **Single-Family and Duplex Residential Dwelling Units** | | |
| Class 1 – 3 Lighting | | |
| | All outdoor light fixtures with a lumen output below 700[1] lumens | A[1] |
| | All outdoor light fixtures with a lumen output equal to and above 700[1] lumens | X |
| **End Notes** | | |
| 1. | For purposes of determining the total outdoor light output from an outdoor light fixture, lighting assemblies which include multiple unshielded or partially shielded fixtures or lamps on a single pole or assembled as a single unit shall be considered as one fixture. | |
| **Key** | | |
| *FS = Allowed, Only Fully Shielded Fixtures*<br>*A = Allowed; Fully Shielded Fixtures preferred, and Partially Shielded Fixtures are allowed subject to the Lumen amounts listed in Table 8-050.E*<br>*X = Outdoor light fixture is prohibited* | | |

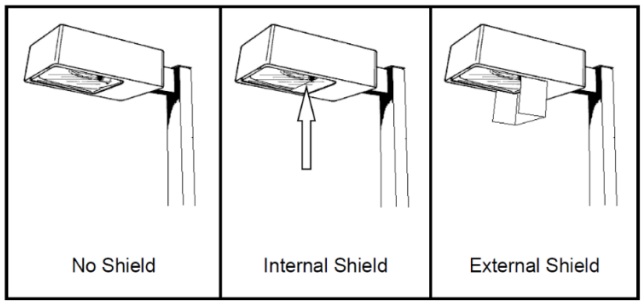
G. **Effective Shielding.** All light fixtures, including security lighting, except streetlamps, shall be aimed or shielded so that the direction of illumination shall be confined to the property boundaries of the source. Particular care is to be taken to ensure that the direct illuminations does not fall onto or across any public or private street or road. Direct or indirect lighting must not exceed 0.5 foot candle (fc) at the lot line or upon abutting residential properties. All outdoor light fixtures that are required to be fully shielded shall be installed in

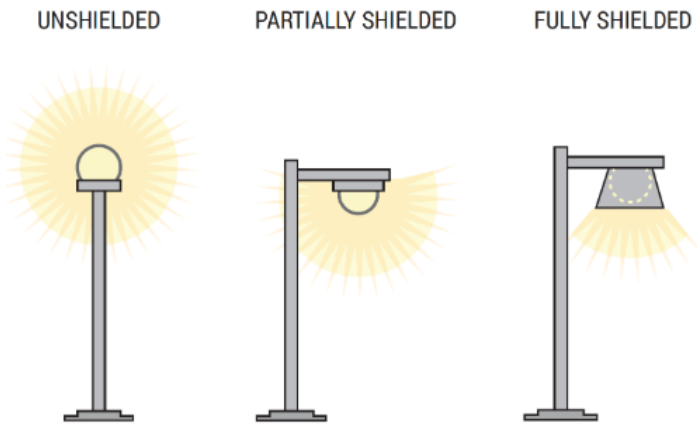
such a manner that the shielding satisfies the definition of a fully shielded light fixture.

H. **Light Trespass Standard.**

1. All outdoor light fixtures, including motion sensing lighting, shall be located, aimed, and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.
2. Any privately or publicly owned outdoor light fixture with an output over 10,000 lumens located within 50 feet of any residential (including Multi-Family Developments) property or public right-of-way shall utilize an internal or external shield, with the outdoor light fixture and shield oriented to prevent direct illumination over the adjacent property or right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections (Figure 8-050.H.2).

*Figure 8-050.H.2 Shielding Configurations*



I. **Motion Sensing Outdoor Light Fixtures.**

1. Motion sensing Outdoor Light Fixtures shall be fully shielded.
2. Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions.
3. Motion sensors shall be programmed to activate lighting only when movement is detected and to automatically turn off after no movement is detected for a period of no longer than five minutes.

J. **Time Limits for Outdoor Lighting**. All outdoor Class 1 and Class 3 Lighting, and outdoor Class 2 Lighting located more than 50 feet from any structure, outdoor product display, or storage area shall be turned off no later than 30 minutes after the business closes and are to remain off until the business reopens. Decorative holiday lights are exempt, and outdoor sports facilities are subject to the time limits herein.

K. **Sign Illumination.** Standards for external and internal sign illumination are provided in Chapter 7, Signage. Lighting used for the external illumination of signs is included in the total outdoor light output standards.

L. **Neon Building Lighting.** Neon building lighting is included in the total outdoor light output calculations for the site. Lumens for neon lighting are calculated on a per foot basis, rather than per "fixture." Unshielded neon lighting is not allowed except for signage.

M. **Multi-Class Lighting.** Multi-class lighting must either conform to the lamp-type and shielding requirements of the strictest included class as shown in Table 8-050.E. Maximum Total Outdoor Light Output Standards, and Table 8-050.F, Shielding Standards, or be turned off no later than 30 minutes after the business closes.

N. **Internally Illuminated Architectural Elements.** Any architectural element, including walls or portions of buildings, including canopy facias, that are internally illuminated and are not a sign or fenestration (windows or doors), shall have 100% of the initial lamp output of all lamps or luminous tubes used to provide such illumination counted toward partially shielded lighting for the

purposes of calculating total outdoor light output for the site and is subject to the standards of this Ordinance.

O. **Architectural/Landscape Lighting.** Architectural lighting used to illuminate a structure or landscape lighting used to illuminate trees or other landscape elements is allowed subject to the following:

1. Architectural and landscape lighting that is directed downward onto a structure, tree, or other landscape feature shall be included in the total outdoor light output standards provided in Table 8-050.E - Maximum Total Outdoor Light Output Standards, based on whether a fully shielded or partially shielded light fixture is used; and
2. Architectural and landscape lighting that is directed upward onto a structure, tree, or other landscape features is not allowed.
3. Lighting shall not be directed toward adjacent properties to prevent light trespass.

P. **Emergency Lighting.** Emergency lighting that is only turned on in the event of a power failure or when an alarm is activated is allowed and is excluded from the total outdoor light output standards provided in Table 8-050.E - Maximum Total Outdoor Light Output Standards.

Q. **Security Lighting.** Security lighting is permitted for doors, entries, exits, and secluded areas where safety and security are a concern. The intent is to provide adequate illumination without causing excessive light pollution, light trespass or disruption to surrounding areas.

1. *Lighting Levels.* The lighting shall be bright enough to provide adequate visibility for security purposes and not hinder the use of any CCTV systems but shall not exceed 0.5 foot-candles at the property line in residential areas.
2. *Shielding and Direction.* All security lighting must be shielded or directed to prevent light trespass or glare onto adjacent properties, roadways, or natural habitats.
3. *Use During Inactivity.* Security lighting shall not remain continuously illuminated unless necessary for safety or operational reasons and shall be equipped with motion sensors programmed to activate lighting only when

movement is detected and to automatically turn off after no movement is detected for a period of no longer than 5 minutes.

R. **Use of Mercury Vapor Outdoor Light Fixtures.** Except for outdoor lighting systems erected prior to 1950, no mercury vapor outdoor light fixtures are allowed within the Town of Clarkdale.

## SECTION 8-060 RESIDENTIAL LIGHTING

A. For residential properties, including multiple residential properties without common areas, all outdoor lighting fixtures must be fully shielded. The lumen output shall not exceed the following typical ranges:

1. General Outdoor Lighting: 100–300 lumens (5–10 lux)
2. Main Entry Lighting: 200–800 lumens (10–30 lux)
3. Low-Voltage Landscape Lighting: 50–200 lumens (2–5 lux)
4. Shielded Floodlighting: 500–1500 lumens (20–30 lux)
5. *Exceptions include:*
    a. One partly shielded or unshielded luminaire at the main entry, if its lumen output stays within the general residential limits of 200–800 lumens (10–30 lux).
    b. Any other partly shielded or unshielded luminaires provided their lumen output is within the 100–300 lumens (5–10 lux) range.
    c. Low-voltage landscape lighting aimed away from adjacent properties, ensuring the lumen output does not exceed 50–200 lumens (2–5 lux).
    d. Shielded directional floodlighting, aimed so that direct glare is not visible from adjacent properties, with a lumen output between 500 and 1500 lumens (20–30 lux).
    e. Lighting with a vacancy sensor that automatically extinguishes the lights no more than 15 minutes after the area is vacated.

B. **Requirements for Residential Landscape Lighting.**

1. Landscape lighting must comply with the residential lumen output limits mentioned above.
2. It shall not be directed toward adjacent properties to prevent light trespass.

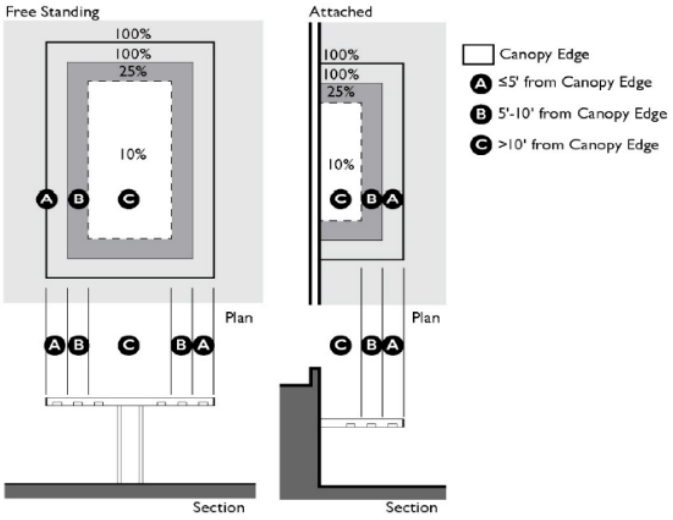
## SECTION 8-070 SPECIAL USES

A. **Canopies, Building Overhangs, and Roof Eave Lighting.**

1. *Shielding.* All outdoor light fixtures attached, mounted to, or within a canopy, building overhang, or roof eave shall be fully shielded.
2. *Total Lumens.* The total lumens of each outdoor light fixture shall be calculated based on the distance from the edge of the canopy, building overhang, or roof eave subject to Figure 8-070.A.

*Figure 8-070. A*

*Plan and section views of a freestanding and attached canopy or overhang, showing fixture location and initial lamp output percentage counted toward total outdoor light output.*




B. **Service Station Canopy Lighting.** Lighting at service stations and under canopies shall prioritize safety, visibility, and energy efficiency, while minimizing

light pollution. The following guidelines are intended to provide a balance between operational needs and environmental considerations:

1. *Light Color and Temperature.* Lighting shall use warm-toned lighting (such as amber or soft white) rather than harsh blue or cool white lights.
2. *Fixture Design.* All lighting fixtures under canopies must be fully shielded to minimize light trespass and glare, ensuring that light is directed only where needed—such as at the service area, pump stations, and customer pathways.
3. *Energy Efficiency.* Fixtures shall utilize energy-efficient technologies, like LED lighting, and be equipped with dimming capabilities or motion sensors where feasible. Lighting in non-essential areas (such as store lighting or decorative lighting) shall be minimized or turned off when not in use.
4. *Security Lighting.* Lighting for doorways, payment areas, and pumps must remain operational throughout the night to ensure customer safety and security. However, unnecessary lighting, including decorative or ambient lights, shall be minimized, especially when the facility is not in active use.

C. **Outdoor Recreation Facilities.**

1. *Lighting Class.* Lighting for an athletic field/ track/ arena area only shall be considered Class 1 Lighting.
2. *Lumen Cap Requirements.*
    a. In Lighting Zone 1, lighting for athletic field/ track/ arena areas is subject to the maximum total outdoor light output standards set in Table 8-050.H; and
    b. In Lighting Zone 2, lighting for athletic field/ track/ arena areas is not subject to the maximum total outdoor light per acre limit set in Table 8-050.H; and
    c. Illumination levels for the athletic field/ track/ arena areas shall be designed to be no higher than recommended for Class IV play, as defined by the Illuminating Engineering Society of North America publication ANSI/IES RP-6-20, as amended.

3. *Shielding.* Fixtures used for athletic field/ track/ arena areas shall be fully shielded.
4. *Time Limits.* Outdoor sports facilities shall not be illuminated after 10:00 PM, except to conclude a scheduled recreational or sporting event in progress prior to the time limitation.
5. *Certification.* Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in Arizona as conforming to all applicable restrictions of this code before construction commences. Further, after installation is complete, the system shall be again certified by a registered engineer to verify that the installation is consistent with the certified design.

D. **Street Lighting.**

1. Street lighting installed on public rights-of-way shall be in accordance with the Town of Clarkdale Engineering Design Standards and Specifications.
2. Street lighting installed on private street tracts or easements shall be in accordance with the Town of Clarkdale Engineering Design Standards and Specifications.

E. **Parking Lots.**

1. *Fixture Design.* Fixtures must be designed and installed to minimize glare, light trespass, and upward light pollution. Light shall be directed to illuminate the parking area and walking paths without affecting adjacent properties or the sky.
2. *Maximum Color Temperature.* All outdoor lighting in parking lots must have a color temperature of 4000 Kelvin or lower and be fully shielded. This helps reduce glare and light pollution and is more compatible with the natural night environment.
3. *Illumination Levels.* The illumination level in parking lots must provide adequate visibility for safety while reducing excess brightness. The appropriate lighting levels are as follows:

a. Pedestrian Areas. Minimum 0.5 foot-candles for areas where pedestrians walk or gather.

b. Vehicular Parking Areas. Minimum 1.0 foot-candle for parking lot areas to ensure visibility for drivers and pedestrians.

c. Entrance and Exit Areas. Minimum 2.0 foot-candles at entrances and exits to ensure the safe flow of traffic.

d. Uniformity. The lighting in the parking lot shall be uniform, avoiding hotspots or areas with insufficient lighting. The average illumination shall not vary more than 3:1 between the brightest and darkest spots.

4. *Maximum* fixture height is 20 feet.

5. *Security* lighting shall focus on vulnerable areas, exterior doors, remote corners.

6. *Motion sensors* or timers shall be used during low-traffic hours.

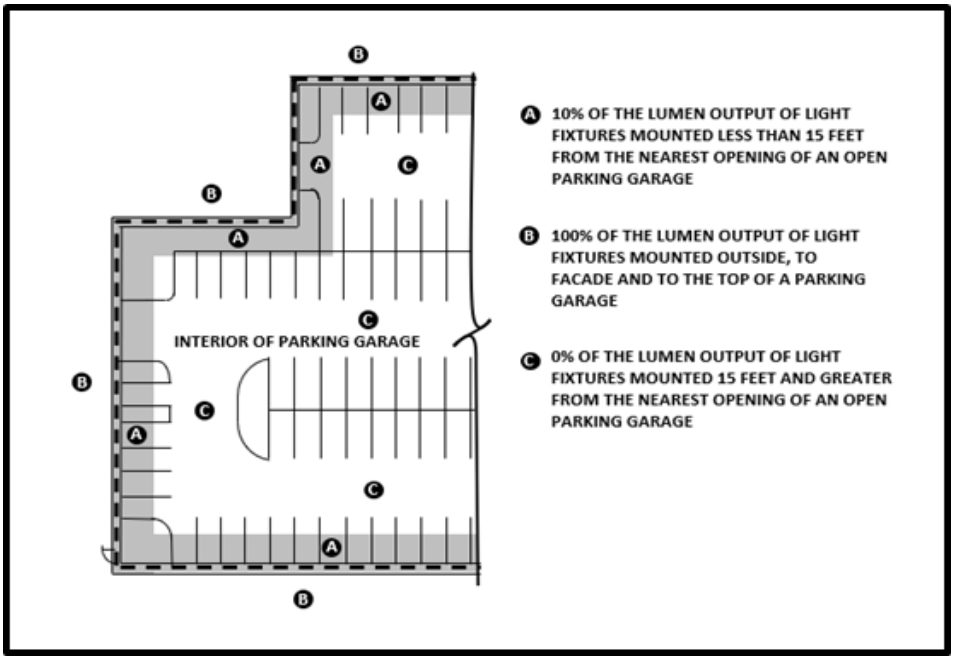
F. **Parking Garages.**

1. *Lighting Class.* Lighting installed for general illumination of parking areas within parking garages, where the parking areas are open to the outside, shall be considered Class 2.

2. *Total Outdoor Light Output.* Ten percent of the lumen output of light fixtures mounted less than 15 feet from the nearest opening to the outdoors of an open parking garage shall be included toward the total outdoor light output standards established in Table 8-050.H subject to Figure 8-070.A. The lumen output of light fixtures mounted 16 feet or more from the nearest opening to the outdoors of an open parking garage shall not be included toward the total outdoor light output standards in Table 8-050.H subject to Figure 8-070.F.

*Figure 8-070.F*

*Calculation of Total Lumens of the Light Fixtures Located Inside of Parking Garage*




3. *Shielding*. All light fixtures used on or within open parking garages, including those mounted to the ceilings above the parking decks, shall be fully shielded.

G. **Outdoor Display Lots.**

1. *Lighting Class.* Class 1 Lighting may be used to illuminate outdoor display lots and shall be included toward the total outdoor light output standards in Table 8-050.H.
2. *Lighting Time Limitations.* All Class 1 outdoor display lighting shall be turned off no later than 30 minutes after the business closes. Only lighting meeting Class 2 lighting standards may be used to illuminate an outdoor display area 30 minutes or later after the close of business.
3. *Shielding.* All light fixtures used in outdoor display lots shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.

H. **Temporary Lighting.** Temporary lighting which does not conform to the provisions of this Ordinance, and which will not be used for more than one 30 day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration, e.g. civic events, or construction projects.

1. The Community Development Director may grant a permit for temporary lighting if he/she finds all the following:
    a. The purpose for which the lighting is proposed is not intended to extend beyond 30 days; and
    b. The proposed lighting is designed in such a manner as to minimize light pollution and light trespass as much as is feasible; and
    c. The proposed lighting will comply with the general intent of this Ordinance; and
    d. The permit will be in the public's best interest.
2. The Community Development Director shall rule on the application within five business days from the date of submission of the request and notify the applicant in writing of his/her decision. The Community Development Director may grant one renewal of the permit for an additional 30 days if he or she finds that, because of an unanticipated change in circumstances, a renewal would be in the public's best interest. The Community Development Director is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year. Temporary construction projects may be extended at the discretion of the Community Development Director up to a time that is reasonable for project completion.

## SECTION 8-080 PROHIBITED OUTDOOR LIGHTING

The following types of outdoor lighting are prohibited:

A. Outdoor floodlighting by flood light projection above the horizontal plane.

B. Search lights, flood lights, laser source lights, or any similar high intensity light, except in emergencies by police, fire or medical personnel or at their direction; or for meteorological data gathering purposes.

C. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

## SECTION 8-090 EXCEPTIONS

A. **Infrared Security Lighting**. Lights emitting infrared radiation used for remote security surveillance systems are permitted in all zones with the following restrictions:

   1. Fixed lights must be fully shielded; and
   2. Movable lights, such as spotlights attached to infrared sensitive cameras, must be mounted such that the lights cannot be directed higher than 20 degrees below the horizontal, measured from the center of the light beam.

B. **Emergency Lighting by Emergency Services.** Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted when used in emergencies by police, fire, medical, or utility personnel or at their direction.

C. **Holiday Decorations.** In all zoning districts, holiday decorations may be unshielded and remain on all night if they are maintained and in operable condition.

D. **Solar-Powered Lighting.** Solar-powered lights of five watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total lumen calculations for the site.

E. **Construction and Renovation of Municipal Facilities.** All outdoor lighting used for construction or major renovation of municipal buildings, structures and facilities is exempt from the provisions of this article.

## SECTION 8-100 NONCONFORMING OUTDOOR LIGHTING

Nonconforming outdoor lighting shall follow the same process and enforcement as a non-conforming use.

A. Mercury vapor lamps in use for outdoor lighting shall not be used.

B. Bottom or side-mounted outdoor advertising sign lighting shall not be used.

C. No outdoor lighting fixture or use which was lawfully installed or implemented prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Ordinance, except that identical lamp replacement is allowed.

D. If an outdoor lighting fixture is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Ordinance. Commercial light installations that are removed or relocated during a building remodel or expansion will be required to meet the provisions of this Ordinance.

## SECTION 8-110 OUTDOOR LIGHTING VARIANCES

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the Board of Adjustment for a variance from the regulations in question.

A. Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage, a Conditional Use Permit, subdivision approval or any development plan needing Town approval, including all Town projects, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Director to determine whether the proposed lighting will comply with this Ordinance. All commercial remodeling, or expansion of current buildings will be subject to review and action through the design review process and must comply with all applicable Town and Zoning Codes.

B. All lighting applications, except those for single family residences, shall include the following:

   1. A site plan indicating the proposed location, type and size of all outdoor lighting fixtures; and

2. A description of each illuminating device, fixture, lamp, support and shied. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs; and
3. Such other information as the Community Development Director may determine is necessary to ensure compliance with this Ordinance. For large developments this may include a shingle detailed sheet which specifically lists all fixtures and outputs for the entire project to enable the Community Development Department to determine compliance to this Ordinance.

C. If the Community Development Director determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

## SECTION 8-120 VIOLATIONS AND ENFORCEMENT

A. It shall be unlawful to install or operate an outdoor light fixture in violation of this Ordinance. Any person violating any provisions of this article shall be guilty of a misdemeanor. Each and every day during which the illegal erection, maintenance, and continued use shall be considered a separate offense.

B. The requirements of this article shall be enforced in compliance with the enforcement provisions of Clarkdale's Town Code.

# EXHIBIT I

# CHAPTER 9

# LANDSCAPE DESIGN STANDARDS

~~Articles~~Sections:


~~9-010 Intent~~9-010 Intent

~~9-020 Applicability~~9-020 Applicability

~~9-030 Basic Requirements~~9-030 ~~Basic~~ Requirements

~~9-040 Sustainable Design~~9-040 Sustainable Design

9-050 ~~Tecniques~~ Shading Techniques

~~9-060 Buffering~~9-060 Buffering

~~9-070 Irrigation and Maintenance~~

~~9-080 070 Minimum Plant Size~~9-~~080~~ 070 Minimum Plant Size

~~9-090 080 Restricted Planting Areas~~9-~~090~~ 080 Restricted Planting Areas

~~9-100 090 Parking Lots~~Areas9-~~100~~ 090 Parking Lots~~Areas~~

~~9-110 100 Minimum Landscaping as a Percentage of Lot Area for New Construction~~9-~~110~~ 100 Minimum Landscaping ~~as a Percentage of Lot Area~~ for New Construction

~~9-120 Compliance Regulations~~

~~9-130 110 Director~~ Variances~~Discretion~~9-~~130~~ 110 ~~Director~~ Variances~~Discretion~~

~~9-140 120 Approved Plant List~~9-~~140~~ 120 Approved Plant List

9-130 Prohibited 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. 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 or~~s~~ ~~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 shall~~is 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 ~~to~~for the terrain.

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

I. ~~I.~~ The landscape plan d~~D~~esign should promote pedestrian/ bicycle traffic where applicable.

J. ~~J.~~ The l~~L~~andscape ~~design~~ plan must incorporate energy and water conservation concepts.

K. ~~K.~~ Landscaping must be installed prior to issuance of a C~~c~~ertificate of O~~o~~ccupancy 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 ~~amount~~to 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 Occupancy~~C 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. ~~O.~~ 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 i~~I~~ncorporation 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 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 6~~9~~0 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 |
| Residential Subdivision* | X | X | X | X | X | X |
| Office | X | -- | X | X | X | X |
| Commercial | X | X | -- | X | X | X |

| | | | | | | |
|---|---|---|---|---|---|---|
| Industrial | x | X | X | -- | X | X |
| Multifamily | x | X | X | X | -- | X |
| Mobile Home Park | 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.

5. 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 | | | | | | |
|---|---|---|---|---|---|---|
| | Adjacent Streets/Zoning Districts/Land Use | | | | | |
| Districts/Land Uses | Residential | Office | Commercial | Industrial | Multi-Family | Mobile Home Park |
| Residential Subdivision* | X | X | X | X | X | X |
| Office | X | -- | X | X | X | X |
| Commercial | X | X | -- | X | X | X |
| Industrial | X | X | X | -- | X | X |
| Multifamily | X | X | X | X | -- | X |
| Mobile Home Park | 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. A development must provide sSufficient 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 usesstrip 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 Averaging of the buffer area is permitted as long as thea minimum of 10 feet one half of the required buffer is achievedmaintained. (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 § 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-~~080~~070 ~~—~~Minimum Plant Size and Spacing Requirements

| Minimum Planting Size | | | | |
|---|---|---|---|---|
| | Minimum caliper size | Minimum box size | Minimum height at Planting | Maximum distance between trees on center |
| Residential | 2” | 15 gallons | 6’ | 20’ |
| Commercial | 3” | 24” - 50%<br>36” – 50% | 8’ | 20’ |
| Industrial | 4” | 36” | 8’ | 20’ |
| Mixed Use | 3” | 24” | 8’ | 20’ |

| Tree Planting Separation Requirements | | |
|---|---|---|
| | Minimum distance between trees on center | Maximum distance between trees on center |
| 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 9-090080 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 intersection~~s~~ 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 (36~~18~~)~~ 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-~~100~~090 Parking ~~Areas~~Lots

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 designplan.~~

~~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-~~110~~100 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 shall be landscaped.

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-~~130~~110 ~~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~~esign 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 | |
| **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 |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| **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 |
| **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 | |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| **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 |
| **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 low~~Low~~ | Evergreen~~Some water, shade~~ |
| **Photinia (Chinese)** (Photinia serrulata) ~~**Juniper (Chinese)** (Juniperus chinensis)~~ | 6-12'2-4'~~2-15'~~ | Low~~Very low~~ | Water to establish~~Evergreen~~ |
| **Pyracantha (Firethorn)** (Pyracantha coccinea) ~~**Juniper (Savin)** (Juniperus sabina)~~ | 6-12'6-12'~~2-4'~~ | Low~~Very low~~ | Trains to fence~~Evergreen~~ |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| Rosemary (Rosemarinus officinalis) ~~Photinia (Chinese) (Photinia serrulata)~~ | 2-6'~~6-12'~~ | Very low~~Low~~ | Needs drainage~~Water to establish~~ |
| Santolina (Santolina virens) ~~Pyracantha (Firethorn) (Pyracantha coccinea)~~ | 1-2'~~2-6'~~ | Very low~~Low~~ | Evergreen, good ground cover~~Trains to fence~~ |
| Texas Sage (Leucophyllum frutescens) ~~Rosemary (Rosemarinus officinalis)~~ | 3-8'~~2-6'~~ | Very low~~Very low~~ | Semi-evergreen, many variations~~Needs drainage~~ |
| Turpentine Bush (Ericameria laricifolia) ~~Santolina (Santolina virens)~~ | 2-3'~~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'~~3-8'~~ | Low-mod~~Very low~~ | Deciduous, partial sun~~Semi-evergreen, many variations~~ |
| Xylosma (Xylosma congestum) ~~Turpentine Bush (Ericameria laricifolia)~~ | 8-10'~~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 |
| **Willow (Goodding)** | 30-50' | Mod | Deciduous, riparian edge, invasive roots |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| (Salix gooddingii) | | | *~~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 |
| **Locust (Idaho)** (Robinia idahoensis) | 30-40' | Very low | Deciduous, aggressive roots |
| **Oak (Southern Live)** (Quercus virginiana) | 40' | Low | Deep rooted |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| **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 |

**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 |
| **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 |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| **Tonto Basin Agave** (Agave delamateri) | 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<br>Shades range from light pink to vivid red |
| **Angelita Daisy** (Hymenoxus acaulis) | Low | |
| **Blue Flax** (Linum lewisii) | Low | |
| **Desert Globe Mallow** (Sphaeralcea ambigua) | Low | |
| | | |
| **Blue Gamma Grass** | Low | Limited maintenance |

| Common Name (Botanical Name) | Water Demand | Notes |
|---|---|---|
| (Bouteloua gracilis) | | |
| **Desert Lavender** (Hyptis emoryi) | Low | Favored by honeybees |

## Section 9-130 Prohibited Plant List

Any plant species not explicitly listed in this section that is designated as prohibited or regulated under applicable state statutes or administrative rules shall also be prohibited for use in required landscape plans.

A. Prohibited High-Water-Use, Invasive and High-Pollen Species. The following plant species are prohibited in all required landscape plans:

1. Red brome (Bromus rubens). Non-native invasive winter grass.

2. Fountain grass (Pennisetum setaceum), including all varieties. Self-seeding invasive perennial.

3. Mulberry tree (male) (Morus spp., male varieties only). High pollen producer.

4. Olive tree (Olea europaea). High-pollen producer.

    a. Exception: Nonflowering, fruitless varieties such as “Swan Hill,” “Wilson Hill” or similar cultivars that do not produce pollen may be considered for approval.

5. Pampas grass (Cortaderia selloana, Cortaderia jubata). High-water-use clumping grass.

6. Paradise tree (Ailanthus altissima). Also known as tree of heaven; non-native and highly invasive.
7. Giant reed (Arundo donax). Large, fast-growing invasive non-native grass.

8. Russian thistle (Salsola tragus, Salsola kali). Also known as tumbleweed; highly invasive.

9. Tamarisk (Tamarix spp.). Also known as saltcedar; aggressive invasive tree or shrub.

B. State-Designated Noxious Weeds. The Class A, B and C species as listed by the Arizona Department of Agriculture pursuant to A.A.C. R3-4-245 are designated as prohibited or regulated noxious weeds and shall not be approved for use in required landscape plans.

C. Plants Unsuitable for Low-Water or Drought-Tolerant Landscaping. The following plants are considered unsuitable for low-water or drought-tolerant landscapes and may be limited or prohibited at the discretion of the Community Development Director or designee to ensure compliance with water-use standards:

1. Large eucalyptus species (highly combustible)

2. Non-native citrus trees requiring high irrigation

3. Certain palm species with excessive water demands

4. Plants with aggressive or invasive root systems

5. Any plant species not listed on the Town of Clarkdale Approved Plant List

Property owners may request approval for plants listed in this subsection by demonstrating compliance with adopted water-use limitations or by providing adequate mitigation measures, subject to administrative approval.

D. Additional Species of Concern. The Town highly recommends that the species listed below be avoided in required landscape plans due to their highly invasive qualities:

1. Dwarf Fountain Grass (Pennisetum alopecuroides (most cultivars) and P. setaceum)

2. Osage Orange (Maclura pomifera) – Not a citrus

3. Japanese Honeysuckle (Lonicera japonica)

4. Vinca (Vinca major and V. minor)

5. Catalpa (Catalpa spp.)

6. English Ivy (Hedera helix)

7. Trumpet Vine (Campsis radicans)
8. Ornamental Brooms – Including Scotch broom (Cytisus scoparius), French broom (Genista monspessulana), Portuguese broom (Cytisus striatus), and related species.
9. Yellow Bird of Paradise (Caesalpinia gilliesii)
10. Mexican Palo Verde (Parkinsonia aculeata) – Prolific seed producer.
11. Weeping Lovegrass (Eragrostis curvula)
12. Tall Fescue (Festuca arundinacea)
13. Reed Canary Grass (Phalaris arundinacea) – Highly problematic in riparian areas.
14. Common Reed (Phragmites australis ssp. australis)
15. Evening-Scented Stock (Matthiola longipetala)
16. Callery Pear (Pyrus calleryana)
17. Princess Tree (Paulownia tomentosa)

# EXHIBIT I
# CHAPTER 9
## LANDSCAPE DESIGN STANDARDS

**SECTIONS:**


9-010 Intent

9-020 Applicability

9-030 Requirements

9-040 Sustainable Design

9-050 Shading Techniques

9-060 Buffering

9-070 Minimum Plant Size

9-080 Restricted Planting Areas

9-090 Parking Lots

9-100 Minimum Landscaping for New Construction

9-110 Variances

9-120 Approved Plant List

9-130 Prohibited Plant List


### SECTION 9-010 PURPOSE AND INTENT

A. 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.

B. The purpose of the landscape design standards is to:

1. Preserve and enhance the natural beauty and environment.
2. Mitigate the impacts of parking and other vehicular areas.

3. Ensure safety.
4. Minimize the effects of temperature extremes, noise, pollution, wind and glare.
5. Promote water and energy conservation.
6. Provide a buffer between land uses.
7. Soften and complement new and existing structures.

C. Landscaping may include a mix of vegetation (trees, shrubs and decorative accent plants) and surface treatments such as permeable surfaces, boulders and hardscape.

## SECTION 9-020 APPLICABILITY

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

B. A landscape plan shall be provided for all projects subject to design review requirements.

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.

## SECTION 9-030 REQUIREMENTS

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. 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 inches of topsoil shall be placed on the disturbed area and erosion of the topsoil shall be mitigated.

C. Landscape areas may include organic and inorganic materials.

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

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

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.

G. Landscape must be suitable for the terrain.

H. The landscape plan must account for site drainage and retention.

I. The landscape plan design should promote pedestrian/ bicycle traffic where applicable.

J. The landscape plan must incorporate energy and water conservation concepts.

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 in an amount sufficient to complete 100% of the landscaping, as evidenced by a written estimate from a licensed landscape architect or contractor.

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

M. Front yard residential landscaping in a unified/master plan development shall be installed prior to the issuance of the Certificate of Occupancy.

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

O. 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. 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. Dead vegetation shall be replaced within 60 days of discovery or by the next planting season, whichever occurs first.

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

S. Failure to properly maintain the property will subject the property owner to the penalties set forth in Town Code.

## SECTION 9-040 SUSTAINABLE DESIGN

A. Sustainable design aspects including but not limited to the following should be incorporated into the landscape plan as much as possible:

1. Good soil preparation and depth.
2. Use of mulch and/ or landscape rock.
3. Use of sunken tree basins.
4. Use of low water-use drought tolerant plants/ trees.
5. Use of efficient irrigation
6. Active incorporation of passive water harvesting shall be encouraged and reduce the parking required by 10%.
7. Planting of symbiotic groupings of native species.
8. Incorporation of shade techniques over public areas such as sidewalks, trails, bikeways and parking lots.
9. Use of shade structures and plants/ trees to mitigate the impact of sun and wind on structures and public areas.

B. In addition, projects should include active water harvesting and storage as an offset to groundwater pumping.

## SECTION 9-050 SHADING TECHNIQUES

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. **Applicability.** This Ordinance 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.

C. **Sidewalk Shading Requirements.**

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. *Shade Elements.* Shade may be provided through:
   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. Architectural or structural elements including but not limited to awnings, arcades or solar shade panels.

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

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. **Trail Access Requirements.**

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

a. A direct, pedestrian and bicycle connection to the trail system, unless topography or physical barriers prevent it.

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

2. *Trailhead Enhancements (if applicable).*

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. **Maintenance.**

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

2. Trees must be irrigated for the first two years to become established.

3. Dead trees must be replaced within 60 days of discovery or by the next planting season, whichever occurs first with species of similar canopy potential.

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

## 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** |
| Residential Subdivision* | X | X | X | X | X | X |
| Office | X | -- | X | X | X | X |
| Commercial | X | X | -- | X | X | X |
| Industrial | X | X | X | -- | X | X |
| Multifamily | X | X | X | X | -- | X |
| Mobile Home Park | 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.
5. Averaging of the buffer area is permitted as long as a minimum of one half of the required buffer is maintained.

## SECTION 9-070 MINIMUM PLANT SIZE AND SPACING REQUIREMENTS

| Minimum Planting Size | | | | |
|---|---|---|---|---|
| | Minimum caliper size | Minimum box size | Minimum height at Planting | Maximum distance between trees on center |
| Residential | 2” | 15 gallons | 6’ | 20’ |
| Commercial | 3” | 24” - 50%<br>36” – 50% | 8’ | 20’ |
| Industrial | 4” | 36” | 8’ | 20’ |
| Mixed Use | 3” | 24” | 8’ | 20’ |

| Tree Planting Separation Requirements | | |
|---|---|---|
| | Minimum distance between trees on center | Maximum distance between trees on center |
| Residential | 15’ | 20’ |

| | | |
|---|---|---|
| **Commercial** | 15’ | 30’ |
| **Industrial** | 15’ | 30’ |
| **Mixed Use** | 15’ | 20’ |

## SECTION 9-080 RESTRICTED PLANTING AREAS

### Sight Visibility Triangles.

A. At the intersection of two arterial and/or collector streets, or at the intersection of a street and an alley, a triangle measuring 30 feet in length along the curb lines or edge of roadway or alley from the point of intersection shall be left unobstructed.

B. At the intersection of a street and a driveway a triangle measuring 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.

C. Specific visibility triangle requirements for intersections shall be determined per the Town Engineering Standards.

D. Landscape materials shall not exceed a height of 18 inches above the grade of the roadway or driveway within the sight visibility triangle.

E. Trees in the sight visibility triangle shall have a minimum 8 feet of clearance between the lowest limbs of the tree and the roadway.

## SECTION 9-090 PARKING LOTS

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 Ordinance 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.

D. 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.

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

F. 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.

## SECTION 9-100 MINIMUM LANDSCAPING FOR 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 shall be landscaped.

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.

## SECTION 9-110 VARIANCES

A. 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 process. The Director's recommendation may be accepted, rejected, or modified during the Design Review process.

B. 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.

C. The Community Development Director has the discretion to waive the application of this Ordinance upon a finding that implementation of the requirements would reduce the fair market value or developability of the property.

## 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 Ordinance.

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 | |
| **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** | 15' | Very low | High slopes |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| (Cercocarpus montanus) | | | |
| **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 |
| **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 |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| **Arizona Rosewood** (Vauquelinia californica) | 8' | Low once 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 |
| **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) | 2-4'2-15' | Very low | Evergreen |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| **Photinia (Chinese)** (Photinia serrulata) | 6-12'2-4' | Low | Water to establish |
| **Pyracantha (Firethorn)** (Pyracantha coccinea) | 6-12'6-12' | Low | Trains to fence |
| **Rosemary** (Rosemarinus officinalis) | 2-6'6-12' | Very low | Needs drainage |
| **Santolina** (Santolina virens) | 1-2'2-6' | Very low | Evergreen, good ground cover |
| **Texas Sage** (Leucophyllum frutescens) | 3-8'1-2' | Very low | Semi-evergreen, many variations |
| **Turpentine Bush** (Ericameria laricifolia) | 2-3'3-8' | Very low | Evergreen, yellow flowers in fall |
| **Viburnum** (various) (Viburnum lantana) | 4-12'2-3' | Low-mod | Deciduous, partial sun |
| **Xylosma** (Xylosma congestum) | 8-10'4-12' | 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)** | 10-25' | Low-mod | Riparian edge, washes |

| Common Name (Botanical Name) | Size | Water Demand | Notes |
|---|---|---|---|
| (Chilopsis linearis) | | | |
| **Willow (Goodding)** (Salix gooddingii) | 30-50' | Mod | Deciduous, riparian edge, invasive roots *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 |

## 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** (Agave delamateri) | 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<br>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 |

## SECTION 9-130 PROHIBITED PLANT LIST

Any plant species not explicitly listed in this Section that are designated as prohibited or regulated under applicable state statutes or administrative rules shall also be prohibited for use in required landscape plans.

A. **Prohibited High-Water-Use, Invasive and High-Pollen Species.** The following plant species are prohibited in all required landscape plans:

1. Red brome (Bromus rubens). Non-native invasive winter grass.
2. Fountain grass (Pennisetum setaceum), including all varieties. Self-seeding invasive perennial.
3. Mulberry tree (male) (Morus spp., male varieties only). High pollen producer.
4. Olive tree (Olea europaea). High-pollen producer.

   a. Exception: Nonflowering, fruitless varieties such as “Swan Hill,” “Wilson Hill” or similar cultivars that do not produce pollen may be considered for approval.

5. Pampas grass (Cortaderia selloana, Cortaderia jubata). High-water-use clumping grass.
6. Paradise tree (Ailanthus altissima). Also known as tree of heaven; non-native and highly invasive.
7. Giant reed (Arundo donax). Large, fast-growing invasive non-native grass.
8. Russian thistle (Salsola tragus, Salsola kali). Also known as tumbleweed; highly invasive.
9. Tamarisk (Tamarix spp.). Also known as saltcedar; aggressive invasive tree or shrub.

B. **State-Designated Noxious Weeds.** The Class A, B and C species as listed by the Arizona Department of Agriculture pursuant to A.A.C. R3-4-245 are designated as prohibited or regulated noxious weeds and shall not be approved for use in required landscape plans.

C. **Plants Unsuitable for Low-Water or Drought-Tolerant Landscaping.** The following plants are considered unsuitable for low-water or drought-tolerant landscapes and may be limited or prohibited at the discretion of the Community Development Director or designee to ensure compliance with water-use standards:

1. Large eucalyptus species (highly combustible).
2. Non-native citrus trees requiring high irrigation.
3. Certain palm species with excessive water demands.
4. Plants with aggressive or invasive root systems.
5. Any plant species not listed on the Town of Clarkdale Approved Plant List.

D. **Additional Species of Concern.** The Town highly recommends that the species listed below be avoided in required landscape plans due to their highly invasive qualities:

1. Dwarf Fountain Grass (Pennisetum alopecuroides (most cultivars) and P. setaceum).
2. Osage Orange (Maclura pomifera) – Not a citrus.
3. Japanese Honeysuckle (Lonicera japonica).
4. Vinca (Vinca major and V. minor).
5. Catalpa (Catalpa spp.).
6. English Ivy (Hedera helix).
7. Trumpet Vine (Campsis radicans).
8. Ornamental Brooms – Including Scotch broom (Cytisus scoparius), French broom (Genista monspessulana), Portuguese broom (Cytisus striatus), and related species.
9. Yellow Bird of Paradise (Caesalpinia gilliesii).
10. Mexican Palo Verde (Parkinsonia aculeata) – Prolific seed producer.
11. Weeping Lovegrass (Eragrostis curvula).
12. Tall Fescue (Festuca arundinacea).
13. Reed Canary Grass (Phalaris arundinacea) – Highly problematic in riparian areas.
14. Common Reed (Phragmites australis ssp. australis).
15. Evening-Scented Stock (Matthiola longipetala).
16. Callery Pear (Pyrus calleryana).
17. Princess Tree (Paulownia tomentosa).

E. Property owners may request approval for plants listed in this subsection by demonstrating compliance with adopted water-use limitations or by providing adequate mitigation measures, subject to administrative approval.

# EXHIBIT J

# CHAPTER 10

## ~~Article 3-170~~

## HISTORIC PRESERVATION DISTRICT (HPD)

**SECTIONS:**


~~3-170~~10-010 Purpose
~~3-170~~10-020 Historic Preservation Overlay District Designation
~~3-170~~10-030 Development Standards
~~3-170~~10-040 Application Process
~~3-170~~10-050 Certificate of Appropriateness
~~3-170~~10-060 Demolition and Moving of Buildings and Structures


**SECTION ~~3-170~~10-010 ~~———~~PURPOSE**

The purpose of this article is to support the preservation of buildings, structures, and sites identified in the Historic Resource Survey of Clarkdale (Ryden, 1989) and the National Register of Historic Places Designation (January 1, 1988), and to identify, preserve, and enhance the Town's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Clarkdale by:

~~A. 1.~~ Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;

A.

~~B. 2.~~ Encouraging the identification and recognition of significant historic resources;

B.

~~C. 3.~~ Encouraging the sensitive adaptation of historic properties to modern uses;

C.

~~D. 4.~~ Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District are carried out in a manner which is not detrimental to the historic integrity of the district;

D.

~~E. 5.~~ Encouraging the identification and protection of prehistoric and historic archaeological resources and enhancing the value of the Historic District and properties;

E.

~~F. 6.~~ Protecting and preserving those properties within the Town that are valuable to the preservation of the community character and identity;

F.

~~G. 7.~~ Preserving and enhancing the attractiveness of the Town to potential home buyers and business interests; and

G.

~~H. 8.~~ Supporting historic tourism and promoting commercial development and economic benefit to the Town. ~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

H.

**SECTION ~~3-170~~10-020 HISTORIC PRESERVATION OVERLAY DISTRICT DESIGNATION**

The Historic Preservation District is an overlay zone. Overlay zones supplement the existing zoning by establishing additional requirements that are applied to the underlying zoning district. Participation by property owners in the Historic District is voluntary. To participate and obtain the benefits provided by this article, property owners must sign an Opt-in form. If a property owner signs an Opt-in form and later decides not to participate in the Historic District, their participation can be

withdrawn by signing an Opt-out form. Property owners within the boundaries of the Historic Preservation District may opt-in or opt-out at any time.

A. ~~A.~~ **Historic Preservation District Boundaries.** The Historic Preservation District, which is subject to the regulations set forth herein, is designated by the boundaries identified in Exhibit 1, Historic Preservation District.

~~1.~~ 1. The provisions of the entirety of this article apply to properties within the Clarkdale Historic Preservation District identified in the map of the Clarkdale Historic Preservation District at the option of the property owner. If the owner opts to apply the standards of this ~~section~~Ordinance, all applicable standards in the section shall be applied. If a property desires to participate, an Opt-in form must be signed by the property owner and submitted to the Town prior to issuance of any building permits under this article.

1.

~~2.~~ 2. Those property owners that do not opt in are subject to the development standards for the underlying zoning classification.

2.

3. ~~3.~~ Historic properties electing to adhere to the requirements of the Historic Preservation Ordinance (HPO) shall inure to the following benefits:

a. ~~a.~~ Waiver of building permit fees for applications that bring existing historic structures in compliance with adopted building codes;

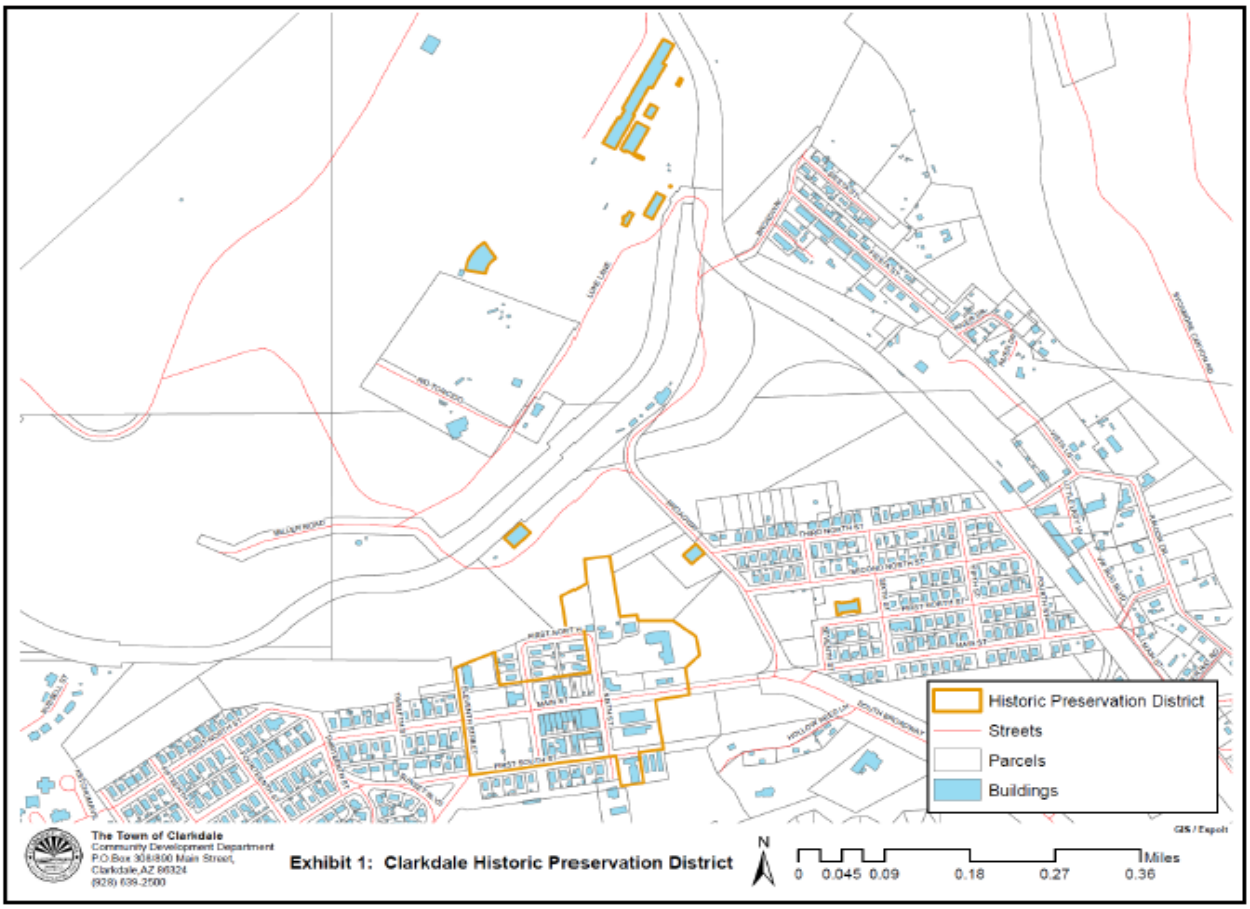
b. ~~b.~~ Accelerated review of historic preservation projects;

c. ~~c.~~ Accelerated permitting of historic preservation projects; and

d. ~~d.~~ Waived application fees for historic preservation projects.

B. ~~B.~~ Provided an Opt-in form is signed by the property owner, the regulations set forth herein apply to all existing structures and to all new construction within the Historic District.

Exhibit 1: Clarkdale Historic Preservation District




C. ~~C.~~ The Historic Preservation Commission shall conduct Design Review for properties and structures located in the Historic Preservation District that have opted in to the Historic Preservation District. ~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

**SECTION ~~3-170~~10-030 DEVELOPMENT STANDARDS**

Properties within the Clarkdale Historic Preservation District shall consider the context of the surrounding and existing structures with respect to architectural style, building form, and building massing. Projects shall honor the Secretary of the Interior's Standards for the Treatment of Historic Properties, ~~–~~a copy of which is on file at the Community Development Department of the Town of Clarkdale.

When designing new or remodeled buildings or considering an adaptive reuse of an existing building, the following design features and elements shall be incorporated:

A. ~~A.~~ **Siting.** Please refer to Exhibit 2, Town of Clarkdale Streetscape, for a graphic representation of the requirements of this subsection.

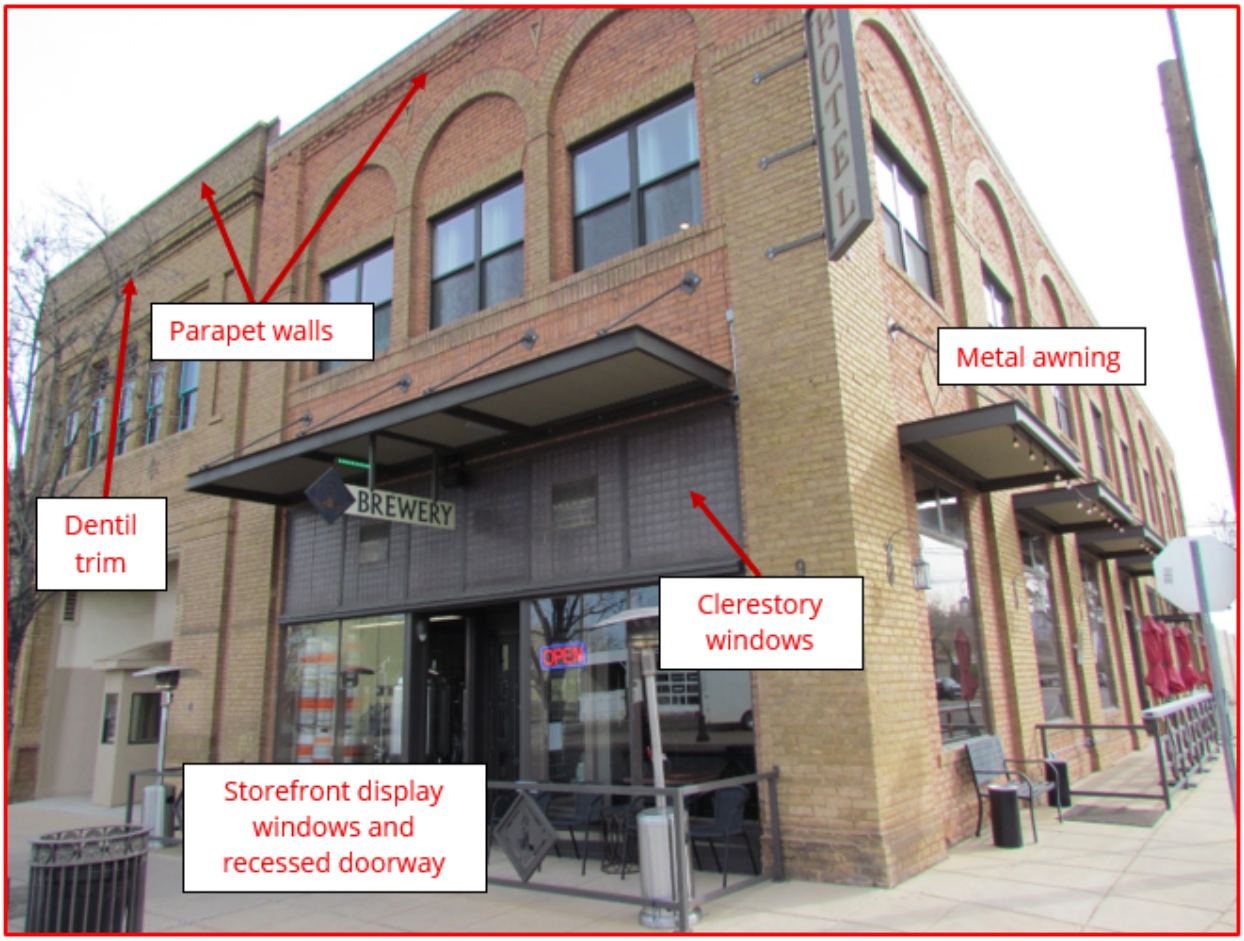
1. ~~1.~~ Establishment of a Relationship to Adjoining Spaces. For new construction, one- and two-story buildings are encouraged.
2. ~~2.~~ A connection to existing sidewalks or an extension of the sidewalk system.
3. ~~3.~~ Continuity of streetscape along Main Street.
4. ~~4.~~ The main entrance shall be from a public sidewalk.
5. ~~5.~~ The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.

Exhibit 2: Town of Clarkdale Streetscape (on next page).

B. ~~B.~~ **Exterior Wall Design, Materials and Finishes.** Please refer to Exhibit 3, Historic Building Architectural Elements, for a graphic representation of the requirements of this subsection.

1. ~~1.~~ To the extent possible, incorporation of design features such as parapet walls, cornices, friezes, dentil trim, metal canopies, canvas awnings, clerestory windows, transom windows, storefront display windows, recessed doorways and bulkheads should be utilized. New construction or additions should be compatible with, yet distinguishable from, existing buildings in the district.
2. ~~2.~~ Whenever possible, preservation of these features is required for rehabilitation or repair of existing structures.

Exhibit 3: Historic Building Architectural Elements



~~1. 3.~~ Masonry may be structural or veneer. Brick façades and/or partial brick inlays are encouraged.

3.

~~2. 4.~~ Painting of brick is discouraged, unless replicating historic signage or installation of murals.

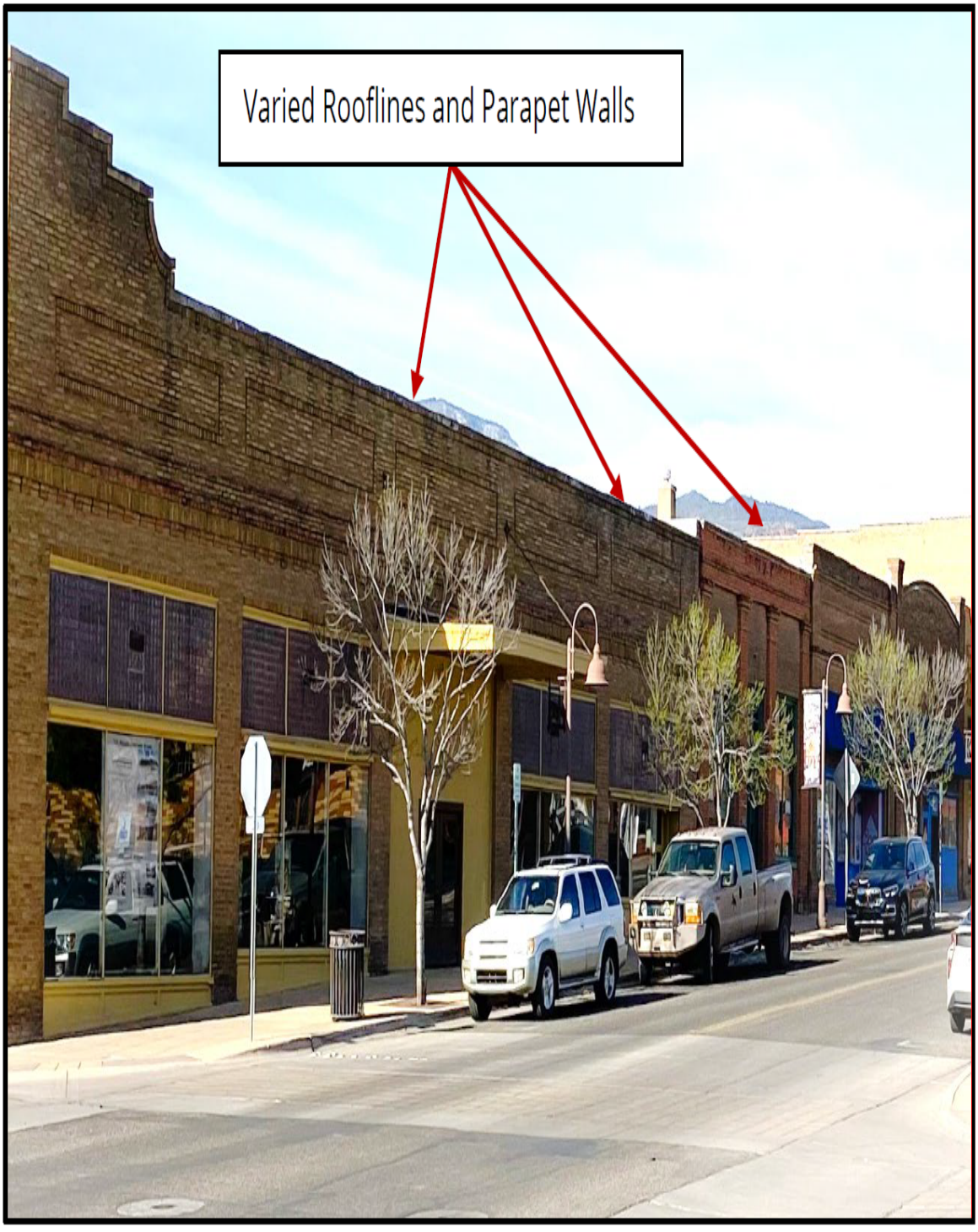
4.

5. ~~5.~~ Stucco, wood, metal and other materials may be used as an accent.

C. **Roof and Parapet.** Please refer to Exhibit 4, Rooflines and Parapet Walls, for a graphic representation of the requirements of this subsection.

1. Varied roof lines and parapet walls are required for new construction.
2. Preservation and restoration of existing parapet walls are required.
3. Metal roofing is acceptable.
4. Rooftop mechanical equipment shall be screened from public view. For corner lots, equipment shall be screened from both front and side elevation.

Exhibit 4: Rooflines and Parapet Walls




D. **Storefronts, Doors, Windows and Awnings.** Please refer to Exhibits 5A, Wood Door Frame, and 5B, Storefront Detail, for a graphic representation of the requirements of this subsection.

1. Large storefront display windows may be recommended.

2. Wood is recommended for doors, trim and accenting the doorway and entry.
3. Windows shall be glass and shall be vertical in orientation and may be single, double hung, or fixed.
4. Steel may be used for doors and window frames if painted to match or anodized and compatible with the building.
5. Rounded arches are encouraged when feasible in new construction and preserved or restored in existing structures.
6. The use of wood for doors is strongly encouraged.
7. The use of canopies and awnings is allowed.

~~Exhibit 4: Rooflines and Parapet Walls~~

~~**C. Roof and Parapet.** Please refer to Exhibit 4, Rooflines and Parapet Walls, for a graphic representation of the requirements of this subsection.~~

~~1. Varied roof lines and parapet walls are required for new construction.~~

~~2. Preservation and restoration of existing parapet walls are required.~~

~~3. Metal roofing is acceptable.~~

~~4. Rooftop mechanical equipment shall be screened from public view. For corner lots, equipment shall be screened from both front and side elevation.~~

~~D. Storefronts, Doors, Windows and Awnings. Please refer to Exhibits 5A, Wood Door Frame, and 5B, Storefront Detail, for a graphic representation of the requirements of this subsection.~~

~~1. Large storefront display windows may be recommended.~~

~~2. Wood is recommended for doors, trim and accenting the doorway and entry.~~

~~3. Windows shall be glass and shall be vertical in orientation and may be single, double hung, or fixed.~~

~~4. Steel may be used for doors and window frames if painted to match or anodized and compatible with the building.~~

~~5. Rounded arches are encouraged when feasible in new construction and preserved or restored in existing structures.~~

~~6. The use of wood for doors is strongly encouraged.~~

~~7. The use of canopies and awnings is allowed.~~

Exhibit 5: Door Frame and Entry Features

Exhibit 5A: Wood Door

Exhibit 5B: Storefront Detail

**E. ~~E.~~ Site Features.**

1. ~~1.~~ The purpose of this section is to provide instruction for site features to enhance new construction and maintain continuity within the district. These features include but are not limited to walkways, benches, street lighting, paving materials, walls, stairs and landscaping. These features must be appropriate to the scale and character of the Historic Preservation District as follows:
   a. ~~a.~~ Landscaping shall be drought tolerant. Building planter beds or containers are allowed and drip irrigation is recommended. The property owner is responsible for maintaining plants in live condition.
   b. ~~b.~~ Lighting shall not detract from the historic character of the structure and must comply with Section ~~8-070~~8-070.
   c. ~~c.~~ Benches shall be of similar form and character with existing benches on Main Street and shall be securely fastened to concrete footings or

sidewalk and shall not detract from the character of the Historic Preservation District.

d. ~~d.~~ Outdoor sidewalk cafes are allowed and regulated through a separate permit application and shall be compliant with Section ~~4-1604~~-120. The application can be submitted ~~concurrent~~concurrently with the review process set forth in Section ~~3-170-030~~10-030.

2. ~~2.~~ All other development and performance standards are as found in the underlying zoning district. ~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

**SECTION ~~3-170~~10-040 APPLICATION PROCESS**

~~A.~~ ~~A.~~ Prior to submitting a building permit application in the Historic Preservation District, the applicants opting into the Historic Preservation Overlay District shall schedule a pre-application review (PAR) meeting with the Community Development Department staff to review the required application submittals and review process.

A.

~~B.~~ ~~B.~~ All building permit applications for existing structures located in the Historic Preservation District, or proposed new construction located in the Historic Preservation District, shall be reviewed by the Historic Preservation Specialist, for classification as either a M~~m~~inor or M~~m~~ajor C~~c~~ertificate of A~~a~~ppropriateness as set forth in Section ~~3-170-050~~10-050.

B.

C. ~~C.~~ Plans showing the full scope of the proposed work shall be submitted at the time of application for a major or minor certificate of appropriateness. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accordance with the plan except that temporary facilities shall be permitted in conjunction with construction after approval of temporary facilities by the Historic Preservation Specialist.

1. ~~1.~~ When a building permit is sought from the Town to demolish, alter, remodel, move, build, renovate or otherwise develop or landscape property in the Clarkdale Historic Preservation District, issuance of the permit shall be deferred until after a ~~certificate of appropriateness~~ Certificate of Appropriateness is obtained.
2. ~~2.~~ Permits with special circumstances that require a variance, including but not limited to the size, height, locations and number of signs, the location of off-street parking, required screening and landscaping, the height of fences and walls, and the number of required off-street parking and loading spaces, may be recommended for approval through the ~~certificate of appropriateness~~ Certificate of Appropriateness process. Such variances shall meet the following findings of fact:
   a. ~~a.~~ Are not contrary to health, safety, or best interest of the public.
   b. ~~b.~~ Enforcement of the provision shall cause an unnecessary hardship that is neither economic nor a self-imposed harm.
   c. ~~c.~~ Condition unique to the property which was not created by the property owner.
   d. ~~d.~~ The variance has no adverse effect on surrounding properties or the general public.
   e. ~~e.~~ The variance does not conflict with the characteristics that make the property eligible for the National Register of Historic Places.
   f. ~~f.~~ Practical difficulties or unnecessary hardship would result in having to comply strictly with the Zoning Ordinance.
   g. ~~g.~~ No changes are made to underlying zoning districts or General Plan land use designations.

~~1.~~ ~~3.~~ All other development and performance standards not found listed herein shall comply with the underlying zoning district.

3.

4. ~~4.~~ Nothing in this article shall be construed to prevent ordinary maintenance, cleaning, or repair of any structure in the Historic Preservation District which does not alter or modify the historic character of the structure. ~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

**SECTION ~~3-170~~10-050 CERTIFICATE OF APPROPRIATENESS**

A. ~~A.~~ Applications for certificates of appropriateness shall be submitted to the Town of Clarkdale Community Development Department and follow the process identified in Exhibit 6: ~~Certificate of Appropriateness~~ Certificate of Appropriateness Process. The Historic Preservation Specialist will review the application for completeness and provide review comments to the Commission. Applications shall include the following items:

1. ~~1.~~ *Site plan.~~:~~* Shall include topography, vegetation, property lines, building, on-site circulation, and adjacent building footprints, streets, rights-of-way, curb cuts, driveways, sidewalks, signage, lighting, fences, and walls.
2. ~~2.~~ *Exterior Ee~~l~~evations.~~:~~* Shall include doors, windows, architectural features, and elevation marks from finished grade to highest point of eaves, roof ridge, or parapet walls.
3. ~~3.~~ *Rehabilitation, Rr~~e~~model, or Rr~~e~~storation Pp~~l~~ans.~~:~~* Shall include identification of features proposed for preservation and proposed for replacement.
4. ~~4.~~ *Floor Pp~~l~~ans.~~:~~* For reference only, to help understand the overall plan.
5. ~~5.~~ Materials and colors: Shall depict proposed building façade, materials and colors.
6. ~~6.~~ *Historic Pp~~h~~otographs.~~:~~* Shall provide project context, elements and compatibility with adjacent properties.
7. ~~7.~~ *Color Rr~~e~~nderings.~~:~~* Provide finished project illustrations to show post-improvement compatibility with adjacent properties.
8. ~~8.~~ *Landscape Pp~~l~~an.~~:~~* May be required; Chapter ~~9~~9, Landscape Design Standards, will apply.
9. ~~9.~~ *Other Rr~~e~~quirements.~~,~~* Dd~~e~~pending on scope of project and at the discretion of the Community Development Director:
   a. ~~a.~~ Traffic impact analysis.
   b. ~~b.~~ Preliminary and final plats or development plans.

B. ~~**B.**~~ **Minor Certificate of Appropriateness.** The M~~m~~inor ~~certificate of appropriateness~~ Certificate of Appropriateness (Minor COA) is subject to the review and approval of the Community Development Department and the Building Official. All proposed work will not diminish, eliminate, or adversely

affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District as per the following minor certificate standards:

1. ~~1.~~ The proposed work is clearly within the development standards.
2. ~~2.~~ Limited to work that does not significantly alter the character and appearance of the property.
3. ~~3.~~ Approval authorizes the issuance of permits required by the Building Official.
4. ~~4.~~ Approval of a M~~m~~inor COA also serves as design review approval.
5. ~~5.~~ The public will be notified of approval, approval with stipulations, or denial of application at the next regular meeting of the HPC after approval by the Historic Preservation Specialist.
6. ~~6.~~ If a M~~m~~inor COA is not issued, a M~~m~~ajor C~~c~~ertificate of A~~a~~ppropriateness (M~~m~~ajor COA) shall be required.

C. ~~C.~~ **Major Certificate of Appropriateness.** The M~~m~~ajor C~~c~~ertificate of A~~a~~ppropriateness (M~~m~~ajor COA) shall be subject to the review and approval of the Historic Preservation Commission for all major new construction, significant restoration, alteration, demolition, or other major construction activity in the Clarkdale Historic Preservation District.

1. ~~1.~~ All proposed work shall not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District.
2. ~~2.~~ All work is subject to review and approval by the Building Official, Public Works Director, Town Engineer, and any other agency having jurisdiction over the project.
3. ~~3.~~ The M~~m~~ajor COA includes anything that constitutes substantial work, including but not limited to alteration, restoration, new construction, demolition, or other significant activities.
4. ~~4.~~ The M~~m~~ajor COA requires a public hearing before the Historic Preservation Commission. Notice shall be given in conformance with the notification process for public hearings before the Planning Commission.
5. ~~5.~~ The Historic Preservation Commission shall recommend approval of the application, approval with stipulations, or denial of the application. The

Commission may also send the application back to the Historic Preservation Specialist for additional work.

6. ~~6.~~ The application shall then be forwarded to Town Council with a recommendation of approval, approval with stipulations, or denial.

D. ~~D.~~ The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the adopted design guidelines for the district. A C~~c~~ertificate of A~~a~~ppropriateness shall be recommended if the Historic Preservation Commission determines that the proposed work:

1. ~~1.~~ Is compatible with the relevant historic, cultural, educational, or architectural qualities and characteristics of the property; and
2. ~~2.~~ Does not diminish or adversely impact the integrity of the Clarkdale Historic Preservation District;
3. ~~3.~~ Prior to forwarding the decision of the Historic Preservation Commission to the Town Council, the Historic Preservation Commission shall affirm whether the project conforms to the following findings of fact:
   a. ~~a.~~ Conforms to the Design Guidelines for the Historic Preservation District.
   b. ~~b.~~ Meets all applicable adopted building codes of the Town of Clarkdale.
   c. ~~c.~~ Does not diminish or adversely impact the integrity of the Historic Preservation District.

E. ~~E.~~ Approval of a ~~Certificate of Appropriateness~~ Certificate of Appropriateness authorizes the issuance of permits required by the Building Official. ~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

## SECTION ~~3-170~~10-060 DEMOLITION AND MOVING OF BUILDINGS AND STRUCTURES

It is the intent of this article to preserve the historic and architectural resources within the Historic Preservation District. However, it is recognized there can be circumstances beyond the control of a property owner that may result in the necessary demolition of a structure within the Historic Preservation District.

These circumstances include a building which constitutes an imminent safety hazard, which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or that imposes hardship on its owners as follows:

~~A. A.~~ No permit shall be issued to move or demolish all or any part of a building, or other structure in the Historic Preservation District, without approval of a major or minor C~~c~~ertificate of A~~a~~ppropriateness as established in Section ~~3-170-050~~10-050.

A.

~~B. B.~~ Request for a demolition permit shall be exempt from these requirements if the Building Official determines, according to the criteria set forth in adopted codes, that the building is an imminent safety hazard to the public and that necessary repairs would be impractical. The Building Official shall first notify the Historic Preservation Specialist in writing before issuing the demolition permit.

B.

~~C. C.~~ If demolition approval is not granted, then no demolition permit shall be issued for a period of one ~~(1)~~ year. A subsequent demolition application may be made and granted for a property that has previously been the subject of a one ~~(1)~~ year demolition permit denial if new facts or circumstances can be presented in support of the application.

C.

D. ~~D.~~ If demolition approval is granted on any basis other than that of an imminent hazard, hardship, or upon expiration of a restraint of demolition, a demolition permit shall not be issued until a redevelopment or reuse plan for the property has received a certificate of appropriateness.

1. ~~1.~~ The redevelopment or reuse plan cannot be comprised of vacant land or propose no use to replace the demolished structure.
2. ~~2.~~ A redevelopment or reuse plan shall consist of a site plan illustrating the location of building, parking, walls, and landscaping, as well as building elevations that depict roof lines, doors, windows, and other architectural details.

~~3. A redevelopment or reuse plan shall also meet the requirements for Site Plan Review as set forth in Section 11-110.~~

3. ~~4.~~ A demolition approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation, including photo documentation, or for agreed upon removal of artifacts.

E. ~~E.~~ Relocation of structures shall follow the process set forth in this subsection and also obtain a C~~c~~ertificate of A~~a~~ppropriateness as set forth in Section ~~3-170-050~~10-050.

Exhibit 6: ~~Certificate of Appropriateness~~ Certificate of Appropriateness Process

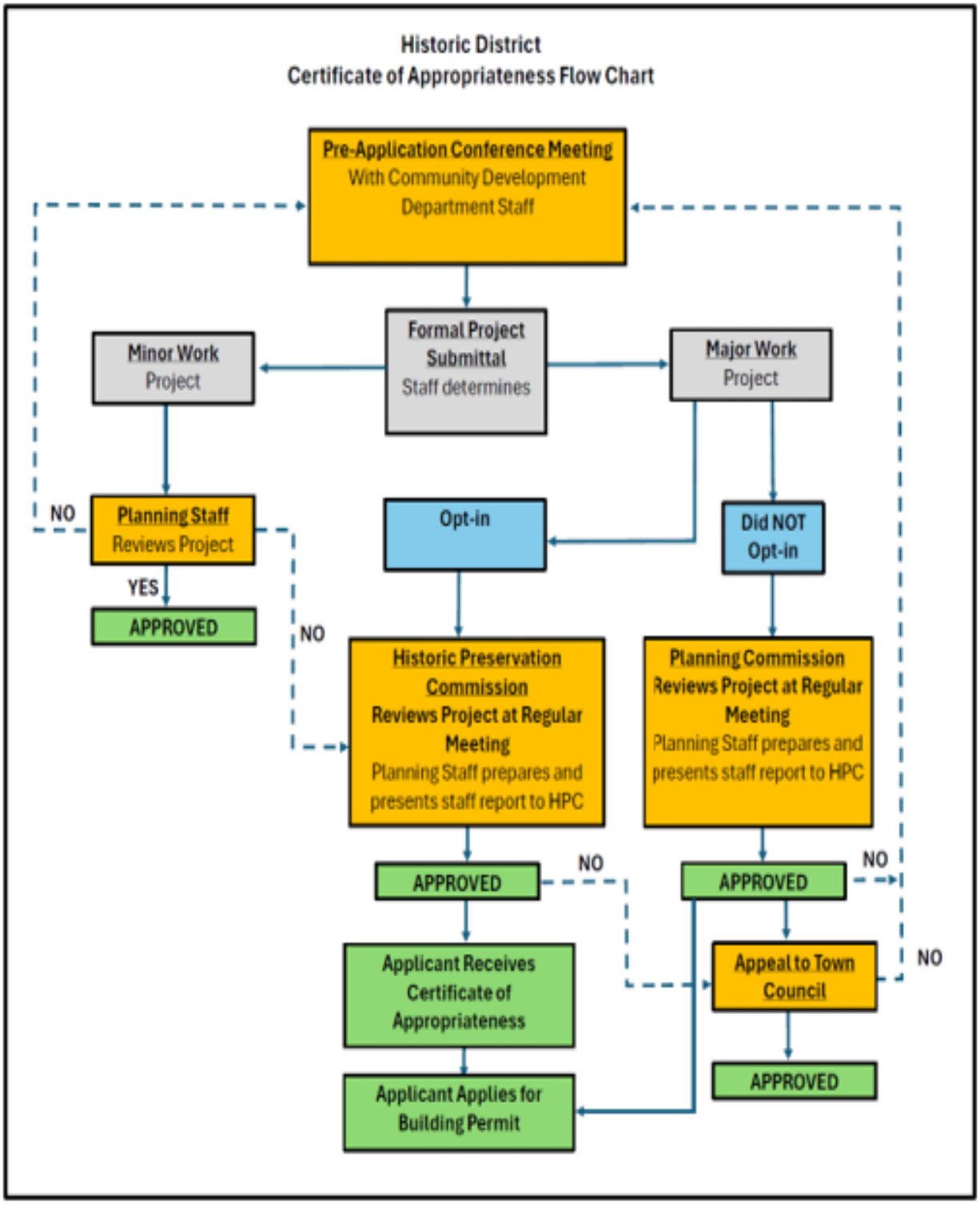
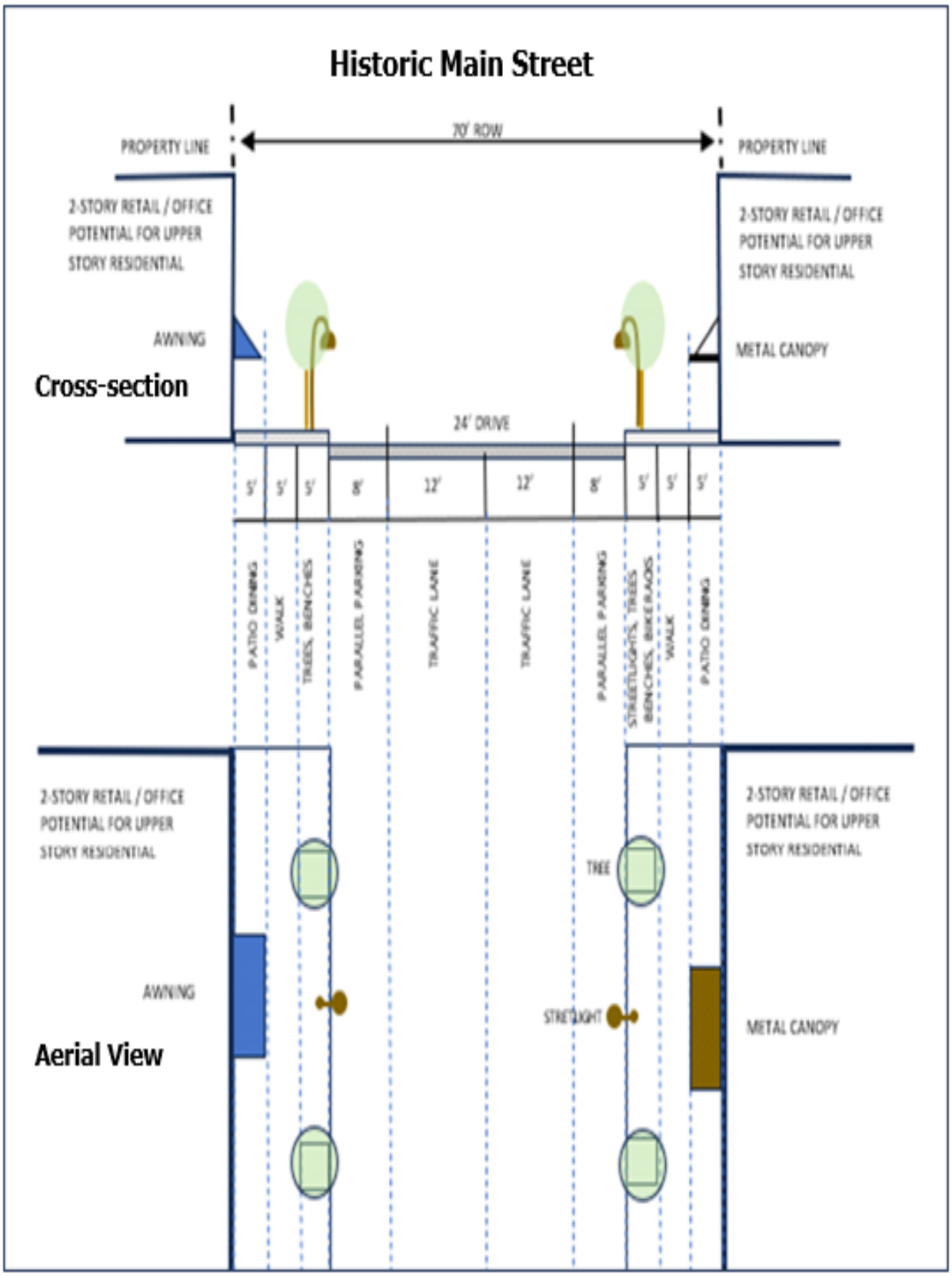



Exhibit 7: Historic Main Street Configuration




~~(Created by Ordinance #424 on 1/14/25; effective 2/13/25)~~

~~The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.~~

~~Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.~~

~~Town Website: www.clarkdale.az.gov~~

~~Town Telephone: (928) 639-2400~~

~~Hosted by General Code.~~

# EXHIBIT J
# CHAPTER 10
## HISTORIC PRESERVATION DISTRICT (HPD)

**SECTIONS:**

10-010 Purpose

10-020 Historic Preservation Overlay District Designation

10-030 Development Standards

10-040 Application Process

10-050 Certificate of Appropriateness

10-060 Demolition and Moving of Buildings and Structures

### SECTION 10-010 PURPOSE

The purpose of this article is to support the preservation of buildings, structures, and sites identified in the Historic Resource Survey of Clarkdale (Ryden, 1989) and the National Register of Historic Places Designation (January 1, 1988), and to identify, preserve, and enhance the Town's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Clarkdale by:

A. Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;

B. Encouraging the identification and recognition of significant historic resources;

C. Encouraging the sensitive adaptation of historic properties to modern uses;

D. Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District are carried out in a manner which is not detrimental to the historic integrity of the district;

E. Encouraging the identification and protection of prehistoric and historic archaeological resources and enhancing the value of the Historic District and properties;

F. Protecting and preserving those properties within the Town that are valuable to the preservation of the community character and identity;

G. Preserving and enhancing the attractiveness of the Town to potential home buyers and business interests; and

H. Supporting historic tourism and promoting commercial development and economic benefit to the Town.

## SECTION 10-020 HISTORIC PRESERVATION OVERLAY DISTRICT DESIGNATION

The Historic Preservation District is an overlay zone. Overlay zones supplement the existing zoning by establishing additional requirements that are applied to the underlying zoning district. Participation by property owners in the Historic District is voluntary. To participate and obtain the benefits provided by this article, property owners must sign an Opt-in form. If a property owner signs an Opt-in form and later decides not to participate in the Historic District, their participation can be withdrawn by signing an Opt-out form. Property owners within the boundaries of the Historic Preservation District may opt-in or opt-out at any time.

A. **Historic Preservation District Boundaries.** The Historic Preservation District, which is subject to the regulations set forth herein, is designated by the boundaries identified in Exhibit 1, Historic Preservation District.

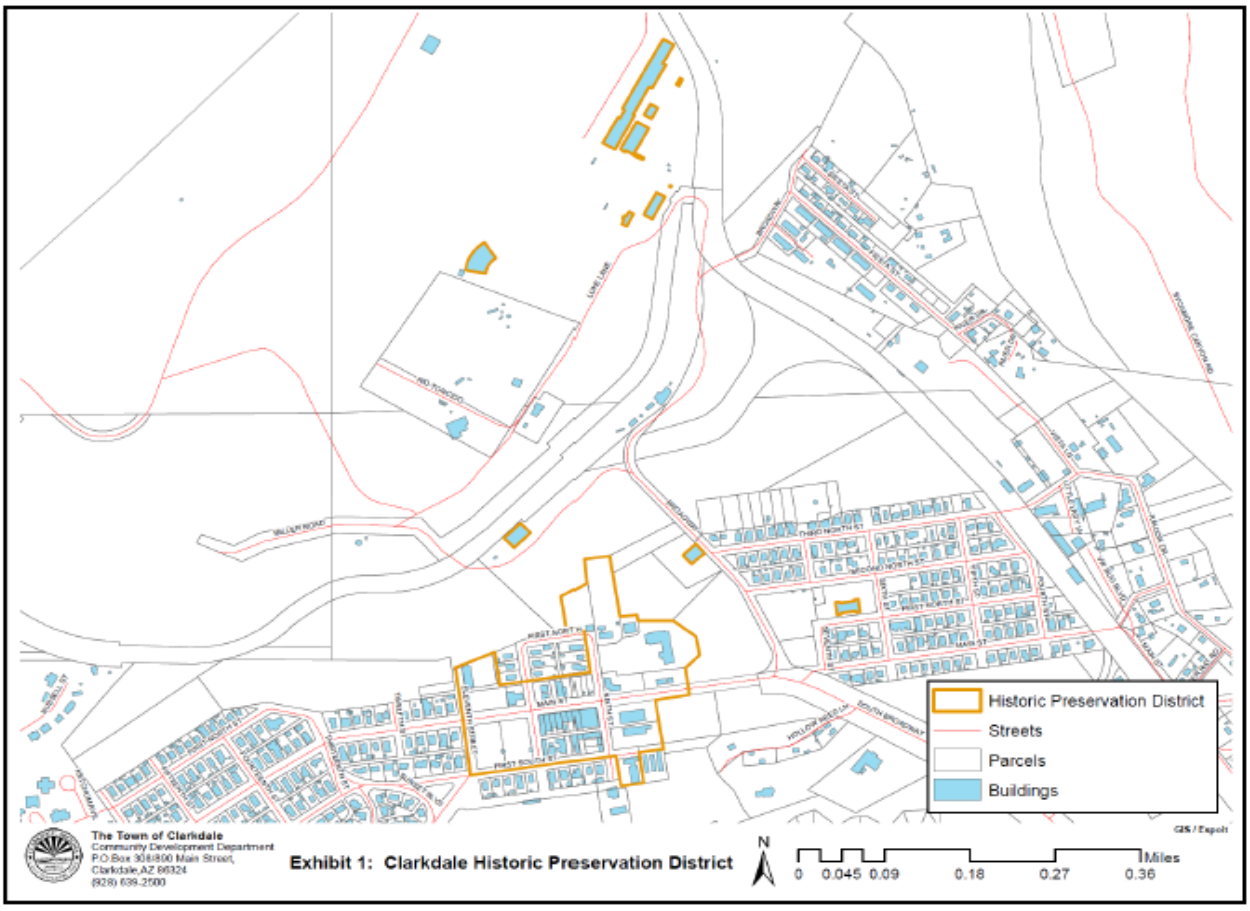
   1. The provisions of the entirety of this article apply to properties within the Clarkdale Historic Preservation District identified in the map of the Clarkdale Historic Preservation District at the option of the property owner. If the owner opts to apply the standards of this Ordinance, all applicable standards in the section shall be applied. If a property desires to participate, an Opt-in form must be signed by the property owner and submitted to the Town prior to issuance of any building permits under this article.

   2. Those property owners that do not opt in are subject to the development standards for the underlying zoning classification.

3. Historic properties electing to adhere to the requirements of the Historic Preservation Ordinance (HPO) shall inure to the following benefits:
    a. Waiver of building permit fees for applications that bring existing historic structures in compliance with adopted building codes;
    b. Accelerated review of historic preservation projects;
    c. Accelerated permitting of historic preservation projects; and
    d. Waived application fees for historic preservation projects.

B. Provided an Opt-in form is signed by the property owner, the regulations set forth herein apply to all existing structures and to all new construction within the Historic District.

Exhibit 1: Clarkdale Historic Preservation District



C. The Historic Preservation Commission shall conduct Design Review for properties and structures located in the Historic Preservation District that have opted in to the Historic Preservation District.

## SECTION 10-030 DEVELOPMENT STANDARDS

Properties within the Clarkdale Historic Preservation District shall consider the context of the surrounding and existing structures with respect to architectural style, building form, and building massing. Projects shall honor the Secretary of the Interior's Standards for the Treatment of Historic Properties, a copy of which is on file at the Community Development Department of the Town of Clarkdale.

When designing new or remodeled buildings or considering an adaptive reuse of an existing building, the following design features and elements shall be incorporated:

A. **Siting.** Please refer to Exhibit 2, Town of Clarkdale Streetscape, for a graphic representation of the requirements of this subsection.

1. Establishment of a Relationship to Adjoining Spaces. For new construction, one- and two-story buildings are encouraged.
2. A connection to existing sidewalks or an extension of the sidewalk system.
3. Continuity of streetscape along Main Street.
4. The main entrance shall be from a public sidewalk.
5. The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.

Exhibit 2: Town of Clarkdale Streetscape (on next page).

B. **Exterior Wall Design, Materials and Finishes.** Please refer to Exhibit 3, Historic Building Architectural Elements, for a graphic representation of the requirements of this subsection.

1. To the extent possible, incorporation of design features such as parapet walls, cornices, friezes, dentil trim, metal canopies, canvas awnings, clerestory windows, transom windows, storefront display windows, recessed doorways and bulkheads should be utilized. New construction or additions should be compatible with, yet distinguishable from, existing buildings in the district.

2. Whenever possible, preservation of these features is required for rehabilitation or repair of existing structures.

Exhibit 3: Historic Building Architectural Elements

3. Masonry may be structural or veneer. Brick façades and/or partial brick inlays are encouraged.
4. Painting of brick is discouraged, unless replicating historic signage or installation of murals.
5. Stucco, wood, metal and other materials may be used as an accent.

C. **Roof and Parapet.** Please refer to Exhibit 4, Rooflines and Parapet Walls, for a graphic representation of the requirements of this subsection.

1. Varied roof lines and parapet walls are required for new construction.

2. Preservation and restoration of existing parapet walls are required.
3. Metal roofing is acceptable.
4. Rooftop mechanical equipment shall be screened from public view. For corner lots, equipment shall be screened from both front and side elevation.

Exhibit 4: Rooflines and Parapet Walls

D. **Storefronts, Doors, Windows and Awnings.** Please refer to Exhibits 5A, Wood Door Frame, and 5B, Storefront Detail, for a graphic representation of the requirements of this subsection.

1. Large storefront display windows may be recommended.

2. Wood is recommended for doors, trim and accenting the doorway and entry.
3. Windows shall be glass and shall be vertical in orientation and may be single, double hung, or fixed.
4. Steel may be used for doors and window frames if painted to match or anodized and compatible with the building.
5. Rounded arches are encouraged when feasible in new construction and preserved or restored in existing structures.
6. The use of wood for doors is strongly encouraged.
7. The use of canopies and awnings is allowed.

Exhibit 5: Door Frame and Entry Features

Exhibit 5A: Wood Door

Exhibit 5B: Storefront Detail

**E. Site Features.**

1. The purpose of this section is to provide instruction for site features to enhance new construction and maintain continuity within the district. These features include but are not limited to walkways, benches, street lighting, paving materials, walls, stairs and landscaping. These features must be appropriate to the scale and character of the Historic Preservation District as follows:
    a. Landscaping shall be drought tolerant. Building planter beds or containers are allowed and drip irrigation is recommended. The property owner is responsible for maintaining plants in live condition.
    b. Lighting shall not detract from the historic character of the structure and must comply with Section 8-070.
    c. Benches shall be of similar form and character with existing benches on Main Street and shall be securely fastened to concrete footings or sidewalk and shall not detract from the character of the Historic Preservation District.
    d. Outdoor sidewalk cafes are allowed and regulated through a separate permit application and shall be compliant with Section 4-120. The application can be submitted concurrently with the review process set forth in Section 10-030.
2. All other development and performance standards are as found in the underlying zoning district.

## SECTION 10-040 APPLICATION PROCESS

A. Prior to submitting a building permit application in the Historic Preservation District, the applicants opting into the Historic Preservation Overlay District shall schedule a pre-application review (PAR) meeting with the Community Development Department staff to review the required application submittals and review process.

B. All building permit applications for existing structures located in the Historic Preservation District, or proposed new construction located in the Historic

Preservation District, shall be reviewed by the Historic Preservation Specialist, for classification as either a Minor or Major Certificate of Appropriateness as set forth in Section 10-050.

C. Plans showing the full scope of the proposed work shall be submitted at the time of application for a major or minor certificate of appropriateness. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accordance with the plan except that temporary facilities shall be permitted in conjunction with construction after approval of temporary facilities by the Historic Preservation Specialist.

1. When a building permit is sought from the Town to demolish, alter, remodel, move, build, renovate or otherwise develop or landscape property in the Clarkdale Historic Preservation District, issuance of the permit shall be deferred until after a Certificate of Appropriateness is obtained.
2. Permits with special circumstances that require a variance, including but not limited to the size, height, locations and number of signs, the location of off-street parking, required screening and landscaping, the height of fences and walls, and the number of required off-street parking and loading spaces, may be recommended for approval through the Certificate of Appropriateness process. Such variances shall meet the following findings of fact:
    a. Are not contrary to health, safety, or best interest of the public.
    b. Enforcement of the provision shall cause an unnecessary hardship that is neither economic nor a self-imposed harm.
    c. Condition unique to the property which was not created by the property owner.
    d. The variance has no adverse effect on surrounding properties or the general public.
    e. The variance does not conflict with the characteristics that make the property eligible for the National Register of Historic Places.
    f. Practical difficulties or unnecessary hardship would result in having to comply strictly with the Zoning Ordinance.

g. No changes are made to underlying zoning districts or General Plan land use designations.

3. All other development and performance standards not found listed herein shall comply with the underlying zoning district.
4. Nothing in this article shall be construed to prevent ordinary maintenance, cleaning, or repair of any structure in the Historic Preservation District which does not alter or modify the historic character of the structure.

## SECTION 10-050 CERTIFICATE OF APPROPRIATENESS

A. Applications for certificates of appropriateness shall be submitted to the Town of Clarkdale Community Development Department and follow the process identified in Exhibit 6: Certificate of Appropriateness Process. The Historic Preservation Specialist will review the application for completeness and provide review comments to the Commission. Applications shall include the following items:

1. *Site plan.* Shall include topography, vegetation, property lines, building, on-site circulation, and adjacent building footprints, streets, rights-of-way, curb cuts, driveways, sidewalks, signage, lighting, fences, and walls.
2. *Exterior Elevations.* Shall include doors, windows, architectural features, and elevation marks from finished grade to highest point of eaves, roof ridge, or parapet walls.
3. *Rehabilitation, Remodel, or Restoration Plans.* Shall include identification of features proposed for preservation and proposed for replacement.
4. *Floor Plans.* For reference only, to help understand the overall plan.
5. Materials and colors: Shall depict proposed building façade, materials and colors.
6. *Historic Photographs.* Shall provide project context, elements and compatibility with adjacent properties.
7. *Color Renderings.* Provide finished project illustrations to show post-improvement compatibility with adjacent properties.

8. *Landscape Plan.* May be required; Chapter 9, Landscape Design Standards, will apply.
9. *Other Requirements.* Depending on scope of project and at the discretion of the Community Development Director:
    a. Traffic impact analysis.
    b. Preliminary and final plats or development plans.

B. **Minor Certificate of Appropriateness.** The Minor Certificate of Appropriateness (Minor COA) is subject to the review and approval of the Community Development Department and the Building Official. All proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District as per the following minor certificate standards:
    1. The proposed work is clearly within the development standards.
    2. Limited to work that does not significantly alter the character and appearance of the property.
    3. Approval authorizes the issuance of permits required by the Building Official.
    4. Approval of a Minor COA also serves as design review approval.
    5. The public will be notified of approval, approval with stipulations, or denial of application at the next regular meeting of the HPC after approval by the Historic Preservation Specialist.
    6. If a Minor COA is not issued, a Major Certificate of Appropriateness (Major COA) shall be required.

C. **Major Certificate of Appropriateness.** The Major Certificate of Appropriateness (Major COA) shall be subject to the review and approval of the Historic Preservation Commission for all major new construction, significant restoration, alteration, demolition, or other major construction activity in the Clarkdale Historic Preservation District.
    1. All proposed work shall not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District.

2. All work is subject to review and approval by the Building Official, Public Works Director, Town Engineer, and any other agency having jurisdiction over the project.
3. The Major COA includes anything that constitutes substantial work, including but not limited to alteration, restoration, new construction, demolition, or other significant activities.
4. The Major COA requires a public hearing before the Historic Preservation Commission. Notice shall be given in conformance with the notification process for public hearings before the Planning Commission.
5. The Historic Preservation Commission shall recommend approval of the application, approval with stipulations, or denial of the application. The Commission may also send the application back to the Historic Preservation Specialist for additional work.
6. The application shall then be forwarded to Town Council with a recommendation of approval, approval with stipulations, or denial.

D. The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the adopted design guidelines for the district. A Certificate of Appropriateness shall be recommended if the Historic Preservation Commission determines that the proposed work:
   1. Is compatible with the relevant historic, cultural, educational, or architectural qualities and characteristics of the property; and
   2. Does not diminish or adversely impact the integrity of the Clarkdale Historic Preservation District;
   3. Prior to forwarding the decision of the Historic Preservation Commission to the Town Council, the Historic Preservation Commission shall affirm whether the project conforms to the following findings of fact:
      a. Conforms to the Design Guidelines for the Historic Preservation District.
      b. Meets all applicable adopted building codes of the Town of Clarkdale.
      c. Does not diminish or adversely impact the integrity of the Historic Preservation District.

E. Approval of a Certificate of Appropriateness authorizes the issuance of permits required by the Building Official.

## SECTION 10-060 DEMOLITION AND MOVING OF BUILDINGS AND STRUCTURES

It is the intent of this article to preserve the historic and architectural resources within the Historic Preservation District. However, it is recognized there can be circumstances beyond the control of a property owner that may result in the necessary demolition of a structure within the Historic Preservation District.

These circumstances include a building which constitutes an imminent safety hazard, which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or that imposes hardship on its owners as follows:

A. No permit shall be issued to move or demolish all or any part of a building, or other structure in the Historic Preservation District, without approval of a major or minor Certificate of Appropriateness as established in Section 10-050.

B. Request for a demolition permit shall be exempt from these requirements if the Building Official determines, according to the criteria set forth in adopted codes, that the building is an imminent safety hazard to the public and that necessary repairs would be impractical. The Building Official shall first notify the Historic Preservation Specialist in writing before issuing the demolition permit.

C. If demolition approval is not granted, then no demolition permit shall be issued for a period of one year. A subsequent demolition application may be made and granted for a property that has previously been the subject of a one year demolition permit denial if new facts or circumstances can be presented in support of the application.

D. If demolition approval is granted on any basis other than that of an imminent hazard, hardship, or upon expiration of a restraint of demolition, a demolition permit shall not be issued until a redevelopment or reuse plan for the property has received a certificate of appropriateness.

    1. The redevelopment or reuse plan cannot be comprised of vacant land or propose no use to replace the demolished structure.

2. A redevelopment or reuse plan shall consist of a site plan illustrating the location of building, parking, walls, and landscaping, as well as building elevations that depict roof lines, doors, windows, and other architectural details.
3. A demolition approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation, including photo documentation, or for agreed upon removal of artifacts.

E. Relocation of structures shall follow the process set forth in this subsection and also obtain a Certificate of Appropriateness as set forth in Section 10-050.

Exhibit 6: Certificate of Appropriateness Process

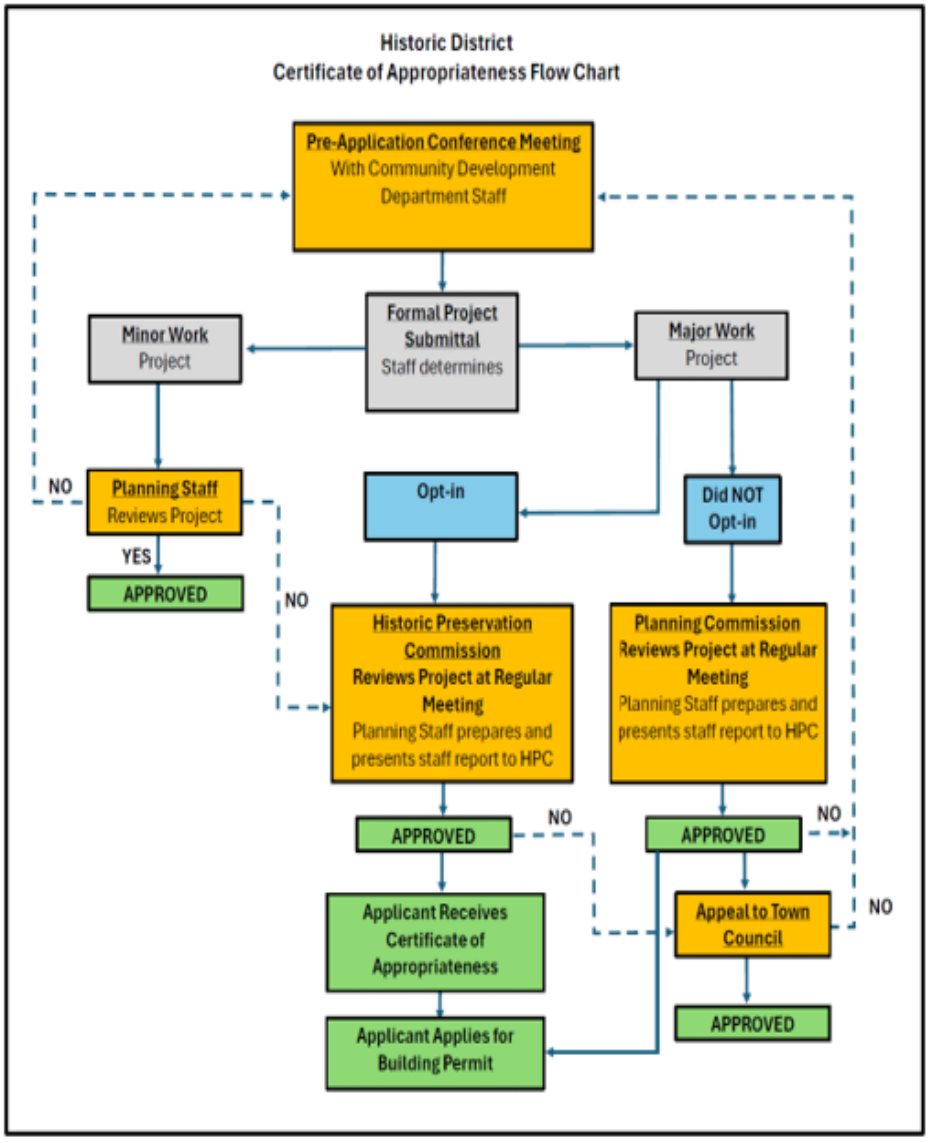
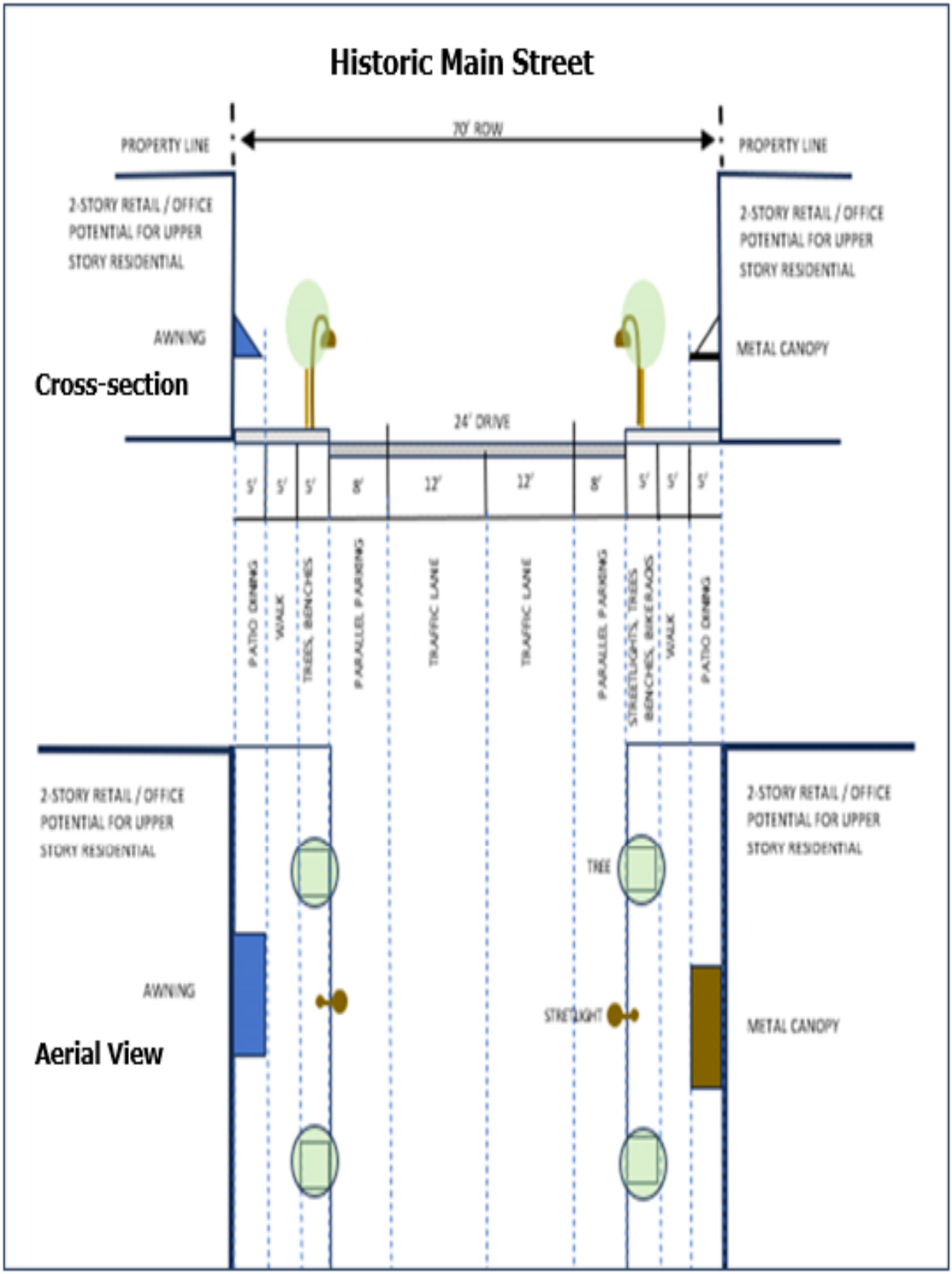


Exhibit 7: Historic Main Street Configuration



# EXHIBIT K

# CHAPTER 11

## DESIGN REVIEW ~~AND SITE PLAN REVIEW~~

**SECTIONS:**

11-010 Purpose and Applicability ~~11-010 Purpose and Applicability of Design Review~~
11-020 ~~11-020 Application Procedure for Design Review~~Procedures
11-030 Application Submission
11-040 Submission Requirements
11-050 Filing Fee~~11-030 Filing Fee for Design Review~~
11-060 Approval Standards and Criteria ~~11-040 Review Criteria for Design Review~~
~~11-050 Expiration of Design Review Approval~~
11-070 Expiration of Approval~~11-060 Violations and Enforcement~~
11-080 Violations and Enforcement
11-090 Appeals
11-100 Post Approval Activities
11-110 Administration and Enforcement
11-120 Interpretation of the Code

~~11-070 Appeals~~ **~~for Design Review~~**
~~11-090 Purpose and Applicability for Site Plan Review~~
~~11-100 Review and Approval Authority~~
~~11-110 Site Plan Application Submission and Review Procedures~~
~~11-120 Site Plan Submission Requirements~~
~~11-130 Approval Standards and Criteria for Site Plan Review~~
~~11-140 Post Approval Activities~~
~~11-150 Appeals~~ **~~for Site Plan Review~~**
~~11-160 Administration and Enforcement~~
~~11-170 Interpretation of the Code~~

### SECTION 11-010 PURPOSE AND APPLICABILITY ~~of Design Review~~

The purpose of Dd~~d~~esign Rr~~r~~eview is to review the exterior design of proposed new buildings, proposed alterations to buildings and development or redevelopment projects ~~which do not include new buildings~~ within the Town of Clarkdale. These procedures are intended to protect the public's health and safety, promote the general welfare of the community, and to facilitate the organized development of commercial and industrial property.

~~A. A.~~ This ~~Chapter~~ Ordinance shall apply to new buildings and redevelopment as defined in ~~this Chapter~~Chapter 2 of~~r~~ the Town of Clarkdale Zoning Ordinance, except single-family dwellings and accessory uses, and shall also apply to all public buildings and facilities. Structures (other than buildings), signs, landscaping, parking areas, public facilities and enclosures will be reviewed by the Community Development Director or designee if they are a part of new building development or building redevelopment.

A.

B. ~~B.~~ Property owners within the Historic District are subject to Design Review. Projects for properties opted into the district shall be reviewed by the Historic Preservation Commission; projects not opted into the district shall be reviewed by the Planning and Zoning Commission.

~~A.~~

## SECTION 11-020 DESIGN REVIEW PROCEDURES

A. A pre-application meeting is mandatory. The purpose of the pre-application meeting is to:
   1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
   2. Discuss the development review process and required submissions with the applicant.
   3. Identify issues that need to be resolved in future submissions.
   4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
   5. Applicants shall provide the information as indicated in Table 1 in Section 11-040 Submission Requirements.

B. Persons applying for Design Review will be required to submit a Pre-application meeting request, including a letter of intent, the site plan, the development plan, and supporting documentation. These materials shall be submitted to the Community Development Director or designee, who shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant that the application is administratively complete. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of a submittal shall be required per Article 3-4 of the Town Code.

1. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic communication and specify the additional materials required to make the application complete.
2. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the following:
   a. Community Development Director; and
   b. Public Works Director; and
   c. Town Engineer; and
   d. Water Resources Manager; and
   e. Chief of Police (or designee); and
   f. Fire Chief (or designee); and
   g. Building Inspector; and
   h. Flood Control: and
   i. Yavapai County Health Department; and
   j. Any other agency or municipality that Town staff deems necessary; and
   k. Representatives from the following may be included at the discretion of the Community Development Director:
      i. School Districts; or
      ii. Arizona Public Service (APS); or
      iii. Unisource; or
      iv. Arizona Department of Transportation (ADOT);
      v. Arizona Department of Game and Fish; or
      vi. United States Forest Service; or
      vii. Yavapai County; or

viii. Others as determined by the Community Development Director.

C. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal.

D. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

**SECTION 11-0320 APPLICATION SUBMISSION ~~Procedure for Design Review~~**

~~a.~~A. ~~A.~~ Applications for Design Review shall be filed with the Community Development Department. The following shall be included:

~~a.~~1. ~~1.~~ The proposed site plan shall include the information as indicated in Table 1 in Section 11-040 Submission Requirements~~including, but not limited to, a north arrow, name and address of owner, address of property and legal description, all property lines dimensioned and marked as property lines, existing structures, and enclosures, proposed parking areas, landscaping, accessory buildings and lighting~~.

~~b.~~2. ~~2.~~ A full color l~~L~~andscaping p~~P~~lan shall be required and ~~be~~ on separate sheet.

3. ~~3.~~ Any other information which the Community Development Director or designee finds necessary to establish compliance with this ~~Section~~Ordinance.

~~c.~~

~~b.~~B. ~~B.~~ If applicable, a~~A~~ separate~~n~~ application for approval of demolition, partial demolition or removal of an existing building or structure shall be filed with the Community Development ~~Director~~ Department on a form prescribed by the Director. The application shall be accompanied by the following:

~~a.~~1. ~~1.~~ Legible photograph showing all sides of the building or structure for which the application is made.

~~b.~~2. ~~2.~~ Legible photograph showing the adjoining properties.

3. ~~3.~~ Any other information which the Community Development Director or designee finds necessary to establish compliance with this ~~Section~~Ordinance.

~~c.~~

c.C. C. If applicable, aA separaten application for approval of all signs shall be accompanied by the following:

a.1. 1. Plans to scale with sufficient detail to show the size, lighting, and placement of the sign.

b.2. 2. A If applicable, legible photograph or colored rendering showing the face of the building on which the sign is to be mounted and/or a vicinity photograph or colored rendering for a free-standing sign if one is being installed.

3. 3. Any other information which the Community Development Director or designee finds necessary to establish compliance with this SectionOrdinance.

c.

D. D. Upon receipt of an application for Design Review, the Community Development Director or designee shall review the application for administrative completeness and return to applicant with corrections within 10 business days of submittal.

1. The Community Development Director or designee shall notify the applicant of deficiencies within 15 business days of administrative completeness approval.

2. Upon a finding of administrative completeness approval, the Community Development Director or designee shall review the application for substantial conformance with adopted codes. The Community Development Department will distribute the submittal to those as listed in Section 11-020.B.2. of this Ordinance.

Upon a finding of substantive review approval by the Community Development Director or designee, the design shall be deemed approved, and a written notice will be sent to the applicant by email.

1. Upon a finding of administrative completeness approval, the Community Development Director or designee shall review the application for substantial conformance with adopted codes.

a. 2. The Community Development Director shall notify the applicant of deficiencies within 15 business days of administrative completeness approval.

~~b. 3. Upon a finding of substantive review approval by the Community Development Director or designee, the design shall be deemed approved, and a written notice will be sent to the applicant by email.~~

## ~~SECTION 11-040 SUBMISSION REQUIREMENTS~~

All applications for Design Review must contain the information indicated as being required in Table 1 (below).

**Table 1 Submittal Requirements Checklist**

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| 1 | | X | Fully executed and signed copy of the application and fees paid in full. |
| 2 | | X | A copy of the deed to the property, an option to purchase the property, letter of agency, or other documentation to demonstrate right, title or interest in the property on the part of the applicant. |
| 3 | | X | Legal description and boundary survey to scale. |
| 4 | X | X | The parcel #(s) and lot # on which the project is located. |
| 5 | X | X | Vicinity map showing general location of the site within the Town. |
| 6 | | X | The name, registration number, and seal of the person who prepared the plan, if applicable. |
| 7 | X | X | Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time. |
| 8 | | X | Site photos/map from all directions at corners (standard prints). |
| 9 | | X | The maps or drawing must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 500 feet to the inch for that portion of the tract of land being proposed for development. |

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| 10 | | X | Digital copy of site plan materials. |
| 11 | X | X | Location of all required building setbacks, yards, and buffers. |
| 12 | X | X | Zoning classification(s) of property and surrounding property. |
| 13 | | X | The bearings and length of all property lines of the property to be developed and the source of this information. |
| 14 | X | X | Location and size of any existing utility lines and easements. |
| 15 | X | X | Location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development. |
| 16 | X | X | The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site. |
| 17 | X | X | Location of intersecting roads or driveways within 200 feet of the site. |
| 18 | | X | Location and dimensions of any existing easements and copies of codes covenants or deed restrictions. |
| 19 | | X | The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection. |
| 20 | | X | The location of open drainageways. |
| 21 | | X | The direction of existing surface water drainage across the site. |
| 22 | | X | The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties. |
| 23 | | X | A grading and drainage plan that includes existing contours, proposed contours, drainage channels and directions of flow, as well as stormwater calculations, |

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| | | | erosion and sedimentation control measures and water quality, see Town Code Article 7-11. |
| 24 | | X | The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off site. |
| 25 | | X | The location, dimensions and elevations of all existing buildings, proposed buildings and building expansion on the site. |
| 26 | | X | The location, front view, dimensions, and lighting of existing signs and proposed signs. |
| 27 | | X | A utility plan including estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal. |
| 28 | | X | Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on- site collection or storage facilities. |
| 29 | | X | Proposed colored landscaping and buffering plan including irrigation plan. Include the percentage of total landscaping for the project. |
| 30 | | X | Outdoor Lighting Plan, including spec sheets. |
| 31 | | X | Trash Enclosure. |
| 32 | | X | A clear, simple site plan for presentations. |

**SECTION 11-0530 FILING FEE ~~for Design Review~~**

The application for Design Review shall be accompanied by a non-refundable filing fee in an amount established by ~~resolution of the Town Council~~the currently adopted fee schedule of the Town.

## Section 11-040 Review Criteria for Design Review

**A. The Community Development Director or designee shall review applications for design approval of new construction, alterations, additions, or renovations to existing buildings or structures and shall have the power to approve, conditionally approve, or disapprove all such requests. The decisions will be based on the following criteria:**

**1. The plan for the development must reflect the natural capabilities of the site to support development. Environmentally sensitive areas must be maintained and preserved**

**2. Natural drainage areas must also be preserved to maintain predevelopment and post development flows.**

**3. All building, site, and roadway designs and layouts must be designed to preserve existing topography. Filling, excavation and earth moving activity must be kept to a must meet all grading requirements and meet engineering standard.**

**4. The main entrance to the building should be oriented to the street unless the parking layout , grouping of buildings, or size, shape, or topography of the lot requires orientation to the side and shall be clearly identified through building and site design, landscaping, and/or signage.**

**5. To encourage reduced building heights for commercial and industrial structures, the area of reduced height can be used to increase lot coverage by an equivalent amount. Required setbacks and other design standards must be maintained.**

**6. For the area of natural vegetation retained, the required landscaping area may be reduced by an equivalent amount.**

**7. All construction for which site plan review is required shall also be required to submit a lighting plan with cut sheets for all fixtures. The lighting plan shall be developed in accordance with the requirements of Chapter 8 – Outdoor Lighting Code.**

**8. The development must provide for the buffering of adjacent uses where there is a transition from one zoning district to another zoning district and for screening of mechanical equipment and service and storage areas. All setbacks, enclosures, walls and plantings shall comply with Chapter 9 – Landscape Design Standards, and Chapter 4 - General Provisions.**

~~**9. All new construction for which Design Review is required shall also be required to submit a comprehensive sign plan for review. The plan shall be developed in accordance with the requirements of Chapter 7 - Signage and is subject to review and approval as part of Design Review.**~~

~~**10. Landscaping shall meet the requirements set forth in Chapter 9 - Landscape Design Standards.**~~

**SECTION 11-060 APPROVAL STANDARDS AND CRITERIA**

The following criteria shall be used by staff when reviewing applications for Design Review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Community Development Director or designee determines that the applicant has failed to meet minimum acceptable standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

The Community Development Director or designee shall review applications for Design Review approval of new construction, alterations, additions, renovations to existing buildings, sites or structures, and shall have the power to approve, conditionally approve, or disapprove all such requests. The decision will be based on the following criteria:

A. **Conformance with Development Standards**.

1. All site plans must conform to the development standards set forth for the zoning district(s) assigned to the subject property. Uses shall conform to those identified as permitted uses or have been granted a Conditional Use Permit.
2. Uses must conform to the General Plan Designation assigned to the subject property.
3. The applicant may choose to transfer density or intensity of the proposed use from unbuildable wash areas into areas that are more developable.
4. To encourage reduced building heights for commercial and industrial structures, the area of reduced height can be used to increase lot coverage by an equivalent amount. Required setbacks and other design standards must be maintained.
5. Projects shall comply with all the requirements as set forth previously by the preliminary development review.

6. The proposal shall provide for safe and adequate vehicle and pedestrian ingress and egress in accordance with the Town's adopted Engineering Standards and designed to minimize congestion. Off-street parking must conform to the standards set forth in Chapter 4 - General Provisions, Sections 4-090 - Parking and Loading, and 4-100 - Traffic and Pedestrian Access.
7. All building, site, and roadway designs and layouts must be designed to preserve existing topography. Filling, excavation and earth moving activity must meet all grading requirements and engineering standards.
8. The main entrance to the building should be oriented to the street unless the parking layout , grouping of buildings, size, shape, or topography of the lot requires orientation to the side and shall be clearly identified through building and site design, landscaping, and/or signage.
9. A site lighting plan which includes a schedule of the luminary and cut sheets for all outdoor light fixtures shall be required. Proposed lighting shall be so arranged as to not shine upon or reflect onto adjoining properties and proposed signs and their lighting shall be of such size, location and color as to not interfere with traffic or limit visibility of adjoining properties. The lighting plan shall be developed in accordance with the requirements of Chapter 8 – Outdoor Lighting.
10. The required landscaping shall be provided and maintained in accordance with Chapter 9 – Landscape Design Standards. For the area of natural vegetation retained, the required landscaping area may be reduced by an equivalent amount.
11. The development must provide for the buffering of adjacent uses where there is a transition from one zoning district to another zoning district and for screening of mechanical equipment and service and storage areas. All setbacks, enclosures, walls and plantings shall comply with Chapter 9 – Landscape Design Standards, and Chapter 4 - General Provisions.
12. The drainage report and plan must meet the minimum requirements of Yavapai County Flood Control and not create an adverse effect on adjacent properties.
13. The construction and civil improvement plans shall meet all adopted codes and regulations of the Town of Clarkdale.

14. The plan for the development must reflect the natural capabilities of the site to support development. Environmentally sensitive areas must be maintained and preserved.
15. Natural drainage areas must also be preserved to maintain pre-development and post development flows.

B. **Utilities.** The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from public view. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

C. **Historic and Archaeological Resources**. If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

~~11. Any on-site illumination shall be in conformance with Chapter 8 - Outdoor Lighting.~~

**SECTION 11-0~~7~~50 EXPIRATION OF ~~Design Review~~ APPROVAL**

Design Review approval automatically expires if a building permit has not been issued within two~~3~~ years of the date of final approval. The Community Development Director or designee may grant a total of three sequential one~~1~~ year extensions of approval provided the applicant files the initial extension request within the two~~3~~ year period immediately following the final approval.

**SECTION 11-0~~8~~60 VIOLATIONS AND ENFORCEMENT**

~~A.~~ A. Prior to the issuance of a building permit, the Community Development Director or designee shall determine that the plans presented with the building permit application conform with the approved design and that approval has not expired.

A.

~~a.~~B. ~~B.~~ The Community Development Director or designee shall ensure that development occurs in conformance with the conditions of design approval. In the event of a violation, the Community Development Director or designee shall notify the applicant by the most expedient means possible that he or she is in violation of the conditions of design approval. If the applicant does not comply with the conditions of design approval within 10 days after receipt of notification, the building permit may be revoked, and all construction activity shall cease.

**SECTION 11-0~~97~~0 APPEALS ~~for Design Review~~**

Any order, requirement, decision, determination, interpretation, or administrative action made pursuant to, or in the administration or enforcement of, any provision of this Ordinance may be appealed to the Board of Adjustment, except as expressly provided herein.

A. **An appeal may be filed by:**
   1. The applicant or permittee; or
   2. Any taxpayer who owns or leases real property that is directly adjacent to, or located within 300 feet of the exterior boundary of the subject property at the time the decision is rendered; or
   3. Any officer, board, commission, or department of the Town that is directly affected by the decision.

B. **Procedure.** All appeals shall be processed, noticed, and heard in accordance with Chapter 17, Article 17-2 Board of Adjustment of the Town Code of Clarkdale, as amended. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.

C. **Finality; Exception.** Decisions rendered by the Town Council shall be final and conclusive and shall not be subject to appeal under this Ordinance, as the Town Council serves as the Board of Adjustment for such matters.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| - | ~~Pre-app~~ | ~~SPR~~ | - | - | - | - | - | - | - | |

| - | 3 hard copies, 1 electronic | 3 hard copies, 1 electronic submittal | Required Materials: |
|---|---|---|---|
| 1 | - | X | Fully executed and signed copy of the application and fees paid in full. |
| 2 | - | X | A copy of the deed to the property, an option to purchase the property, letter of agency, or other documentation to demonstrate right, title or interest in the property on the part of the applicant. |
| 3 | X | X | Legal description and boundary survey to scale. |
| 4 | - | X | The parcel #(s) and lot # on which the project is located. |
| 5 | - | X | Vicinity map showing general location of the site within the Town. |
| 6 | - | X | The name, registration number, and seal of the person who prepared the plan, if applicable. |
| 7 | - | X | Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time. |
| 8 | - | X | Site photos/map from all directions at corners (standard prints). |
| 9 | - | X | The maps or drawing must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 500 feet to the inch for that portion of the tract of land being proposed for development. Applicant must also provide copies of all drawings submitted on 11" x 17" sheets. |
| 10 | - | X | Digital copy of site plan materials (using control supplied by the Town Engineer). |
| 11 | - | X | Location of all required building setbacks, yards, and buffers. |
| 12 | - | X | Zoning classification(s) of property and surrounding property. |

| | | | |
|---|---|---|---|
| ~~13~~ | - | ~~X~~ | ~~The bearings and length of all property lines of the property to be developed and the source of this information.~~ |
| ~~14~~ | - | ~~X~~ | ~~Location and size of any existing utility lines and easements.~~ |
| ~~15~~ | - | ~~X~~ | ~~Location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.~~ |
| ~~16~~ | - | ~~X~~ | ~~The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.~~ |
| ~~17~~ | - | ~~X~~ | ~~Location of intersecting roads or driveways within 200 feet of the site.~~ |
| ~~18~~ | - | ~~X~~ | ~~Location and dimensions of any existing easements and copies of codes covenants or deed restrictions.~~ |
| ~~19~~ | - | ~~X~~ | ~~The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.~~ |
| ~~20~~ | - | ~~X~~ | ~~The location of open drainageways.~~ |
| ~~21~~ | - | ~~X~~ | ~~The direction of existing surface water drainage across the site.~~ |
| ~~22~~ | - | ~~X~~ | ~~The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.~~ |
| ~~23~~ | - | ~~X~~ | ~~A grading and drainage plan that includes existing contours, proposed contours, drainage channels and directions of flow, as well as stormwater calculations, erosion and sedimentation control measures and water quality, see Town Code Article 7-11.~~ |
| ~~24~~ | - | ~~X~~ | ~~A grading and drainage plan that includes existing contours, proposed contours, drainage channels and directions of flow, as well as stormwater calculations, erosion and sedimentation control measures and water quality, see Town Code Article 7-12.~~ |

| | | | |
|---|---|---|---|
| 25 | - | X | The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off site. |
| 26 | - | X | The location, dimensions and elevations of all existing buildings, proposed buildings and building expansion on the site. |
| 27 | - | X | The location, front view, dimensions, and lighting of existing signs and proposed signs. |
| 28 | - | X | A utility plan including estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal. |
| 29 | - | X | Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on- site collection or storage facilities. |
| 30 | - | X | Proposed landscaping and buffering plan including irrigation plan. |
| 31 | - | X | Include the percentage of total landscaping for the project. |

## Section 11-130 Approval Standards and Criteria for Site Plan Review

**The following criteria shall be used by the Site Plan Review Committee in reviewing applications for Site Plan Review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee determines that the applicant has failed to meet minimum acceptable standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.**

**A. Conformance with Development Standards**

**1. All site plans must conform to the development standards set forth for the zoning district(s) assigned to the subject property. Uses shall conform to**

~~those identified as permitted uses, or have been granted a Conditional Use Permit.~~

~~2. Uses must conform to the General Plan Designation assigned to the subject property.~~

~~3. The applicant may choose to transfer density or intensity of the proposed use from unbuildable wash areas into areas that are more developable.~~

~~4. To encourage lower building heights, applicants may transfer the area of floors not used to increase lot coverage.~~

~~5. Projects shall comply with all the requirements as set forth previously by the preliminary development review.~~

~~6. The proposal shall provide for safe and adequate vehicle and pedestrian ingress and egress in accordance with the Town's adopted Engineering Standards and designed to minimize congestion.~~

~~7. Proposed lighting shall be so arranged as to not shine upon or reflect onto adjoining properties and proposed signs and their lighting shall be of such size, location and color as to not interfere with traffic or limit visibility of adjoining properties.~~

~~8. The required landscaping shall be provided and maintained in accordance with Chapter 9 – Landscape Design Standards.~~

~~9. The drainage report and plan must meet the minimum requirements of Yavapai County Flood Control and not create an adverse effect on adjacent properties.~~

~~10. The construction and civil improvement plans shall meet all adopted codes and regulations of the Town of Clarkdale.~~

~~B. Parking Layout and Design and Site Access~~

~~Off-street parking must conform to the standards set forth in Chapter 4 - General Provisions, Sections 4-120 - Off-Street Parking and Loading, and 4-121 - Traffic and Pedestrian Access. Site access must conform to adopted engineering standards.~~

~~C. Stormwater Management~~

~~The collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces shall be managed through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.~~

~~1. The flow from the site after development must not exceed the predevelopment rate.~~
~~2. The applicant must demonstrate that on and off site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of downstream or adjoining properties, or the developer will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.~~
~~3. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted into a closed system unless approved as part of the SPR.~~
~~4. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.~~
~~5. The design of the storm drainage systems must be designed to accommodate upstream runoff that must pass over or through the site to be developed and provide for this movement.~~
~~6. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.~~
~~D. Erosion Control~~
~~1. The following are required and must be stamped by an Arizona Registrant:~~
~~a. A Drainage Report addressing drainage and erosion concerns and stormwater management.~~
~~b. Cut/Fill plan.~~
~~c. Stormwater Protection Plan (SWPPP).~~
~~E. Water Supply Provisions~~
~~1. The development shall be provided with a system of water supply that provides each use with an adequate supply of water.~~
~~2. If the project is to be served by a private water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and~~

~~will be installed in a manner adequate to provide needed domestic and fire protection flows.~~

~~F. Sewage Disposal Provisions~~

~~1. The development shall be provided with a method of disposing of sewage that is in compliance with the State Plumbing and Health Codes.~~

~~2. All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation. All submittals must be in conformance with all adopted Codes.~~

~~a. It is mandatory that when a public sewer becomes available within 300 feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of Chapter 11 – Design Review and Site Plan Review of the Town Code.~~

~~Connections are mandatory when any one of the conditions stipulated in Chapter 11 - Design Review and Site Plan Review of the Town Code applies after the date specified for that condition.~~

~~This requirement may be waived if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows; connection to the public system shall occur if and when the subsurface system needs to be replaced.~~

~~b. If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.~~

~~c. When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to ensure proper maintenance of the system.~~

~~d. Industrial or commercial wastewater may be discharged into public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the~~

~~industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution.~~

~~G. Utilities~~

~~The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from public view. If the service in the street or on adjoining lots is underground, the new service must be placed underground.~~

~~H. Natural Features~~

~~The site shall be landscaped in compliance with the requirements of Chapter 9 - Landscape Design Standards.~~

~~I. Groundwater Protection~~

~~The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.~~

~~Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of 2000 gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Arizona.~~

~~J. Water Quality Protection~~

~~All aspects of the project must be designed so that:~~

~~1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.~~

~~2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials must meet the standards of the Arizona~~

~~Department of Environmental Quality (ADEQ) and the State Fire Marshal's Office.~~

~~3. If the project is located within the direct watershed of a "body of water most at risk from development" or a "sensitive or threatened region or watershed" as identified by the Arizona Department Environmental Quality (ADEQ), and requires a stormwater permit from the ADEQ, the project must comply with the standards of the ADEQ with respect to the export of total suspended solids and/or phosphorous.~~

~~4. If the project does not require a stormwater permit from ADEQ, it must be designed to limit the export of phosphorous from the site and conform to adopted codes regulating off-site phosphorous discharge.~~

~~K. Solid Waste Management~~

~~The proposed development must provide for disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having capacity to accept the project's wastes.~~

~~L. Historic and Archaeological Resources~~

~~If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.~~

~~M. Flood Plain Management~~

~~If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town of Clarkdale and Yavapai County Flood Control flood plain management requirements.~~

~~N. Exterior Lighting~~

~~All new construction for which site plan review is required shall also be required to submit a comprehensive lighting plan for review. The lighting plan shall be developed in accordance with the requirements of Chapter 8 – Outdoor Lighting.~~

~~O. Buffering~~

~~The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of~~

~~mechanical equipment and service and storage areas. All setbacks, enclosures, walls and plantings shall comply with Chapters 9 - Landscape Design Standards, and 4 - General Provisions, Section 4-080 - Fence Height.~~

~~P. Landscaping~~

~~Landscaping must be provided as part of site design. The landscape plan for the entire site must conform to Chapter 9 – Landscape Design Standards.~~

~~Q. Business Signs~~

~~All new construction, for which SPR is required, shall submit a comprehensive sign plan for review. The sign plan shall be developed in accordance with the requirements of Chapter 7 – Signage and is subject to review and approval as part of Design Review.~~

**SECTION 11-1040 POST APPROVAL ACTIVITIES**

A. ~~A.~~ **Incorporation of Approved Plan.** One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Community Development Director or designee to address field conditions.

~~A.~~

~~One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Community Development Director or designee to address field conditions.~~

~~a. B. Improvement Guarantees~~

~~b. 1. Application~~

~~c. a. Improvement Guarantee: An improvement guarantee shall be required in such form as specified in sub-section 2 below as is necessary to ensure the proper installation of all on and off site improvements required as conditions of approval. The Developer shall submit an Engineer's Estimate of Probable Cost (EOPC) for review and approval by the Town, which shall determine the minimum assurance required.~~

~~d. b. Upon substantial completion of all required improvements, the developer must notify the Town Engineer of the completion or substantial completion of improvements and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.~~

~~e. c. The Town Engineer and/or Building Official shall either approve, partially approve, or reject the improvements based on their conformance to adopted codes and regulations.~~

~~f. d. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.~~

~~g. 2. Form of Guarantee~~

~~h. Performance guarantees may be provided by a variety of means including, but not limited to, the following which shall be approved as to form and enforceability by the Town Attorney.~~

~~i. a. Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.~~

~~j. b. Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.~~

~~k. c. Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the Town, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon issuing a 48 hour advance notice to the applicant to complete the guaranteed improvements.~~

~~l. d. Letter from the financial institution providing funding for the project, indicating commitment to the completion of the project.~~

~~m. C.~~ **Submission of As-Built Plans**~~.~~

Any project subject to Design ~~Site Plan~~ Review must provide the Community Development Director with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These “as-built” plans must be submitted prior to the issuance of a Certificate of Occupancy for the project or occupancy of the building.

B.

~~n.~~ ~~**D.**~~ **Submission of Digital Copies of As-Builts.**

C. Where the applicant or their engineers utilize computer aided drafting (CAD) programs to develop the site plan, digital drawing files of the as-builts shall be submitted to the Community Development Director or designee along with printed drawings.

~~o.~~ ~~**E.**~~ **Changes to Approved Plans.**

D. Changes in approved plans necessary to address field conditions may be approved by the Community Development Director or designee provided that any such change does not constitute a variance of greater than 10% of the approved plans. Changes that exceed 10% of building bulk, height, setback, or separation must be approved by the same process as for the initial Design R~~site plan r~~eview.

~~p.~~ ~~**F.**~~ **Updates/Phased Site Plans.**

~~A.~~ If all phases are not approved at ~~site plan review~~Design Review, then each phase must be approved individually by the ~~Site Plan Review Committee~~Community Development Director or designee prior to issuance of a building permit.

E.

~~Section 11-150 Appeals~~

~~**An appeal of any action taken by the Site Plan Review Committee with respect to this Chapter may be taken to the Board of Adjustments by any taxpayer who owns or leases property adjacent to, or within three hundred feet of, the boundary of the affected property, or by any officer or department of the municipality affected by the action. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.**~~

**SECTION 11-11~~6~~0 ADMINISTRATION AND ENFORCEMENT**

This ~~Chapter~~ Ordinance shall be administered and enforced by the Community Development Director.

If the Community Development Director or designee finds that any provision of this Ordinance ~~Chapter~~ is being violated, ~~they, he or she~~ shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it.

A. They~~He or she~~ shall order that any illegal use of buildings, structures, additions, or work being performed be discontinued, or shall take any other action authorized by this ~~Chapter~~ Ordinance to ensure compliance with or to prevent violation of its provisions.

~~A.~~ The Community Development Director is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ~~Chapter~~Ordinance; provided, however, that this Ordinance~~Section~~ shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance~~Chapter~~.

B.

C. The Town Manager or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance ~~Code~~ and recovering fines without court action.

1. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

## SECTION 11-1~~2~~70 INTERPRETATION OF THE CODE

The Community Development Director shall be responsible for administering the provisions of this ~~Chapter~~ Ordinance including interpreting the provisions hereof.

An appeal of any action taken by the Community Development Director or designee with respect to this Chapter may be taken to the Board of Adjustments by any taxpayer who owns or leases property adjacent to, or within three hundred feet of, the boundary of the affected property, or by any officer or department of the municipality affected by the action.

Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.

1

Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.

Town Website: www.clarkdale.az.gov
Town Telephone: (928) 639-2400
Hosted by General Code.

# EXHIBIT K
# CHAPTER 11
## DESIGN REVIEW

**SECTIONS:**


11-010 Purpose and Applicability

11-020 Procedures

11-030 Application Submission

11-040 Submission Requirements

11-050 Filing Fee

11-060 Approval Standards and Criteria

11-070 Expiration of Approval

11-080 Violations and Enforcement

11-090 Appeals

11-100 Post Approval Activities

11-110 Administration and Enforcement

11-120 Interpretation of the Code


### SECTION 11-010 PURPOSE AND APPLICABILITY

The purpose of Design Review is to review the exterior design of proposed new buildings, proposed alterations to buildings and development or redevelopment projects within the Town of Clarkdale. These procedures are intended to protect the public's health and safety, promote the general welfare of the community, and to facilitate the organized development of commercial and industrial property.

A. This Ordinance shall apply to new buildings and redevelopment as defined in Chapter 2 of the Town of Clarkdale Zoning Ordinance, except single-family dwellings and accessory uses, and shall also apply to all public buildings and facilities. Structures (other than buildings), signs, landscaping, parking areas,

public facilities and enclosures will be reviewed by the Community Development Director or designee if they are a part of new building development or building redevelopment.

B. Property owners within the Historic District are subject to Design Review. Projects for properties opted into the district shall be reviewed by the Historic Preservation Commission; projects not opted into the district shall be reviewed by the Planning and Zoning Commission.

## SECTION 11-020 DESIGN REVIEW PROCEDURES

A. A pre-application meeting is mandatory. The purpose of the pre-application meeting is to:

1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
2. Discuss the development review process and required submissions with the applicant.
3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
5. Applicants shall provide the information as indicated in Table 1 in Section 11-040 Submission Requirements.

B. Persons applying for Design Review will be required to submit a Pre-application meeting request, including a letter of intent, the site plan, the development plan, and supporting documentation. These materials shall be submitted to the Community Development Director or designee, who shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant that the application is administratively complete. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of a submittal shall be required per Article 3-4 of the Town Code.

1. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic

communication and specify the additional materials required to make the application complete.

2. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the following:
    a. Community Development Director; and
    b. Public Works Director; and
    c. Town Engineer; and
    d. Water Resources Manager; and
    e. Chief of Police (or designee); and
    f. Fire Chief (or designee); and
    g. Building Inspector; and
    h. Flood Control: and
    i. Yavapai County Health Department; and
    j. Any other agency or municipality that Town staff deems necessary; and
    k. Representatives from the following may be included at the discretion of the Community Development Director:
        i. School Districts; or
        ii. Arizona Public Service (APS); or
        iii. Unisource; or
        iv. Arizona Department of Transportation (ADOT);
        v. Arizona Department of Game and Fish; or
        vi. United States Forest Service; or
        vii. Yavapai County; or
        viii. Others as determined by the Community Development Director.

C. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal.

D. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

## SECTION 11-030 APPLICATION SUBMISSION

A. Applications for Design Review shall be filed with the Community Development Department. The following shall be included:

1. The proposed site plan shall include the information as indicated in Table 1 in Section 11-040 Submission Requirements.
2. A full color landscaping plan shall be required and on separate sheet.
3. Any other information which the Community Development Director or designee finds necessary to establish compliance with this Ordinance.

B. If applicable, a separate application for approval of demolition, partial demolition or removal of an existing building or structure shall be filed with the Community Development Department on a form prescribed by the Director. The application shall be accompanied by the following:

1. Legible photograph showing all sides of the building or structure for which the application is made.
2. Legible photograph showing the adjoining properties.
3. Any other information which the Community Development Director or designee finds necessary to establish compliance with this Ordinance.

C. If applicable, a separate application for approval of all signs shall be accompanied by the following:

1. Plans to scale with sufficient detail to show the size, lighting, and placement of the sign.
2. A legible photograph or colored rendering showing the face of the building on which the sign is to be mounted and/or a vicinity photograph or colored rendering for a free-standing sign if one is being installed.
3. Any other information which the Community Development Director or designee finds necessary to establish compliance with this Ordinance.

D. Upon receipt of an application for Design Review, the Community Development Director or designee shall review the application for administrative completeness and return to applicant with corrections.

1. The Community Development Director or designee shall notify the applicant of deficiencies within 15 business days of administrative completeness approval.
2. Upon a finding of administrative completeness approval, the Community Development Director or designee shall review the application for substantial conformance with adopted codes. The Community Development Department will distribute the submittal to those as listed in Section 11-020.B.2. of this Ordinance.

   Upon a finding of substantive review approval by the Community Development Director or designee, the design shall be deemed approved, and a written notice will be sent to the applicant by email.

## SECTION 11-040 SUBMISSION REQUIREMENTS

All applications for Design Review must contain the information indicated as being required in Table 1 (below).

**Table 1 Submittal Requirements Checklist**

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| 1 | | X | Fully executed and signed copy of the application and fees paid in full. |
| 2 | | X | A copy of the deed to the property, an option to purchase the property, letter of agency, or other documentation to demonstrate right, title or interest in the property on the part of the applicant. |
| 3 | | X | Legal description and boundary survey to scale. |
| 4 | X | X | The parcel #(s) and lot # on which the project is located. |

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| 5 | X | X | Vicinity map showing general location of the site within the Town. |
| 6 | | X | The name, registration number, and seal of the person who prepared the plan, if applicable. |
| 7 | X | X | Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time. |
| 8 | | X | Site photos/map from all directions at corners (standard prints). |
| 9 | | X | The maps or drawing must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 500 feet to the inch for that portion of the tract of land being proposed for development. |
| 10 | | X | Digital copy of site plan materials. |
| 11 | X | X | Location of all required building setbacks, yards, and buffers. |
| 12 | X | X | Zoning classification(s) of property and surrounding property. |
| 13 | | X | The bearings and length of all property lines of the property to be developed and the source of this information. |
| 14 | X | X | Location and size of any existing utility lines and easements. |
| 15 | X | X | Location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development. |

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| 16 | X | X | The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site. |
| 17 | X | X | Location of intersecting roads or driveways within 200 feet of the site. |
| 18 | | X | Location and dimensions of any existing easements and copies of codes covenants or deed restrictions. |
| 19 | | X | The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection. |
| 20 | | X | The location of open drainageways. |
| 21 | | X | The direction of existing surface water drainage across the site. |
| 22 | | X | The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties. |
| 23 | | X | A grading and drainage plan that includes existing contours, proposed contours, drainage channels and directions of flow, as well as stormwater calculations, erosion and sedimentation control measures and water quality, see Town Code Article 7-11. |
| 24 | | X | The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off site. |
| 25 | | X | The location, dimensions and elevations of all existing buildings, proposed buildings and building expansion on the site. |
| 26 | | X | The location, front view, dimensions, and lighting of existing signs and proposed signs. |

| | Pre-app | Design Review | Required Materials |
|---|---|---|---|
| 27 | | X | A utility plan including estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal. |
| 28 | | X | Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on- site collection or storage facilities. |
| 29 | | X | Proposed colored landscaping and buffering plan including irrigation plan. Include the percentage of total landscaping for the project. |
| 30 | | X | Outdoor Lighting Plan, including spec sheets. |
| 31 | | X | Trash Enclosure. |
| 32 | | X | A clear, simple site plan for presentations. |

## SECTION 11-050 FILING FEE

The application for Design Review shall be accompanied by a non-refundable filing fee in an amount established by the currently adopted fee schedule of the Town.

## SECTION 11-060 APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by staff when reviewing applications for Design Review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Community Development Director or designee determines that the applicant has failed to meet minimum acceptable standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

The Community Development Director or designee shall review applications for Design Review approval of new construction, alterations, additions, renovations to

existing buildings, sites or structures, and shall have the power to approve, conditionally approve, or disapprove all such requests. The decision will be based on the following criteria:

A. **Conformance with Development Standards**.

1. All site plans must conform to the development standards set forth for the zoning district(s) assigned to the subject property. Uses shall conform to those identified as permitted uses or have been granted a Conditional Use Permit.
2. Uses must conform to the General Plan Designation assigned to the subject property.
3. The applicant may choose to transfer density or intensity of the proposed use from unbuildable wash areas into areas that are more developable.
4. To encourage reduced building heights for commercial and industrial structures, the area of reduced height can be used to increase lot coverage by an equivalent amount. Required setbacks and other design standards must be maintained.
5. Projects shall comply with all the requirements as set forth previously by the preliminary development review.
6. The proposal shall provide for safe and adequate vehicle and pedestrian ingress and egress in accordance with the Town's adopted Engineering Standards and designed to minimize congestion. Off-street parking must conform to the standards set forth in Chapter 4 - General Provisions, Sections 4-090 - Parking and Loading, and 4-100 - Traffic and Pedestrian Access.
7. All building, site, and roadway designs and layouts must be designed to preserve existing topography. Filling, excavation and earth moving activity must meet all grading requirements and engineering standards.
8. The main entrance to the building should be oriented to the street unless the parking layout , grouping of buildings, size, shape, or topography of the lot requires orientation to the side and shall be clearly identified through building and site design, landscaping, and/or signage.

9. A site lighting plan which includes a schedule of the luminary and cut sheets for all outdoor light fixtures shall be required. Proposed lighting shall be so arranged as to not shine upon or reflect onto adjoining properties and proposed signs and their lighting shall be of such size, location and color as to not interfere with traffic or limit visibility of adjoining properties. The lighting plan shall be developed in accordance with the requirements of Chapter 8 – Outdoor Lighting.
10. The required landscaping shall be provided and maintained in accordance with Chapter 9 – Landscape Design Standards. For the area of natural vegetation retained, the required landscaping area may be reduced by an equivalent amount.
11. The development must provide for the buffering of adjacent uses where there is a transition from one zoning district to another zoning district and for screening of mechanical equipment and service and storage areas. All setbacks, enclosures, walls and plantings shall comply with Chapter 9 – Landscape Design Standards, and Chapter 4 - General Provisions.
12. The drainage report and plan must meet the minimum requirements of Yavapai County Flood Control and not create an adverse effect on adjacent properties.
13. The construction and civil improvement plans shall meet all adopted codes and regulations of the Town of Clarkdale.
14. The plan for the development must reflect the natural capabilities of the site to support development. Environmentally sensitive areas must be maintained and preserved.
15. Natural drainage areas must also be preserved to maintain pre-development and post development flows.

B. **Utilities.** The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from public view. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

C. **Historic and Archaeological Resources**. If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

## SECTION 11-070 EXPIRATION OF APPROVAL

Design Review approval automatically expires if a building permit has not been issued within two years of the date of final approval. The Community Development Director or designee may grant a total of three sequential one year extensions of approval provided the applicant files the initial extension request within the two year period immediately following the final approval.

## SECTION 11-080 VIOLATIONS AND ENFORCEMENT

A. Prior to the issuance of a building permit, the Community Development Director or designee shall determine that the plans presented with the building permit application conform with the approved design and that approval has not expired.

B. The Community Development Director or designee shall ensure that development occurs in conformance with the conditions of design approval. In the event of a violation, the Community Development Director or designee shall notify the applicant by the most expedient means possible that he or she is in violation of the conditions of design approval. If the applicant does not comply with the conditions of design approval within 10 days after receipt of notification, the building permit may be revoked, and all construction activity shall cease.

## SECTION 11-090 APPEALS

Any order, requirement, decision, determination, interpretation, or administrative action made pursuant to, or in the administration or enforcement of, any provision of this Ordinance may be appealed to the Board of Adjustment, except as expressly provided herein.

A. **An appeal may be filed by:**

1. The applicant or permittee; or
2. Any taxpayer who owns or leases real property that is directly adjacent to, or located within 300 feet of the exterior boundary of the subject property at the time the decision is rendered; or
3. Any officer, board, commission, or department of the Town that is directly affected by the decision.

B. **Procedure.** All appeals shall be processed, noticed, and heard in accordance with Chapter 17, Article 17-2 Board of Adjustment of the Town Code of Clarkdale, as amended. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.

C. **Finality; Exception.** Decisions rendered by the Town Council shall be final and conclusive and shall not be subject to appeal under this Ordinance, as the Town Council serves as the Board of Adjustment for such matters.

## SECTION 11-100 POST APPROVAL ACTIVITIES

A. **Incorporation of Approved Plan.** One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Community Development Director or designee to address field conditions.

B. **Submission of As-Built Plans.** Any project subject to Design Review must provide the Community Development Director with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These “as-built” plans must be submitted prior to the issuance of a Certificate of Occupancy for the project or occupancy of the building.

C. **Submission of Digital Copies of As-Builts.** Where the applicant or their engineers utilize computer aided drafting (CAD) programs to develop the site plan, digital drawing files of the as-builts shall be submitted to the Community Development Director or designee along with printed drawings.

D. **Changes to Approved Plans.** Changes in approved plans necessary to address field conditions may be approved by the Community Development Director or designee provided that any such change does not constitute a variance of greater than 10% of the approved plans. Changes that exceed 10% of building bulk, height, setback, or separation must be approved by the same process as for the initial Design Review.

E. **Updates/Phased Site Plans.** If all phases are not approved at Design Review, then each phase must be approved individually by the Community Development Director or designee prior to issuance of a building permit.

## SECTION 11-110 ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and enforced by the Community Development Director.

A. If the Community Development Director or designee finds that any provision of this Ordinance is being violated, they shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. They shall order that any illegal use of buildings, structures, additions, or work being performed be discontinued, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

B. The Community Development Director is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance; provided, however, that this Ordinance shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

C. The Town Manager or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

    1. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an

authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

## SECTION 11-120 INTERPRETATION OF THE CODE

The Community Development Director shall be responsible for administering the provisions of this Ordinance including interpreting the provisions hereof.

# EXHIBIT L

# CHAPTER 12

## SUBDIVISION REGULATIONS

**SECTIONS:**

~~12-1 General Provisions~~**12-1 GENERAL PROVISIONS**

~~12-3 Subdivision Design Principles and Standards~~**12-2 3SUBDIVISION DESIGN PRINCIPLES AND STANDARDS**

~~12-4 Subdivision Platting Procedures and Requirements~~**12-3 4SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS**

~~12-5 Minor Subdivision~~**12-4 5MINOR SUBDIVISION**

~~12-6 Minor Land Divisions and Lot Line Adjustments~~**12-5 6MINOR LAND DIVISIONS ~~and Lot Line Adjustments~~**

**12-6 LOT LINE ADJUSTMENT**

**12-7 APPEALS**

~~12-1-010 Title~~

~~12-1-020 Town Development Policy~~

~~12-1-030 Purpose and Intent~~

~~12-1-040 Severability~~

~~12-1-050 Saving Provision~~

~~12-1-060 Amendments~~

~~12-1-070 Subdivision Amendments~~

~~12-1-080 Re-subdivision of Land~~

~~12-1-090 Abandonment (Reversion to Acreage)~~

~~12-1-100 Private Agreements~~

~~12-1-110 Authority and Applicability~~

~~12-1-120 Jurisdiction~~

~~12-1-130 Prohibition Against Circumvention of Regulations~~

~~12-1-140 Violations and Penalties~~

~~12-1-150 Subdivision Committee~~

~~12-1-160 Adoption of Figures~~

~~12-1-170 Processing Fee Schedule~~
~~12-1-180 Hardship~~
~~12-1-190 Waiver~~
~~12-1-200 Water Adequacy~~
~~12-2 Repealed by Ordinance #428.~~
~~12-3 Subdivision Design Principles and Standards~~
~~12-3-010 General~~
~~12-3-020 Reservation of Land for Public Use~~
~~12-3-030 Landscape Requirements~~
~~12-3-040 Street Location and Arrangement~~
~~12-3-050 Dedicated Access~~
~~12-3-060 Street Classification~~
~~12-3-070 Block Design~~
~~12-3-080 Lot Planning~~
~~12-3-090 Street Naming~~
~~12-3-100 Easement Planning~~
~~12-3-110 Condominium Development-Air Rights Planning~~
~~12-4 Subdivision Platting Procedures and Requirements~~
~~12-4-010 Outline of Subdivision Procedures~~
~~12-4-020 Stage I - Pre-Application Conference~~
~~12-4-030 Stage II - Preliminary Plat~~
~~12-4-040 Stage III - Subdivision Technical Review~~
~~12-4-050 Stage IV - Final Plat, Recording and Post Approval~~
~~12-5 Minor Subdivision~~
~~12-5-010 Minor Subdivision~~
~~12-5-020 Outline of Minor Subdivision Procedures~~
~~12-5-030 Minor Subdivision Preliminary Plat Review~~
~~12-5-040 Responsibilities of the Subdivision Committee~~
~~12-5-050 Appeals~~
~~12-5-060 Significance of Minor Subdivision Plat Approval~~
~~12-6 Minor Land Divisions and Lot Line Adjustments~~
~~12-6-010 Purpose of Minor Land Divisions~~
~~12-6-020 Applicability~~
~~12-6-030 General Standards~~
~~12-6-040 Application Requirements~~
~~12-6-050 Application Process~~
~~12-6-060 Conspiracy to Subdivide~~
~~12-6-070 Purpose of Lot Line Adjustment~~

~~12-6-080 General Standards~~
~~12-6-090 Application Requirements~~
~~12-6-100 Application Process~~
~~12-6-110 Roadway Standards for Minor Subdivisions~~
~~12-7 Public Improvement Standards~~
~~12-7-010 Purpose~~
~~12-7-020 Improvement Plans~~
~~12-7-030 Construction and Inspection~~
~~12-7-040 Required Improvements~~

**SECTION 12-1**

**GENERAL PROVISIONS**

~~*12-1-010 Title*~~*12-1-010 Title*
~~*12-1-020 Town Development Policy*~~*12-1-020 Town Development Policy*
~~*12-1-030 Purpose and Intent*~~*12-1-030 Purpose and Intent*
~~*12-1-040 Severability*~~*12-1-040 Severability*
~~*12-1-050 Saving Provision*~~*12-1-050 Saving Provision*
~~*12-1-060 Amendments*~~*12-1-060 Amendments*
~~*12-1-070 Subdivision Amendments*~~*12-1-070 Subdivision Amendments*
~~*12-1-080 Re-subdivision of Land*~~*12-1-080 Re-subdivision of Land*
~~*12-1-090 Abandonment (Reversion to Acreage)*~~*12-1-090 Abandonment (Reversion to Acreage)*
~~*12-1-100 Private Agreements*~~*12-1-100 Private Agreements*
~~*12-1-110 Authority and Applicability*~~
~~*12-1-120 Jurisdiction*~~
~~*12-1-130 Prohibition Against Circumvention of Regulations*~~*12-1-1130 Prohibition Against Circumvention of Regulations*
~~*12-1-140 Violations and Penalties*~~*12-1-1240 Violations and Penalties*
~~*12-1-150 Subdivision Committee*~~*12-1-1350 Subdivision Committee*
~~*12-1-160 Adoption of Figures*~~
~~*12-1-170 Processing Fee Schedule*~~*12-1-1470 Processing Fee Schedule*
~~*12-1-180 Hardship*~~
~~*12-1-190 Waiver*~~*12-1-1590 Waiver*
~~*12-1-200 Water Adequacy*~~*12-1-16200 Water Adequacy*

***Section 12-1-010 Title***

This ordinance shall be known as the "Subdivision Regulations of the ~~Town~~Town of Clarkdale."

***Section 12-1-020 Authority, Applicability, a~~A~~nd Jurisdiction***

A. These regulations shall be governed by the Arizona Revised Statutes, Title 9, governing the division and platting of land pursuant thereto.

B. These regulations apply to all subdivisions, minor subdivisions and minor land divisions within the incorporated limits of the Town of Clarkdale.

***Section 12-1-030 Purpose and Intent***

The provisions of these regulations shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the General Plan, Zoning Code, Official Maps and the Capital Improvement Plan.

The provisions of these regulations shall be held to be the minimum requirements for the promotion of the public's health, safety, and general welfare.

~~A. These Regulations shall be governed by the Arizona Revised Statutes, Title 9, governing the division and platting of land pursuant thereto.~~

~~***B. All subdivisions, minor subdivisions or minor land divisions within the Town shall comply with these Regulations.***~~

~~***C. These Regulations apply to all subdivisions, minor subdivisions and minor land divisions within the incorporated limits of the Town of Clarkdale. (Prior code § 12-1-1)***~~

~~***Section 12-1-030 Purpose and Intent***~~

~~***The provisions of these regulations shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the General Plan, Zoning Code, Official Maps and the Capital Improvement Plan. The purpose of these Regulations is to provide for the orderly growth and development of the Town.***~~

~~***The provisions of these regulations shall be held to be the minimum requirements for the promotion of the public's health, safety, and general welfare.***~~

~~***The provisions of these regulations shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the General Plan, Zoning Code, Official Maps and the Capital Improvement Plan.***~~

***Section 12-1-040 ~~———~~Severability***

If any part or provision of these r~~R~~egulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which judgment shall not affect or impair the validity of the remainder of these r~~R~~egulations or the application thereof to other persons or circumstances.

***Section 12-1-050 ~~———~~Saving Provision***

These r~~R~~egulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision r~~R~~egulations, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the ~~Town~~Town under any section or provision existing at the time of adoption of these r~~R~~egulations, or vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the ~~Town~~Town, except as shall be expressly provided for in these r~~R~~egulations. ~~(Prior code § 12-1-5)~~

***Section 12-1-0~~6~~7~~0 ~~———~~Amendments***

For the purpose of promoting the public's health, safety and general welfare, the Town Council may from time to time amend upon the recommendation of the Planning Commission the provisions imposed by these Subdivision r~~R~~egulations in the manner prescribed by law.

***Section 12-1-0~~7~~8~~0~~ ~~———~~Subdivision Amendments***

Any changes, erasures, modifications or revisions made to the final plat after approval shall be processed in the same manner as the original approval by the Community Development Director or designee.

***Section 12-1-0890 Re-Ssubdivision oOf Land***

For any change in a map of an approved or recorded subdivision plat, if such change affects any name, street layout shown on such map, or area reserved thereon for public use, or any lot line, or any improvements, such change(s) shall be approved by Community Development Director or designee in accordance with the same procedures and regulations as for a new subdivision.

The Community Development Director or designee may waive these procedures for minor revisions of lot lines between two neighboring lots in a platted subdivision when no other change of the Final Plat is involved and the two new lots conform to all TownTown Codes. If lots within an approved subdivision have been sold to individual property owners, the TownTown may require, at the TownTown's discretion, signatures from all property owners within the subdivision be obtained and placed on the revised plat to be recorded.

***Section 12-1-09100 Abandonment (Reversion tTo Acreage)***

A. A. If no lots in a subdivision, for which a final map has been approved and recorded, have been sold within 12 months from the date of recordation and if all of the improvements have not been made within 12 months of recordation, the Community Development Director or designee may, on its own motion, hold a public hearing after notice, to determine whether the approval and recording of such final map should be revoked. Such revocation shall be in accordance with the Arizona Revised Statutes.

B. B. If no lots in a subdivision for which a final plat has been approved and recorded have been sold, the property owner(s) of all lots within a subdivision may submit an application to the Community Development Director or designee for Reversion to Acreage. This application shall include a survey and legal description presenting the property as reverted from the platted subdivision. The Community Development Director or designee shall distribute the request

to the Subdivision Committee for review and comment. Upon Community Development Director or designee approval of the reversion and recording of the new property description, the Public Works Director will determine if any posted assurances ~~(see Section 12-4-050-D)~~ may be released. An application fee of an amount established by the ~~Town~~Town Council shall be paid at the time of filing. ~~An application for revocation of all or any part of a subdivision shall be evaluated by the Community Development Department prior to any consideration by the Community Development Director or designee.~~

C. ~~1.~~ The acreage shall be in conformance with the General Plan of the ~~Town~~Town.

D. ~~2.~~ All reverted ~~The~~ acreage shall have legal access to a public street or an approved private access easement ~~to all remaining parcels~~.

~~A.~~ ~~C.~~ Any other actions applicable to the above process and permitted by State laws are permissible.

E.

~~D.~~ Applications to abandon streets or easements shall be made pursuant to Arizona Revised Statutes and shall be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.

F.

~~**E. Upon submittal of an application to abandon a subdivision and cause same to revert to acreage, staff shall distribute the request to the following for review and comment: Town Engineer, County Assessor, County Treasurer, County Health Department, and any utility that has facilities on the property proposed to be abandoned.**~~

***Section 12-1-1~~0~~10 ~~_____~~ Private Agreements***

The provisions of these r~~R~~egulations are not intended to abrogate any easement, covenants or other existing agreements which are more restrictive than the provisions of these r~~R~~egulations.

~~***Section 12-1-120 Authority and Applicability***~~

~~***These Regulations shall be governed by the Arizona Revised Statutes, Title 9, governing the division and platting of land pursuant thereto.***~~

~~***All subdivisions, minor subdivisions or minor land divisions within the Town shall comply with these Regulations.***~~

~~***Section 12-1-130 Jurisdiction***~~

~~***These Regulations apply to all subdivisions, minor subdivisions and minor land divisions within the incorporated limits of the Town of Clarkdale.***~~

***Section 12-1-1040 Prohibition Against Circumvention of Regulations***

No person, firm, corporation, or other legal entity shall hereafter sell or offer for sale any lot, piece, or parcel of land which is within a subdivision, as defined in ~~Section 2-010~~Chapter 2 of the Town Zoning Code, ~~of these Regulations~~ without first having recorded a plat thereof in accordance with the provisions of these r~~R~~egulations.

***Section 12-1-1250 Violations And Penalties***

A violation of this Ordinance ~~Chapter~~ by any person, firm, corporation, or other legal entity shall be punishable under Article~~Section~~1-8 of the Town Code~~this code~~; any violation brought as a criminal misdemeanor offense shall be a class 1 misdemeanor.

***Section 12-1-1360 Subdivision Committee***

The Subdivision Committee shall be responsible for the review of all major and minor subdivisions, including preliminary plats, final plats, and lot line adjustments.

A. Recommendations by the Subdivision Committee shall be based on the following findings:
   1. The proposed project conforms to the adopted standards and policies of the Town.
   2. The proposed project, as reviewed and approved, will not be detrimental to the public's health, safety, and general welfare.
   3. Environmental concerns conform to adopted standards.

4. The proposed project is consistent with provisions of the Zoning Code requirements applicable to the property.
5. The proposed project conforms to the improvement standards and design standards set forth in these Regulations and other applicable Town, County, State and Federal regulations.

~~A.~~

~~A.~~ The ~~"~~Subdivision Committee~~" (as defined in Section 2-010) is hereby established and~~ shall consist of the following members or their duly authorized representatives:

B.

1. ~~1.~~ *Community Development Director; and*
2. *Public Works Director; and*
3. *Town Engineer; and*
4. *Water Resources Manager; and*
5. *Chief of Police; and*
6. *Fire Chief; and*
7. *Building Inspector; and*
8. *Flood Control: and*
9. *Yavapai County Health Department; and*
10. *Any other agency or municipality that Town staff deems necessary.*

C. Representatives from the following may be included at the discretion of the Community Development Director:

1. *School Districts; or*
2. *Arizona Public Service (APS); or*
3. *Unisource; or*
4. *Arizona Department of Transportation (ADOT);or*
5. *Arizona Department of Game and Fish; or*
6. *United States Forest Service; or*
7. *Yavapai County; or*
8. *Others as determined by the Community Development Director.*

~~Director of Community Development~~

~~2. Director of Public Works and/or Utilities Departments~~

~~3. Town Engineer~~
~~4. Police Department~~
~~B. Representatives of other public agencies may be requested to participate at the request of the Community Development Director but shall not be members.~~
~~C. It shall be the duty of the Subdivision Committee to review all Minor Subdivision Plat applications.~~
~~Section 12-1-170 Adoption of Figures~~
~~All figures within these Regulations are hereby adopted and fully incorporated herein as a part of these Regulations.~~

***Section 12-1-1~~8~~80 ~~__~~ Processing Fee Schedule***
In the event the ~~Town~~Town Manager or designee finds it necessary to use the professional services of any person, either in their regular employ or retained outside of their regular employ, in connection with their examination, approval, inspection or acceptance of any subdivision; said services shall be paid for by the applicant.
A late fee of 1.5% per month will be charged on all past due fees. The Final Plat will not be recorded until all fees are paid.
~~Section 12-1-190 Hardship~~

~~**The Community Development Director or designee may authorize variances in terms of these Regulations, where an exceptional or extraordinary situation or condition of a tract of land causes the strict application of any regulation enacted herein to result in peculiar and exceptional practical difficulties to, or undue hardship upon the applicant. Such variance may be given, provided such relief may be granted without detriment to the public good and without impairing intent and purposes of these Regulations.**~~

***Section 12-1-~~200~~150 Waiver For Public Purpose***
The Community Development Director or designee may waive, any provision of these r~~R~~egulations insofar as they affect a public use or purpose. No waiver may be granted unless the Community Development Director or designee finds that it is in the best interest of the public, without impairing the intent and purpose of these

rRegulations. The details ~~extent and duration~~ of the waiver, including but not limited to the extent and duration, shall be ~~stated~~ documented in writing and filed with the original application submittal~~at the time of the waiver~~.

***Section 12-1-~~210~~160 Water Adequacy***

A. The Community Development Director or designee shall not approve a final plat for a subdivision, as defined in A.R.S. § 32-2101, unless one of the following applies:
   1. The Director of the Arizona Department of Water Resources has determined that there is an adequate water supply for the subdivision pursuant to A.R.S. § 45-108, and the applicant has included the report with the plat.
   2. The applicant has obtained a written commitment of water service for the subdivision from a city, Town, or private water company designated as having an adequate water supply by the Director of the Arizona Department Water Resources pursuant to A.R.S. § 45-108.

B. The requirements of Subsection 12-1-160.A do not apply to:
   1. A proposed subdivision that the Director of the Arizona Department of Water Resources has determined will have an inadequate water supply pursuant to A.R.S. § 45-108, if the director grants an exemption for the subdivision pursuant to A.R.S. § 45-108.2 and the exemption has not expired, or the director of the Arizona Department of Water Resources grants an exemption pursuant to A.R.S. § 45-108.3.
   2. A proposed subdivisions that received final plat approval from the Town of Clarkdale before the requirement for an adequate water supply became effective in the Town, if the plat has not been materially changed since it received the final plat approval.
      a. If changes were made to the plat after the plat received the final plat approval, the Director of the Arizona Department of Water Resources shall determine whether the changes are material.

C. If the Community Development Director or designee approves a final plat for a subdivision pursuant to 12-1-160.A, the Community Development Director or

designee shall note on the face of the plat that the Director of the Arizona Department of Water Resources has reported the subdivision has an adequate water supply, or the applicant has obtained a commitment of water services for the proposed subdivision from a city, Town or private water company designated as having an adequate water supply pursuant to A.R.S. § 45-108.

D. If the Community Development Director or designee approves a final plat for a subdivision pursuant to an exemption authorized by 12-1-160.B.2 or granted by the Director of the Arizona Department of Water Resources pursuant to A.R.S. § 45-108.2 or to A.R.S. § 45-108.3, the Community Development Director or designee shall;
   1. Give written notice of approval to the Director of the Arizona Department of Water Resources and the Director of Environmental Quality.
   2. Include on the face of the plat a statement describing the exemption under which the plat was approved, including a statement that the Community Development Director or designee or the Director of the Arizona Department of Water Resources, whichever applies, has determined that the specific conditions of the exemption were met.
   3. If the Director of the Arizona Department of Water Resources subsequently informs the Community Development Director or designee that the subdivision is being served by a water provider that has been designated by the Director as having an adequate water supply pursuant to A.R.S to A.R.S. § 45-108, the Community Development Director or designee shall record in the Yavapai County Recorder's office a statement disclosing the fact.

~~A. The Community Development Director or designee shall not approve a final plat for a subdivision, as defined in A.R.S. § 32-2101, unless one of the following applies:~~

~~1. **1. The Director of the Arizona Department of Water Resources has determined that there is an adequate water supply for the subdivision pursuant to A.R.S. § 45-108, and the applicant has included the report with the plat.**~~

~~A. **2. The applicant has obtained a written commitment of water service for the subdivision from a city, town, or private water company**~~

designated as having an adequate water supply by the Director of the Arizona Department Water Resources pursuant to A.R.S. § 45-108.

B. B. The requirements of Subsection 12-1-200 (A) do not apply to:

C. 1. A proposed subdivision that the Director of the Arizona Department of Water Resources has determined will have an inadequate water supply pursuant to A.R.S. § 45-108, if the Director grants an exemption for the subdivision pursuant to A.R.S. § 45-108.2 and the exemption has not expired, or the Director of the Arizona Department of Water Resources grants an exemption pursuant to A.R.S. § 45-108.3.

D. 2. A proposed subdivisions that received final plat approval from the Town before the requirement for an adequate water supply became effective in the Town, if the plat has not been materially changed since it received the final plat approval.

E. a. If changes were made to the plat after the plat received the final plat approval, the Director of the Arizona Department of Water Resources shall determine whether the changes are material.

C. If the Community Development Director or designee approves a final plat for a subdivision pursuant to 12-1-21 (A), the Community Development Director or Designee shall note on the face of the plat that the Director of the Arizona Department of Water Resources has reported the subdivision has an adequate water supply, or the applicant has obtained a commitment of water services for the proposed subdivision from a city, town or private water company designated as having an adequate water supply pursuant to A.R.S. § 45-108.

F. D. If the Community Development Director or designee approves a final plat for a subdivision pursuant to an exemption authorized by 12-1-21 (B) (2) or granted by the Director of the Arizona Department of Water Resources pursuant to A.R.S. § 45-108.2 or to A.R.S. § 45-108.3, the Community Development Director or designee shall;

G. 1. Give written notice of approval to the Director of the Arizona Department of Water Resources and the Director of Environmental Quality.

~~H.~~ **~~2. Include on the face of the plat a statement describing the exemption under which the plat was approved, including a statement that the Community Development Director or designee or the Director of the Arizona Department of Water Resources, whichever applies, has determined that the specific conditions of the exemption were met.~~**

**~~3. If the Director of the Arizona Department of Water Resources subsequently informs the Community Development Director or designee that the subdivision is being served by a water provider that has been designated by the Director as having an adequate water supply pursuant to A.R.S to A.R.S. § 45-108, the Community Development Director or designee shall record in the County Recorder's office a statement disclosing the fact.~~**

**SECTION 12-~~2~~23**

**SUBDIVISION DESIGN PRINCIPLES AND STANDARDS**

~~*12-3-010 General*~~*12-23-010 General*

~~*12-3-020 Reservation of Land for Public Use*~~*12-23-020 Reservation of Land for Public Use*

~~*12-3-030 Landscape Requirements*~~*12-23-030 Landscape Requirements*

~~*12-3-040 Street Location and Arrangement*~~*12-23-040 Street Location and Arrangement*

~~*12-3-050 Dedicated Access*~~*12-23-050 Dedicated Access*

~~*12-3-060 Street Classification*~~*12-23-060 Street Classification*

~~*12-3-070 Block Design*~~*12-23-070 Block Design*

~~*12-3-080 Lot Planning*~~*12-23-080 Lot Planning*

~~*12-3-090 Street Naming*~~*12-23-090 Street Naming*

~~*12-3-100 Easement Planning*~~*12-23-100 Easement Planning*

~~*12-3-110 Condominium Development-Air Rights Planning*~~*12-23-110 Condominium Development-Air Rights Planning*

***Section 12-~~2~~23-010 General***

The provisions of this ~~Section~~ Ordinance shall apply to all subdivisions which are located wholly or partially within the ~~Town~~Town of Clarkdale. Every subdivision

shall conform to the General Plan, the Zoning Code, the ~~Town~~Town Code, the Arizona Revised Statutes, and the following ~~goals~~:

A. Ensure traffic circulation in conformance with adopted transportation plans.

B. Incorporate multimodal transportation options.

C. Secure adequate provisions for water supply, drainage, sanitary sewers, that conform to adopted engineering and sanitation standards.

D. Incorporate renewable energy sources, including but not limited to, solar, geothermal and wind.

E. Provide appropriate sites for schools, recreation areas, and other public facilities.

F. Require conveyance of land by accurate legal description.

G. Preserve existing wildlife habitat.

~~A.~~ Encourage the substitution of effluent for potable water when possible.

H.

~~A. Ensure traffic circulation in conformance with adopted transportation plans.~~

~~A. B. Incorporate multimodal transportation options.~~

~~B. C. Secure adequate provisions for water supply, drainage, sanitary sewers, that conform to adopted engineering and sanitation standards.~~

~~D. Incorporate renewable energy sources, including but not limited to, solar, geothermal and wind.~~

~~E. Provide appropriate sites for schools, recreation areas, and other public facilities.~~

~~F. Require conveyance of land by accurate legal description.~~

~~G. Preserve existing wildlife habitat.~~

~~H. Encourage the substitution of effluent for potable water when possible.~~

I. All construction and repair of public facilities and private roads shall be accomplished in accordance with the standards adopted by the ~~Town~~Town of Clarkdale. Additionally, all traffic control devices shall be placed in accordance with the latest edition of the Manual of Uniform Traffic Control Devices as adopted by the Arizona Department of Transportation.

***Section 12-~~23~~-020 ~~—~~Reservation Of Land For Public Use***

Where the tract of land to be subdivided contains all or any part of the site of a park, school, flood control facility, or other public area as shown on the General Plan, or as recommended by the Community Development Director or designee, such site shall be dedicated to the public or reserved for acquisition by the public within one year after recording the Final Plat unless a different timeline is agreed upon in the subdivision or development agreement. An agreement shall be reached between the applicant and the appropriate public agency regarding time, method and cost of such acquisition. If the public agency for whose benefit, an area has been reserved does not exercise the reservation agreement set forth in this ~~Section~~ Ordinance by agreeing to a timetable for development and dedication of the reserved land within such one year period or such extended period as may be mutually agreed upon by such public agency and the applicant, the reservation of such area shall terminate.

***Section 12-~~23~~-030 ~~—~~Landscape Requirements***

Subdivision landscaping shall meet the requirements of Chapter 9 - Landscape Design Standards of the ~~Town~~Town of Clarkdale Zoning Code.

***Section 12-~~23~~-040 ~~—~~Street Location and Arrangement***

A. ~~A.~~ Whenever a tract to be subdivided embraces any part of a street designated in the adopted ~~Town~~Town General Plan, Street Plan, Trail Plan, or Circulation Plan, such streets, bicycle ways, pedestrian ways and trails shall be platted in conformance therewith.

~~A.~~ B. Street layout shall provide for the continuation of such streets as the Subdivision Committee and/or the Community Development Director or designee may designate.

B.

~~B.~~ C. The street patterns in the land development shall not landlock adjacent property nor prevent access to public land.

C.

D. ~~D.~~ Whenever a tract to be subdivided is located within an area for which a Neighborhood Plan has been approved, the street arrangement shall conform substantially to said plan.

E. ~~E.~~ Proposed collector streets shall be extended to the tract boundary to provide future connection with adjoining un-platted lands, or existing collector streets.

F. ~~F.~~ Residential streets, other than designated collector streets, shall be so arranged as to discourage through traffic.

G. ~~G.~~ Where a subdivision abuts or contains the right-of-way of a drainage way, an irrigation ditch, a railroad right-of-way, or abuts a commercial or industrial land use, the Community Development Director or designee may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of intervening land. Such distance shall be determined in conformance with regulations governing approach grades, drainage, bridges or future grade separations.

H. ~~H.~~ Streets shall be so arranged in relation to existing topography as to facilitate adequate drainage.

I. ~~I.~~ Alleys shall be required in all commercial and industrial subdivisions unless the Subdivision Committee and the Community Development Director or designee recommend waiving this requirement. Alleys may be required in residential subdivisions if the Subdivision Committee and the Community Development Director or designee recommend that alleys be required to complete an existing pattern or to provide secondary access to adjacent properties or service.

J. ~~J.~~ Half-streets shall be discouraged, except where necessary, to provide right-of-way required by the adopted ~~Town~~Town Circulation Plan, to complete a street pattern already begun, or to ensure reasonable development of several adjoining parcels. Where there exists, a platted half-street abutting the tract to be subdivided, the remaining half shall be platted within the tract.

K. ~~K.~~ Street patterns that provide multiple accesses to the subdivision are encouraged and may be required by the Committee, Community Development Director or Designee and/or the Community Development Director or d~~D~~esignee.

***Section 12-~~2~~3-050 Dedicated Access***

A. ~~A.~~ Each subdivision shall provide for adequate traffic circulation using the Average Daily Traffic (ADT) and classification system ~~in Section 12-3-060 of these Regulations~~in the Town Engineering Standards.

B. ~~B.~~ Where private streets are approved, the plat, the deed restrictions and the Homeowner's Association by-laws shall contain statements declaring these streets to be private and remaining the permanent responsibility of the Homeowner's Association. Such private streets are subject to an easement authorizing use by emergency and public service vehicles.

C. ~~C.~~ Street designs, including cul-de-sacs and dead-ends shall meet the criteria in the Town Engineering Standards and Specifications and the standards of the Fire District with jurisdiction.

~~Cul-de-sac streets shall not be any longer than 600 feet. The Community Development Director or designee may recommend approval of a longer cul-de-sac if the topography, adjacent platting or other unusual conditions justify the exception.~~

~~D. Cul-de-sac streets shall terminate in a circular right-of-way, 50 feet in radius, with an improved traffic turning circle of a minimum 40 feet in radius.~~

~~E. Acute angle intersections and intersections on the inside of a horizontal curve are prohibited, unless otherwise approved by the Town Engineer.~~

~~F. Street designs shall meet the criteria of Chapter 12, Figure 2 - Street Classification and Minimum Design Standards and Figure 3 - Street Curve and Design Data.~~

~~G. Dead-end streets will not be approved except in locations designated by the Subdivision Committee and Community Development Director or designee as necessary to future extension in development of adjacent lands. In any case, a dead-end street serving more than four lots shall provide, by easement, a temporary turning circle with a 40 foot radius or other acceptable design to accomplish adequate access.~~

~~H. At street intersections, property line corner shall be rounded by circular arc, said arc to be the corner cut-off minimum from figure 4.~~

~~I. At the intersection of two streets of different classification, the corner cut-off dimension and curb return radius of the wider street shall be used.~~

~~J. Vertical curbs shall be required on the downhill side of streets having grades of 6% or greater.~~

D. ~~K.~~ The maximum street grade is not to exceed 12%.

E. ~~L.~~ No subdivision shall be approved without dedicated legal access to a collector street.

***Section 12-23-060 Street Classification***

A. ~~A.~~ The street hierarchy system shall be defined by use and Average Daily Traffic (ADT) rates calculated by average trip generation rates prepared by the Institute of Transportation Engineers~~, as indicated in Chapter 12, Figure 1~~. The applicant may use another approved method if it can be demonstrated to better reflect local conditions.

B. ~~B.~~ The applicant will demonstrate to the Community Development Director or designee that no street shall exceed the maximum ADT's ~~of Figure 2~~.

~~C.~~ Rural street designs may be used only in residential areas developed with a minimum lot size of 20,000 square feet.

C.

***Section 12-~~2~~23-070 ~~—~~Block Design***

A. ~~A.~~ Maximum length of blocks measured along the centerline of the street, and between intersecting street center lines, is 1200 feet, except in a development with lot areas averaging 1.5 acres or more, this maximum may be exceeded by 500 feet. Block length shall be designed to meet the above maximums and adopted engineering standards.~~—~~

~~A.~~ ~~B.~~ Pedestrian or bicycle ways with right-of-way widths a minimum of eight~~8~~ feet may be required where essential for circulation or access to schools, playgrounds, shopping centers, public land, transportation and other community facilities. Pedestrian or bicycle ways may also be used for utility and drainage purposes if so noted on the plat and approved by the Community Development Director or designee and the ~~Town~~Town Engineer.

B.

***Section 12-~~2~~23-080 ~~—~~Lot Planning***

A. ~~A.~~ Lot width, depth, frontage, area, lot coverage, floor area ratio and building setbacks shall comply with the minimum requirements of the Zoning Code. The type and extent of street and utility improvements being installed shall comply with the minimum requirements of the Zoning Code. Where steep topography, unusual soil conditions, or drainage problems exist or prevail, variances to adopted development standards may be considered.

B. ~~B.~~ Lands that are subject to periodic inundation, subsidence of the earth's surface, high water table, adverse topography, adverse soils, or other natural or manmade hazards to life or property shall be excluded from subdivision unless it can be substantiated by the applicant that proposed lot configurations and sizes, grading and drainage techniques, or other special development approaches necessary to protect the public health, safety, or general welfare on any lands to be subdivided affected by such characteristics, are satisfactory.

C. ~~C.~~ The Community Development Director or designee may approve subdivision of such land upon receipt of written evidence from the ~~Town~~Town Engineer, the Yavapai County Flood Control District and State and Yavapai County Health Authorities that the construction of specific improvements will render the land suitable; thereafter, construction upon such land shall be prohibited until specified improvements have been planned and the construction guaranteed.

D. ~~D.~~ Side lot lines shall be substantially at right angles or radial to street lines, except where special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the use of said lot lines will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.

E. ~~E.~~ All lots shall have frontage as required by the appropriate zoning district on a fully dedicated public or private street.

F. ~~F.~~ Single-family lots on curvilinear streets shall have rear lot lines consisting of a series of straight lines with points of deflection occurring only at the junction of side or rear lot lines unless otherwise approved.

G. ~~G.~~ Corner lots may be wider than interior lots to provide for setback requirements.

H. ~~H.~~ Single-family residential lots extending through the block and having frontage on two parallel local streets is prohibited.

I. ~~I.~~ Residential lots shall not be accessible from collector or arterial streets.

***Section 12-~~23~~-090 ~~—~~Street Naming***

New street names shall not be duplicated or be similar to those already in existence in or within three~~3~~ miles of the ~~Town~~Town. Where streets are continuations of existing streets, the name of the existing street shall be used. Proposed street names will be reviewed and approved by the Community Development Director or designee and Yavapai County Addressing Division.

***Section 12-~~23~~-100 Easement Planning***

A. ~~A.~~ Easements for utilities shall be provided to ensure the provision of services to each lot.

1. ~~1.~~ The developer will provide the Community Development Director written documentation of approval by the utilities with respect to easements.

B. ~~B.~~ Drainage easements shall be provided to the satisfaction of the ~~Town~~Town Engineer and the Yavapai County Flood Control District. In no case shall drainage easements be less than 20 feet in width.

C. ~~C.~~ Easements necessary to assure non-motorized access to adjacent public lands are required. Such easement shall not exceed 10 feet in width.

D. ~~D.~~ Where alleys are provided, an easement sized to the refuse container may be required as determined by the Community Development Director or designee.

E. ~~E.~~ Based on adopted engineering standards, increased right-of-way widths and slope easements may be required by the ~~Town~~Town Engineer.

***Section 12-~~2~~3-110 ~~Air Rights Planning~~ Condominium Development***

~~A.~~ The processing of subdivision plats for condominium developments shall follow procedures set forth in this Ordinance and ~~these Regulations for the processing of land subdivision plats~~Section 33-1201-33-1270 of the Arizona State Statue.

~~B. In addition to the requirements of the above, all plats for condominium subdivisions shall include:~~

~~**1. All building locations.**~~

~~**2. All private access ways, driveways and parking areas.**~~

~~**3. Designation of all commonly-owned property, including that within buildings.**~~

~~**C. Final Plats for condominiums shall be recorded prior to the issuance of a building permit.**~~

~~**D. Preliminary Plats for the conversion of conventional apartments to condominiums shall show:**~~

~~**1. Firewall construction as required by adopted building and fire codes. .**~~

~~**2. Additional parking, if required by Chapter 4 - General Provisions.**~~

~~**3. Additional open space as required by the development standards of the applicable zoning district.**~~

~~**4. Location of individual utilities lines and meters.**~~

## SECTION 12-34
## SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS

~~12-4-010 Outline of Subdivision Procedures~~12-3-010 Subdivision Procedures
~~12-4-020 Stage I - Pre-Application Conference~~12-3-020 Pre-Application Meeting
~~12-4-030 Stage II - Preliminary Plat~~12-3-030 Preliminary Plat
~~12-4-040 Stage III - Subdivision Technical Review~~12-3-040 Subdivision Technical Review
~~12-4-050 Stage IV - Final Plat, Recording and Post Approval~~12-3-050 Final Plat, Recording and Post Approval

### *Section 12-34-010 ~~Outline of~~ Subdivision Procedures*

The preparation, submittal, review and approval of all subdivision plats located within the ~~Town~~Town limits shall conform to the following requirements and processes. A deposit toward potential outside consultant fees incurred by the ~~Town~~Town in the processing and review of an application shall be required per Section ~~3-5~~3-5 of the ~~Town~~Town Code.

~~A. Stage I Pre-Application Conference~~
~~B. Stage II Preliminary Plat~~
~~C. Stage III Technical Review~~
~~D. Stage IV Final Plat, Recording and Post Approval~~
~~The process for completing these stages varies depending on the type of subdivision, determined by the number of new parcels being created.~~

| ~~Type~~ | ~~Subdivision 10 lots or more~~ | ~~Minor Subdivision 4 – 10 lots~~ | ~~Minor Land Division 2-3 lots~~ |
|---|---|---|---|
| ~~Stage I Preapplication Conference~~ | ~~Required Section 12-4-020~~ | ~~Required Section 12-5-020~~ | ~~Required Section 12-6-050~~ |

| ~~Type~~ | ~~Subdivision 10 lots or more~~ | ~~Minor Subdivision 4 – 10 lots~~ | ~~Minor Land Division 2-3 lots~~ |
|---|---|---|---|
| ~~Stage II Preliminary Plat~~ | ~~Required Community Development Director or Designee Section. 12-4-030~~ | ~~Required Reviewed by Subdivision Committee, Approved by Community Development Director or designee. Section 12-5-030~~ | ~~Survey from a State of Arizona registered land surveyor. Section 12-6-040~~ |
| ~~Stage III Technical Review~~ | ~~Required Section 12-4-040~~ | ~~Required Section 12-5-040~~ | ~~Not required~~ |
| ~~Stage IV Final Plat, Recording and Post Approval~~ | ~~Required Section 12-4-050~~ | ~~Required Section 12-4-050~~ | ~~Required within 60 days of approval. Section 12-6-050 E~~ |

***Section 12-3-020***

***~~Section 12-4-020 Stage I -~~ Pre-Application ~~Conference~~Meeting***

A. A pre-application meeting is mandatory. The purpose of the pre-application meeting is to:

1. Provide staff with an opportunity to review and comment on proposals prior to submittal.

2. Discuss the development review process and required submissions with the applicant.
3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
5. Applicants shall provide the information as indicated in Table 1 of Chapter 11 – Design Review, Section 11-040 Submission Requirements. In addition, information regarding legal problems which are associated with the property, if any, as well as tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements shall be supplied.

B. Persons applying for a Subdivision will be required to submit a Pre-application meeting request, including a letter of intent, the site plan, the development plan, and supporting documentation. These materials shall be submitted to the Community Development Department, who shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant that the application is administratively complete.
   1. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic communication and specify the additional materials required to make the application complete.
   2. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the following:
      a. Subdivision Committee:
         i. Community Development Director; and
         ii. Public Works Director; and
         iii. Town Engineer; and
         iv. Water Resources Manager; and
         v. Chief of Police (or designee); and
         vi. Fire Chief (or designee); and
         vii. Building Inspector; and

viii. Flood Control: and
ix. Yavapai County Health Department; and
x. Any other agency or municipality that Town staff deems necessary; and

b. Representatives from the following may be included at the discretion of the Community Development Director:
i. School Districts; or
ii. Arizona Public Service (APS); or
iii. Unisource; or
iv. Arizona Department of Transportation (ADOT);
v. Arizona Department of Game and Fish; or
vi. United States Forest Service; or
vii. Yavapai County; or
viii. Others as determined by the Community Development Director.

C. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal.
D. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

E. The applicant shall prepare a Memorandum of Understanding. It shall be formally acknowledged in writing by all parties. The Memorandum of Understanding shall include all items discussed.

~~A. The "Pre-Application Conference" comprises an investigatory period which precedes actual preparation of preliminary plans by the applicant. During this stage the applicant makes intentions know to the Town and is advised of specific requirements related to the subject tract and other details regarding platting procedures and requirements.~~

~~***B. Actions by the Applicant***~~

~~***The applicant shall meet informally with the Community Development Department to present a general outline of the proposal, including but not limited to:***~~

~~***1. Two paper copies and one electronic copy of the sketch plans that includes: the name of the development, location by Section, Township and Range with reference to section corners and quarter corners, land use, street and lot arrangement, tentative lot sizes, existing improvements, major washes and drainage ways, known flood hazards, generalized land use in the vicinity, documented historical or archeological resources, and proposed bikeways, trails, open space, parks, and recreation facilities.***~~

~~***2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.***~~

~~***3. Information regarding legal problems which are associated with the property, if any.***~~

~~***C. Actions by Community Development Department (CDD)***~~

~~***The CDD will discuss the proposal with the applicant and advise him or her on procedural steps, design and improvement standards, and general plat requirements. Then, depending on the scope of the proposed development, the CDD will proceed with the following investigations:***~~

~~***1. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.***~~

~~***2. Determine the adequacy of existing or proposed schools, parks and other public places.***~~

~~***3. Inspect the site or otherwise determine the relationship to major streets, utility systems, and adjacent land uses and determine any unusual problems such as topography, utilities, flooding, etc.***~~

~~***D. Upon the conclusion of Stage I activities, the applicant shall prepare a Memorandum of Understanding. It shall be formally acknowledged in writing by all parties. The Memorandum of Understanding shall include all items discussed.***~~

***Section 12-34-030 ~~Stage II -~~ Preliminary Plat***

The Preliminary Plat stage of a subdivision includes detailed subdivision planning, submittal, review and approval of the Preliminary Plat. To avoid delay in processing this application, the applicant shall provide the ~~Town~~Town with all information required to determine conformance with adopted codes and regulations.

Any furtherance of pre-development activity engaged in, by, or on behalf of the applicant while an application for zoning amendment or variance is pending, shall in no instance be construed as having been undertaken in reliance of a favorable determination of such application, notwithstanding the nature of the recommendation on the matter of the ~~Director of~~ Community Development Director.

A. **Zoning.** The subdivision shall be designed to meet the specific requirements of the zoning district within which it is located. However, in the event that rezoning is deemed necessary, such as in the case of a Planned Area Development (PAD), the rezoning shall be initiated by the property owner or an authorized agent and be heard and considered by the Planning Commission and Town Council. Any change in zoning or site plan approval required in relation to approval of the Preliminary Plat shall have been approved by Town Council.

B. **Sanitary Sewage, Refuse Disposal and Water Supply.** As a prerequisite to Preliminary Plat review, the applicant shall have informed all pertinent regulatory agencies of the tentative plans and the applicant shall become informed of the general requirements for sewage disposal, water supply and refuse disposal which may apply to the property.

C. **Owner's Authorization.** If the applicant is not the legal owner of the property to be subdivided, said applicant shall, before filing the plat, obtain and submit notarized written consent to act on behalf of the legal owner(s) as the applicant.

D. **Preliminary Plat Submission.**

1. The submittal shall be reviewed by the Community Development Director or designee for completeness. If incomplete, the applicant will be notified within one week of receipt and given the opportunity to comply. Upon determination that the application is complete, a case number will be assigned and the applicant will be notified.
2. The Preliminary Plat and required supporting data, prepared in accordance with requirements set forth in this Ordinance shall be filed with the Community Development Department. Review of the Preliminary Plat by the Community Development Director or designee, the Subdivision Committee,

and other agencies having jurisdiction shall be dependent upon adequacy of data presented and completion of processing. The review shall occur within 30 days of the submission date. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant for correction via electronic communication.

3. A Preliminary Plat fee, as adopted by the Town Council, shall be paid by the applicant prior to the acceptance of the Preliminary Plat. The filing fee shall also cover filing of an amended or revised Preliminary Plat handled as the same case. If preliminary approval expires prior to application for final approval, the plat shall be re-submitted for preliminary approval as a new case and the applicant shall pay the required fees.

E. **Form of Presentation for Preliminary Plat.** The information hereafter required as part of the Preliminary Plat submittal shall be shown graphically, or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale. The scale shall not be smaller than one inch equals 100 feet. All Preliminary Plat submittals shall include the following:

1. Letter of intent from the applicant describing the subdivision and proposed name of subdivision and its location by Section, Township and Range, reference by dimension and bearing to an acceptable government section or quarter-section corner. The proposed subdivision name shall not duplicate any other recorded plat in Clarkdale or adjacent communities.
2. Name, address, email address and telephone number of the owner of record of the property, and of the applicant, if not the owner of record.
3. A copy of the title paperwork for the property.
4. Name, title, address, email address and telephone number of engineering, land planning, surveying, architectural firm, or individual preparing the plat.
5. Name, book and page number of any recorded subdivision adjacent to or having common boundaries with this plat.
6. Scale (written and bar graph), north point and date of preparation including dates of any subsequent revision.

7. Total subdivision acreage and dimensions. Do not include previously dedicated rights-of-way in this figure.
8. Fully dimensioned boundary lines.
9. A vicinity map which shows the relationship of the proposed subdivision to dedicated rights-of-way and any other facilities and developments which locate the subdivision. This map may be on the Preliminary Plat, but, if it is not practical, then a separate map showing title, scale, north point and date shall be provided.
10. Names, locations and widths of adjacent streets, highways, ways, railroads and utility easements including streets and rights-of-way providing legal dedicated right-of-way access to the property.
11. Location, names, areas, width, proposed grade curve, super elevations, sight distances, and radii for all streets, highways and ways in the proposed subdivision and off-site, if required, to provide adequate access to the subdivision. Include connections to adjoining platted tracts, public lands and streets contained therein.
12. The width and approximate locations of all existing or proposed public or private easements or rights-of-way for streets, ways, trails, drainage, sewers, public utilities, flood control purposes, access to adjacent public land, or other community facilities.
13. Typical lot dimensions (scaled); dimensions of all corner lots which should be 10% bigger, all lots of more than four sides and lots of curvilinear sections of streets; each lot numbered individually and consecutively; total number of lots or dwelling units.
14. Designations of all land to be dedicated or reserved for public use with use indicated, including land reserved for parks, recreational facilities, school sites, and fires stations pursuant to A.R.S. 9.463.01.D.
15. Area of all lots and parcels not for single-family residential use, in acres. The area of all single-family residential lots in square feet if under or equal to one acre in size, or in acres, if the lots are over one acre in size.
16. A report by a sanitary engineer describing proposed wastewater disposal.
17. Locations, elevations, and sizes of culverts, storm drains and detention facilities. This information shall be accompanied by a hydrologic and hydraulic analysis, which meets the criteria set forth in the most recent

Yavapai County Flood Control District Storm Water Detention Material and Drainage Criteria Manual.

18. The locations of floodway and floodplain boundaries and base flood elevations as determined by Federal Emergency Management Agency (FEMA) Flood Maps and the location of other water courses and land subject to inundation or flood hazard.
19. Engineer's calculations and estimated values for each tributary of storm runoff for a 25 year and 100 year frequency storm as specified in the Yavapai County Flood Control District Ordinance. The values shall be indicated along the boundary of the plat for all points of drainage entering and leaving the property.
20. Proposed cut and fill areas showing original and proposed grade levels with elevations and contours.
21. Proposed use of all lots, tracts or parcels within the subdivision.
22. Location and dimensions of all existing or proposed structures, walls, fences, irrigation ditches, water wells, pipelines, utilities, and other physical features. Plat shall indicate which improvements are to remain, be altered or removed.
23. Letters of serviceability for all utilities proposed to service the subdivision.
24. Contour intervals shall be such as to adequately reflect the character and drainage of the land.
25. School or park sites that may be required.
26. The zoning of all adjacent land.
27. Any deed restrictions or covenants and property owners' association agreements to be or presently imposed upon the plat or any part thereof.
28. A Yavapai County Flood Control Report.

F. **Preliminary Plat Review.** The Community Development Director shall distribute copies of the plat to the Subdivision Committee. Following receipt of the written comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

G. **Responsibilities of the Community Development Director or Designee.** Approval by the Community Development Director or designee shall be based on the following findings:

1. The proposed subdivision conforms to the adopted General Plan goals, objectives and policies of the Town.
2. The proposed subdivision, as reviewed and approved, will not be detrimental to the public's health, safety, and general welfare.
3. Environmental concerns conform to adopted standards.
4. The design of the proposed subdivision conforms to adopted engineering standards.
5. The proposed subdivision is consistent with the Zoning Code requirements applicable to the property.
6. The proposed subdivision conforms to the improvement standards and design standards set forth in these regulations and other applicable Town, County, State and Federal regulations.

H. **Community Development Director or Designee Decision.** The Community Development Director or designee shall approve, conditionally approve or deny the Preliminary Plat as proposed after considering the recommendations and findings of the Subdivision Committee, and all other agencies having jurisdiction. The Community Development Director or designee's action shall be based on its findings of fact and conclusion.

I. **Community Development Director or Designee Rejection.** If the Preliminary Plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee.

J. **Significance of Preliminary Plat Approval.** Approval of the Preliminary Plat constitutes authorization for the applicant to proceed with preparation of the engineering plans and specifications for public improvements and is based upon the following terms:

1. The basic considerations under which approval of the Preliminary Plat is granted will not be changed prior to the expiration date of Preliminary Plat approval.

2. Approval is valid for a period of two years from the date of the Community Development Director or designee's approval. Requests can be made for one year extensions up to a total of not more than three years from the original date of approval. Extensions of the Preliminary Plat approval may be granted by the Community Development Director or designee upon receipt of a letter from the applicant before the expiration date.
3. Preliminary Plat approval does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs. It does not constitute authorization to record the plat.

~~A. Zoning~~

~~*A. The subdivision shall be designed to meet the specific requirements of the zoning district within which it is located. However, in the event that rezoning is deemed necessary, such as in the case of a Planned Area Development (PAD), the rezoning shall be initiated by the property owner or an authorized agent, and be heard and considered by the Commission and Council (see the Town of Clarkdale Zoning Code, Chapter 13, Section 13-020, for procedures regarding zoning changes). Any change in zoning or site plan approval required in relation to approval of the Preliminary Plat shall have been approved by the Council before the recommendation of approval of the Preliminary Plat by the Community Development Director or designee.*~~

~~*B. Sanitary Sewage, Refuse Disposal and Water Supply*~~

~~*As a prerequisite to Preliminary Plat review, the applicant shall have informed all pertinent regulatory agencies of the tentative plans and the applicant shall become informed of the general requirements for sewage disposal, water supply and refuse disposal which may apply to the property.*~~

~~*C. Owner's Authorization*~~

~~*If the applicant is not the legal owner of the property to be subdivided, said applicant shall, before filing the plat, obtain and submit notarized written consent to act on behalf of the legal owner(s) as the applicant.*~~

~~*D. Preliminary Plat Submission*~~

~~*3. The submittal shall be reviewed by the Community Development Director or designee and all other departments and agencies having jurisdiction to determine conformance with requirements set forth in Section 12-4-040-E of these*~~

*Regulations. If incomplete, the applicant will be notified within one week of receipt and given the opportunity to comply. Upon determination that the application is complete, a case number will be assigned and the applicant will be notified in writing of the acceptance.*

*1. Two 24 inch by 36 inch copies of the Preliminary Plat and required supporting data, prepared in accordance with requirements set forth in Section 12-4-040 E of these Regulations, and one digital copy of all materials shall be filed with the Community Development Director or designee. Review of the Preliminary Plan by Community Development Director or designee and other departments and agencies having jurisdiction shall be dependent upon adequacy of data presented and completion of processing. The review shall occur within 60 days of date of submission.*

*2. A Preliminary Plat fee, as adopted by the Council, shall be paid by the applicant prior to the acceptance of the Preliminary Plat. The filing fee shall also cover filing of an amended or revised Preliminary Plat handled as the same case. If preliminary approval expires prior to application for final approval, the plat shall be re-submitted for preliminary approval as a new case and the applicant shall pay the required fees.*

*3. The submittal shall be reviewed by the Community Development Director or designee and all other departments and agencies having jurisdiction to determine conformance with requirements set forth in Section 12-4-040 E of these Regulations. If incomplete, the applicant will be notified within one week of receipt and given the opportunity to comply. Upon determination that the application is complete, a case number will be assigned and the applicant will be notified in writing of the acceptance.*

*4. The Subdivision Committee shall meet within 15 business days of the approval of the complete application and provide review comments to the Community Development Director or designee. Written comments shall be provided to the applicant for correction.*

***E. Form of Presentation for Preliminary Plat***

*The information hereafter required as part of the Preliminary Plat submittal shall be shown graphically, or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be*

~~drawn at the same standard engineering scale. The scale shall not be smaller than one inch equals 100 feet.~~

~~All Preliminary Plat submittals shall include the following:~~

1. ~~1. Letter of intent from the applicant describing the subdivision and proposed name of subdivision and its location by Section, Township and Range, reference by dimension and bearing to an acceptable government section or quarter-section corner. The proposed subdivision name shall not duplicate any other recorded plat in Clarkdale or adjacent communities.~~
2. ~~2. Name, address, email address and telephone number of the owner of record of the property, and of the applicant, if not the owner of record.~~
3. ~~3. A copy of the title paperwork for the property.~~
4. ~~4. Name, title, address, email address and telephone number of engineering, land planning, surveying, architectural firm, or individual preparing the plat.~~
5. ~~5. Name, book and page number of any recorded subdivision adjacent to or having common boundaries with this plat.~~
6. ~~6. Scale (written and bar graph), north point and date of preparation including dates of any subsequent revision.~~
7. ~~7. Total subdivision acreage and dimensions. Do not include previously dedicated rights-of-way in this figure.~~
8. ~~8. Fully dimensioned boundary lines.~~
9. ~~9. A vicinity map which shows the relationship of the proposed subdivision to dedicated rights-of-way and any other facilities and developments which locate the subdivision. This map may be on the Preliminary Plat, but, if it is not practical, then a separate map showing title, scale, north point and date shall be provided.~~
10. ~~10. Names, locations and widths of adjacent streets, highways, ways, railroads and utility easements including streets and rights-of-way providing legal dedicated right-of-way access to the property.~~
11. ~~11. Location, names, areas, width, proposed grade curve, super elevations, sight distances, and radii for all streets, highways and ways in the proposed subdivision and off-site, if required, to provide adequate access to the subdivision. Include connections to adjoining platted tracts, public lands and streets contained therein.~~
12. ~~12. The width and approximate locations of all existing or proposed public or private easements or rights-of-way for streets, ways, trails, drainage, sewers,~~

~~*public utilities, flood control purposes, access to adjacent public land, or other community facilities.*~~

~~13.~~ ~~*13. Typical lot dimensions (scaled); dimensions of all corner lots, all lots of more than four sides and lots of curvilinear sections of streets; each lot numbered individually and consecutively; total number of lots or dwelling units.*~~

~~14.~~ ~~*14. Designations of all land to be dedicated or reserved for public use with use indicated, including land reserved for parks, recreational facilities, school sites, and fires stations pursuant to A.R.S. 9.463.01.0.*~~

~~15.~~ ~~*15. Area of all lots and parcels not for single-family residential use, in acres. The area of all single-family residential lots in square feet if under or equal to one acre in size, or in acres, if the lots are over one acre in size.*~~

~~16.~~ ~~*16. A report by a sanitary engineer describing proposed wastewater disposal.*~~

~~17.~~ ~~*17. Locations, elevations, and sizes of culverts, storm drains and detention facilities. This information shall be accompanied by a hydrologic and hydraulic analysis, which meets the criteria set forth in the most recent Yavapai County Flood Control District Storm Water Detention Material and Drainage Criteria Manual.*~~

~~18.~~ ~~*18. The locations of floodway and floodplain boundaries and base flood elevations as determined by Federal Emergency Management Agency (FEMA) Flood Maps and the location of other water courses and land subject to inundation or flood hazard.*~~

~~19.~~ ~~*19. Engineer's calculations and estimated values for each tributary of storm runoff for a 25 year and 100 year frequency storm as specified in the Yavapai County Flood Control District Ordinance. The values shall be indicated along the boundary of the plat for all points of drainage entering and leaving the property.*~~

~~20.~~ ~~*20. Proposed cut and fill areas showing original and proposed grade levels with elevations and contours.*~~

~~21.~~ ~~*21. Proposed use of all lots, tracts or parcels within the subdivision.*~~

~~22.~~ ~~*22. Location and dimensions of all existing or proposed structures, walls, fences, irrigation ditches, water wells, pipelines, utilities, and other physical features. Plat shall indicate which improvements are to remain, be altered or removed.*~~

~~23.~~ ~~*23. Letters of serviceability for all utilities proposed to service the subdivision.*~~

~~24.~~ ~~*24. Contour intervals shall be such as to adequately reflect the character and drainage of the land.*~~

~~25. 25. School or park sites that may be required.~~

~~26. 26. The zoning of all adjacent land.~~

~~27. 27. Any deed restrictions or covenants and property owners association agreements to be or presently imposed upon the plat or any part thereof.~~

~~28. 28. A Phase II County Flood Control Report.~~

***~~F. Preliminary Plat Review~~***

~~1. The Community Development Director shall distribute copies of the plat to the following:~~

~~2. The reviewers may transmit their recommendations to the Director in writing or verbally. The Community Development Director will then summarize the recommendations, prepare a report and present it to the Subdivision Committee.~~

***~~a. The Town Manager, Town Engineer, Police Chief, Director of Public Works and/or Utilities Departments, Fire District Chief and Building Official for overall review and recommendations.~~***

***~~b. The Yavapai County Flood Control District for review of flood control and drainage measures.~~***

***~~c. The Yavapai County Environmental Services Department for review of sewage disposal proposal.~~***

***~~d. Representatives of local utilities for review.~~***

***~~e. When the land abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.~~***

***~~2. The reviewers may transmit their recommendations to the Director in writing or verbally. The Community Development Director will then summarize the recommendations, prepare a report and present it to the Subdivision Committee.~~***

***~~G. Responsibilities of the Community Development Director or Designee~~***

~~The Community Development Director or designee shall recommend for approval, conditional approval or denial of the Preliminary Plat as proposed after considering the recommendations and findings of the Subdivision Committee and all other agencies having jurisdiction.~~

~~B. 1. Approval by the Community Development Director or designee shall be based on the following findings:~~

***~~a. The proposed subdivision conforms to the adopted General Plan goals, objectives and policies of the Town.~~***

~~***b. The proposed subdivision, as reviewed and approved, will not be detrimental to the public's health, safety, and general welfare.***~~

~~***c. Environmental concerns conform to adopted standards.***~~

~~***d. The design of the proposed subdivision conforms to adopted engineering standards.***~~

~~***e. The proposed subdivision is consistent with the Zoning Code requirements applicable to the property.***~~

~~***f. The proposed subdivision conforms to the improvement standards and design standards set forth in these Regulations and other applicable Town, County, State and Federal regulations.***~~

~~***H. Appeals***~~

~~***If the Community Development Director or designee finds that the Preliminary Plat does not meet the requirements of these Subdivision Regulations, the applicant may appeal this decision to the Board of Adjustment with the following stipulations:***~~

~~***1. All appeals shall be made in writing and filed with the Town Clerk, setting forth the particulars and the reasons for the appeal.***~~

~~***2. Appeals must be made within 30 days from the date of the findings of the Community Development Director or designee.***~~

~~***3. The Board of Adjustment shall render a decision no later than 30 days after the appeal is taken.***~~

~~***4. The Board of Adjustment shall decide appeals wherein it is alleged by the applicant that there is error in any order, requirement, decision, grant or refusal made by the Community Development Director or designee, Subdivision Committee or any official in the administration of these Regulations.***~~

~~***5. The Board of Adjustment shall approve, disapprove or approve with modifications the appeal.***~~

~~***J. Responsibilities of the Community Development Director or Designee***~~

~~*C. The Community Development Director or designee shall approve, conditionally approve or deny the Preliminary Plat as proposed after considering the recommendations and findings of the Subdivision Committee, and all other agencies having jurisdiction. The Community Development Director or designee's action shall be based on its findings of fact and conclusion.*~~

~~***K. Community Development Director or Designee Rejection***~~

~~D. If the Preliminary Plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee.~~

***~~L. Significance of Preliminary Plat Approval~~***

~~Approval of the Preliminary Plat constitutes authorization for the applicant to proceed with preparation of the engineering plans and specifications for public improvements and is based upon the following terms:~~

1. ~~The basic considerations under which approval of the Preliminary Plat is granted will not be changed prior to the expiration date of Preliminary Plat approval.~~
2. ~~Approval is valid for a period of two years from the date of the Community Development Director or designee's approval. Requests can be made for one year extensions up to a total of not more than three years from the original date of approval. Extensions of the Preliminary Plat approval may be granted by the Community Development Director or designee upon receipt of a letter from the applicant before the expiration date.~~
3. ~~Preliminary Plat approval does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs. It does not constitute authorization to record the plat.~~

***Section 12-~~3~~4-040 ~~Stage III -~~ Subdivision Technical Review***

The Technical Review ~~stage~~ is designed for the ~~Town~~Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending the applicant proceed with Final Plat procedures.

A. ~~A.~~ Submittal for Technical Review shall be made to the ~~Town Engineer with one copy to the Director of~~ Community Development Department with their Preliminary Plat submittal. The submittal shall be checked by the ~~Town~~Town Engineer for content in accordance with requirements set forth in ~~Section 12-4-050-B of~~ these rRegulations and for substantial conformity with the ~~approved~~ Preliminary Plat. ~~Whether complete, incomplete or non-conforming with the approved Preliminary Plat the applicant will be notified within 15 days of receipt of submittal and given the opportunity to comply.~~

B. ~~B.~~ Submittal requirements: The following information is required for Technical Review submittal and shall be shown graphically, by note, or by letter, and may consist of several sheets showing various elements of the required data. All

mapped data for the same plat shall be drawn at the same standard engineering scale~~, adjusted to produce an overall drawing of 24 inches by 36 inches~~. The applicant may use more than one sheet if necessary, using one of the standard engineering scales. The scale shall not be less than one inch equals one hundred feet providing sufficient detail to illustrate the applicant's intent.

1. ~~1. Two sets of the approved Preliminary Plat:~~ Planned Area Developments (PADs) shall submit ~~two copies of~~ typical floor plans and elevations. ~~A digital copy of all submitted materials is required.~~
2. ~~2.~~ Identification and descriptive data:
   a. ~~a.~~ All information required for the Preliminary Plat.
   b. ~~b.~~ Building setbacks for a typical lot. Where there are lots with more than four sides or whose shape may be considered atypical, show all setbacks.
   c. ~~c.~~ Construction plans of all improvements required by these r~~R~~egulations, on-site and off-site, including but not limited to sewers, all utilities, roads, parks, sidewalks, drains, culverts, and grading.
   d. A ~~Phase III~~Yavapai County Flood Control Report.
3. ~~3.~~ Review Fee: At the time of filing of the plat for Technical Review, the applicant shall pay a fee as fixed by the Town Council. If revisions are made and further review is required, additional fees may be required.

C. ~~C.~~ The ~~Town~~Town Engineer will review the technical details of the plat and note any changes necessary for the plat to be in compliance with all ~~Town~~Town, County, State and Federal Engineering Standards. The ~~Town~~Town Engineer will approve and ~~,~~ sign ~~and stamp the plat~~, or reject the plat, and notify the Community Development Director or designee in writing of findings. The Community Development Director or designee will notify the applicant of the findings in writing. If the plat is approved, the Director will advise the applicant to proceed with final platting procedures. If the plat is rejected, the Director or ~~Town~~Town Engineer will review with the applicant the changes needed to receive approval.

***Section 12-34-050 ~~Stage IV -~~ Final Plat, Recording and Post Approval***

~~This stage includes the approval of the final design of the subdivision, and the approval of the public improvement plans, including the submittal of the Final Plat for review and action by the Community Development Director or Designee. Also, this stage includes assurances that shall be required and approved by the Community Development Director or Designee before recording of the plat and the terms for the release of assurances and acceptance of improvements.~~

~~A. A.~~ **Filing of Final Plat.**

A.

1. To initiate Final Plat procedures, the applicant shall file the Final Plat, and an application with the Community Development Department.
2. At the time of filing for Final Plat approval, the applicant shall pay a fee as established by Town Council. If revisions are made and further review is required, additional fees may be required.
3. The Final Plat shall be presented in accordance with the requirements set forth below and shall conform to the approved Preliminary Plat or the Revised Preliminary Plat and the approved Technical Review.

~~**1. To initiate Final Plat procedures, the applicant shall file two copies, and one digital copy of the Final Plat, and an application with the Community Development Director or designee. A digital copy of all submitted materials is required.**~~

~~**2. Filing Fee: At the time of filing for Final Plat approval, the applicant shall pay a fee as fixed by the Council. If revisions are made and further review is required, additional fees may be required.**~~

~~**3. The Final Plat shall be presented in accordance with the requirements set forth below and shall conform to the approved Preliminary Plat or the Revised Preliminary Plat and the approved Technical Review.**~~

~~**B.**~~ **Form of Presentation for the Final Plat.**

~~B.~~ The following information is required as part of the Final Plat submittal. All mapped data for the same plat shall be drawn at the same standard engineering scale of at least one inch equals 100 feet. ~~A digital copy of the Final Plat and all supporting documents is required.~~

B.

1. The Final Plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black ink, that when filed, results in legible prints and negatives produced from the original.
2. Sheet size shall be 24 inches by 36 inches with a border line drawn completely around each sheet leaving an entirely blank margin of 1.5 inches except that the binding edge shall be two inches.
3. Certificates, affidavits, and acknowledgments shall be legibly stamped or printed upon the plat with black opaque ink. All signatures shall be in black waterproof ink, with the ink surface coated with a suitable substance when used on polyester film to assure permanent legibility. Names and titles of signers shall be lettered legibly under their signatures.
4. Scale shall be shown with a bar scale and a written scale.
5. The exterior boundary of the subdivision shall be indicated by a heavy line.
6. Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the total number of sheets shown on each sheet.
7. The case number, subdivision name, date, scale and north point shall be shown on each sheet.
8. Every Final Plat shall have a title sheet either as a separate page or where the size of the subdivision permits as part of the Final Plat. Said title shall contain the following:
    a. The subdivision name shall comprise the title.
    b. Below the title shall be a sub-title consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveys.
    c. References to adjacent subdivisions shall be worded identically with original records, with references to the books and pages of the subdivision.
    d. Name, address, registration number, and signature included with the seal of the registered civil engineer and/or registered land surveyor preparing the plat.
    e. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notary seals required by law and by these regulations shall appear on the title sheet.
    f. The title sheet shall show the basis of bearings.

g. A vicinity map showing the proposed subdivision and the surrounding subdivisions, dedicated right-of-way access to the subdivision, and parcels and streets located within a 300 foot radius of the boundaries of the proposed subdivision.

9. The following survey data shall be required as a part of Final Plat submittal:
   a. The corners of the subdivision shall be located on the monument lines of abutting streets; boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All distances shall be shown in feet and decimals.
   b. Any excluded parcels within or surrounded by the plat boundaries shall be noted as “not a part of this subdivision” and shall show all bearings and distances of the expected parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.
   c. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two separate corners of the subdivision transverse shall be tied by course and distances to separate section corners or quarter-section corners.
   d. Location of all physical encroachments upon the boundaries of the tract.
   e. Ties to any Federal, State, County and Town boundary lines, section corners and quarter corners involved.
   f. Name, right-of-way lines, courses, lengths, and widths of all public streets, alleys, pedestrian or bicycle ways and utility easements; radii, points of tangency, curve lengths, and central angles of all curvilinear streets, alleys and intersection corners.
   g. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways shall be dedicated drainage ways or right-of-way as determined by the Town Engineer or Yavapai County Flood Control District.
   h. All easements for right-of-way provided for public services or utilities and any limitations of the easements. The following notations shall be placed on all Final Plats: “Construction within easements, except by public agencies and utility companies, shall be limited to utilities, and wood, wire, or removable section type fencing.”

i. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the Town with the use clearly indicated.

j. The limits of any 100 year flood plain identified using the standards set forth by the Director of the Arizona Department of Water Resources, together with the base flood elevation, shall be illustrated on the Final Plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the flood plain. A note shall also be placed on the plat indicating that "Flood Plain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Yavapai County Flood Control District."

10. The following description data shall be required as a part of Final Plat submittal:

a. All residential lots shall be numbered by consecutive numbers throughout the plat.

b. Dimensions and square footage of all lots.

c. "Tracts", "parcels", "exceptions" and "common open space" shall be so designated, lettered, or named, and clearly dimensioned.

d. Location of all adjoining subdivisions and developments with date, name, book and page number of recordation noted. If adjoining land is unrecorded or undivided, so shall it be marked on the plat.

e. Any existing or proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the Town, shall be noted on the plat.

f. Limitations on rights of access to and from streets, lots and other parcels of land.

g. Locations and names of streets and pedestrian or bicycle ways adjacent to the proposed subdivision.

h. Provisions for the perpetual maintenance of private roads, recreation facilities, and/or open spaces that are part of the subdivision shall be provided for in the Property Owners Association (or other legal entities) organizational Sections of Incorporation and must be acceptable to the Town.

i. Letters from each utility company indicating serviceability of the subdivision.

11. The following dedication and acknowledgment information is required for Final Plat submittal:
    a. Dedication: There shall be required as part of the Final Plat submittal an irrevocable offer of dedication of any streets, crosswalks, drainage ways, pedestrian or bicycle ways, trails, and other easements for public use by the parties holding title of record, by parties holding titles as vendees under land contract, by spouse of said parties, lienholders and all other parties having an interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication of drainage easements shall be required. Dedication shall include a written location by Section, Township and Range of the tract. If the plat contains private access ways, the right to install and maintain utilities, including refuse collection, in these access ways, shall be reserved.
    b. Acknowledgment of Dedication: Acknowledgment of the offer of dedication shall be certified by a notary public. All parties having any record title or interest in the land being subdivided shall be included in such acknowledgments.
    c. An offer of dedication to the Town or County Flood Control District for any streets, pedestrian or bicycle ways, trails, areas, drainage ways, easements and other rights-of-way for public use either immediate or in the future shall not constitute public ownership or responsibility, until the Town Council formally accepts said offer of a dedication by separate instrument.
12. The following certifications shall be required as a part of the Final Plat submittal:
    a. Certification by the civil engineer or land surveyor preparing the plat, that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a civil engineer or land surveyor, whichever is applicable. Closure calculations may be required if deemed necessary by the Town Engineer.
    b. A certificate signed and acknowledged by all parties having any record of title or interest in the land being subdivided offering for dedication rights of access to and from prescribed streets, lots and parcels of land.

c. A statement of adequate water supply from the Arizona Department of Water Resources, or, if served by a water company, a statement of water serviceability from the serving water company (private or public).

13. A cost estimate for constructing the required public or private improvements signed and sealed by a professional engineer who is registered to practice in the State of Arizona. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Attorney prior to approval of the Final Plat.

~~1. The Final Plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black ink on polyester film ("mylar"), that when filed, results in legible prints and negatives produced from the original.~~

~~2. Sheet size shall be 24 inches by 36 inches with a border line drawn completely around each sheet leaving an entirely blank margin of 1.5 inches except that the binding edge shall be two inches.~~

~~3. Certificates, affidavits, and acknowledgments shall be legibly stamped or printed upon the plat with black opaque ink. All signatures shall be in black waterproof ink, with the ink surface coated with a suitable substance when used on polyester film to assure permanent legibility. Names and titles of signers shall be lettered legibly under their signatures.~~

~~4. Scale shall be shown with a bar scale and a written scale.~~

~~5. The exterior boundary of the subdivision shall be indicated by a heavy line.~~

~~6. Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the total number of sheets shown on each sheet.~~

~~7. The case number, subdivision name, date, scale and north point shall be shown on each sheet.~~

~~8. Every Final Plat shall have a title sheet either as a separate page or where the size of the subdivision permits as part of the Final Plat. Said title shall contain the following:~~

~~a. The subdivision name shall comprise the title.~~

~~b. Below the title shall be a sub-title consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveys.~~

~~c. References to adjacent subdivisions shall be worded identically with original records, with references to the books and pages of the subdivision.~~

~~d. Name, address, registration number, and signature included with the seal of the registered civil engineer and/or registered land surveyor preparing the plat.~~

~~e. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notary seals required by law and by these Regulations shall appear on the title sheet.~~

~~f. The title sheet shall show the basis of bearings.~~

~~g. A vicinity map showing the proposed subdivision and the surrounding subdivisions, dedicated right-of-way access to the subdivision, and parcels and streets located within a 300 foot radius of the boundaries of the proposed subdivision.~~

~~9. The following survey data shall be required as a part of Final Plat submittal:~~

~~a. The corners of the subdivision shall be located on the monument lines of abutting streets; boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All distances shall be shown in feet and one hundredth of feet.~~

~~b. Any excluded parcels within or surrounded by the plat boundaries shall be noted as "not a part of this subdivision" and shall show all bearings and distances of the expected parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.~~

~~c. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two separate corners of the subdivision transverse shall be tied by course and distances to separate section corners or quarter-section corners.~~

~~d. Location of all physical encroachments upon the boundaries of the tract.~~

~~e. Ties to any Federal, State, County and Town boundary lines, section corners and quarter corners involved.~~

~~f. Name, right-of-way lines, courses, lengths, and widths of all public streets, alleys, pedestrian or bicycle ways and utility easements; radii, points of tangency, curve lengths, and central angles of all curvilinear streets, alleys and intersection corners.~~

~~g. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways shall be dedicated drainage ways or right-of-way as determined by the Town Engineer or County Flood Control District.~~

~~h. All easements for right-of-way provided for public services or utilities and any limitations of the easements. The following notations shall be placed on all Final Plats: "Construction within easements, except by public agencies and utility companies, shall be limited to utilities, and wood, wire, or removable section type fencing."~~

~~i. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the Town with the use clearly indicated.~~

~~j. The limits of any 100 year flood plain identified using the standards set forth by the Director of the Arizona Department of Water Resources, together with the base flood elevation, shall be illustrated on the Final Plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the flood plain. A note shall also be placed on the plat indicating that "Flood Plain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Yavapai County Flood Control District."~~

~~10. The following description data shall be required as a part of Final Plat submittal:~~

~~a. All residential lots shall be numbered by consecutive numbers throughout the plat.~~

~~b. Dimensions and square footage of all lots.~~

~~c. "Tracts", "parcels", "exceptions" and "common open space" shall be so designated, lettered, or named, and clearly dimensioned.~~

~~d. Location of all adjoining subdivisions and developments with date, name, book and page number of recordation noted. If adjoining land is unrecorded or undivided, so shall it be marked on the plat.~~

~~e. Any existing or proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the Town, shall be noted on the plat.~~

~~f. Limitations on rights of access to and from streets, lots and other parcels of land.~~

~~g. Locations and names of streets and pedestrian or bicycle ways adjacent to the proposed subdivision.~~

~~h. Typical section of proposed roadways to indicate thickness and type of surfacing, thickness of base courses as determined by soil analysis; design shall be by a Soils Engineer.~~

~~i. Detailed construction plans of all improvements on-site and off-site, prepared in accordance with all State, County and Town standards in effect at the time.~~

~~j. Locations and types of all traffic control devices in accordance with the latest manual of uniform traffic control devices by Arizona Department of Transportation (ADOT).~~

~~k. Provisions for the perpetual maintenance of private roads, recreation facilities, and/or open spaces that are part of the subdivision shall be provided for in the Property Owners Association (or other legal entities) organizational Sections of Incorporation and must be acceptable to the Town.~~

~~l. Letters from each utility company indicating serviceability of the subdivision.~~

~~11. The following dedication and acknowledgment information is required for Final Plat submittal:~~

~~a. Dedication: There shall be required as part of the Final Plat submittal an irrevocable offer of dedication of any streets, crosswalks, drainage ways, pedestrian or bicycle ways, trails, and other easements for public use by the parties holding title of record, by parties holding titles as vendees under land contract, by spouse of said parties,~~

~~lienholders and all other parties having an interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication of drainage easements shall be required. Dedication shall include a written location by Section, Township and Range of the tract. If the plat contains private access ways, the right to install and maintain utilities, including refuse collection, in these access ways, shall be reserved.~~

~~b. Acknowledgment of Dedication: Acknowledgment of the offer of dedication shall be certified by a notary public. All parties having any record title or interest in the land being subdivided shall be included in such acknowledgments.~~

~~c. An offer of dedication to the Town or County Flood Control District for any streets, pedestrian or bicycle ways, trails, areas, drainage ways, easements and other rights-of-way for public use either immediate or in the future shall not constitute public ownership or responsibility, until the Council formally accepts said offer of a dedication by separate instrument.~~

~~12. The following certifications shall be required as a part of the Final Plat submittal:~~

~~a. Certification by the civil engineer or land surveyor preparing the plat, that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a civil engineer or land surveyor, whichever is applicable. Closure calculations may be required if deemed necessary by the Town Engineer.~~

~~b. Certification of plat approval by the Yavapai County Health Department.~~

~~c. A certificate signed and acknowledged by all parties having any record of title or interest in the land being subdivided offering for dedication rights of access to and from prescribed streets, lots and parcels of land.~~

~~d. A statement of adequate water supply from the Arizona Department of Water Resources, or, if served by a water company, a~~

~~**statement of water serviceability from the serving water company (private or public).**~~

~~**13. A cost estimate for constructing the required public or private improvements signed and sealed by a professional engineer who is registered to practice in the State of Arizona. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Attorney prior to approval of the Final Plat.**~~

C. ~~**C.**~~ **Final Plat Review.**

1. ~~1.~~ The Community Development Director, upon receipt of the Final Plat submittal, shall immediately record receipt and date of filing, and check it for completeness. If complete, the Director shall review the plat for substantial conformity to the approved Preliminary Plat, or revised Preliminary Plat, and forward copies of the submittal to the ~~following~~Subdivision Committee.
2. The reviewers shall transmit their recommendations to the Director in writing. The Community Development Director will then summarize the recommendations, prepare a report and present it to the Subdivision Committee.
3. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.~~reviewing parties who shall make known their recommendations in writing: the Yavapai County Flood Control District, Yavapai County Health Department, the Arizona Department of Transportation, if plat abuts a State Highway, the Clarkdale Fire District and the Town of Clarkdale Public Works/Utilities Department.~~

~~**2. The Director shall assemble the recommendations of the various reviewers, prepare a concise summary of their recommendations and submit, together with the reviewer's recommendations, to the applicant. If the Director finds that the Final Plat does not conform to the Preliminary Plat, as approved by the Community Development Director or designee or the approved Technical Review, as approved by the Town Engineer, the Final Plat shall be submitted to the Community Development Director or designee for review and recommendation prior to submittal to final approval.**~~

**D. ~~D.~~ Final Plat Approval, Recording and Post Approval**

1. ~~1.~~ After~~When~~ the certificate of approval by the Community Development Director or designee has been transcribed on the plat, ~~the Town Clerk~~it shall be retained ~~the plat~~ until the following is met:
   a. ~~a.~~ The ~~Town~~Town Engineer certifies that the subdivision has been staked and that the engineering plans, for the subdivision improvements, have been approved.
   b. ~~b.~~ The required letters of assurance of improvements from each serving utility company are attached.
   c. ~~c.~~ An agreement executed by the applicant, in a form acceptable to the ~~Town~~Town and approved by the ~~Town~~Town Manager, covering the following:
      i. ~~1)~~ The subdivision improvements in a recorded development unit may be constructed in practical increments of lots, as specified by the applicant, subject to provisions for drainage, traffic movements, and other services as determined by the ~~Town~~Town Engineer.
      ii. ~~2)~~ The improvements, except those utility facilities not directly governed by the ~~Town~~Town, shall be constructed in accordance with plans approved by the ~~Town~~Town Engineer and the appropriate ~~Town~~Town department for water and public sanitary sewer facilities, and by the ~~Town~~Town Engineer for all other improvements. If the location of the development is so required, water and sanitary sewer facilities shall also be constructed in accordance with plans approved by the appropriate State and County departments.
      iii. ~~3)~~ The improvements, except those utility facilities specified in this ~~Chapter~~Ordinance, shall be completed within a specified time period, for each increment, as determined by the ~~Town~~Town. An extension of time may be granted under conditions specified in the agreement.
      iv. ~~4)~~ The applicant shall give adequate assurance of the construction of each increment in accordance with this ~~Chapter~~Ordinance.

v. ~~5)~~ Progress payments may be made to the applicant on order from any cash deposit made. Such payments shall be made in accordance with standards established by the ~~Town~~Town Engineer.

vi. ~~6)~~ Any work abandoned or not completed by the applicant may be completed by the ~~Town~~Town, and the ~~Town~~Town shall be entitled to recover the construction costs from the applicant's financial assurances posted with the ~~Town~~Town, and if insufficient, from the applicant.

vii. ~~7)~~ Construction of all improvements within streets and easements, except those utility facilities specified in this ~~Chapter~~Ordinance, shall be subject to inspection by the ~~Town~~Town Engineer.

viii. ~~8)~~ No lots shall be released from the approved increment of lots until either the agreement or an assurance of construction has been posted and accepted by the ~~Town~~Town Engineer.

ix. ~~9)~~ With regard to on-site and off-site street and utility improvements accepted for maintenance by the ~~Town~~Town of Clarkdale, the applicant shall warrant all workmanship and materials involved in such improvements for a period of one calendar year after the date of written acceptance.

2. ~~2.~~ Assurance of Construction.~~:~~

a. ~~a.~~ To ensure construction of the required improvements as set forth above in this ~~Section~~Ordinance, except those utility facilities specified in this ~~Chapter~~Ordinance, the applicant shall deposit with the ~~Town~~Town an amount in cash or a letter of credit equal to the amount of the cost of the work of each recorded increment, as determined by the ~~Town~~Town Engineer, guaranteeing that the work will be completed in accordance with ~~Town~~Town ~~details~~ Engineering Standards and S~~s~~pecifications. ~~The letter of credit shall be executed by the applicant, as principal, with a corporation duly authorized to transact business in the State of Arizona, as surety. The letter of credit or cash shall be released upon satisfactory performance of the work and its acceptance by the Town Engineer. The letter of credit may be canceled or the cash withdrawn by the applicant, provided that other security satisfactory to the Town has been deposited~~

~~which will cover the remaining obligations of the applicant. The Town shall provide written acceptance of the other security prior to the applicant canceling the letter or requesting release of security held as an assurance of construction.~~

~~a. b.~~ Any alternative forms of assurance, such as a surety bond, must be approved by ~~Town~~Town Manager during the final plat approval process.

b.

~~b. c.~~ The duration of financial assurances shall be for one year~~12 months~~, from the date of recording. Extension of time in one year increments may be granted by the Community Development Director or d~~D~~esignee upon good cause. The assurance shall remain in force and effect until it is released by the Community Development Director or d~~D~~esignee or has been authorized for partial release as provided herein.

c.

~~c. d.~~ The ~~Town~~Town Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the financial assurance for the work completed in accordance with the approved cost estimate and construction plans. Ten percent of the estimated cost of completed improvements shall be retained to insure sufficient funds remain to insure completion of the improvements, final inspections and preparation of final “as-built” plans.

d.

~~d. e.~~ In the event the applicant defaults or fails or neglects to satisfactorily install the required improvements within three years from the date of recording, the ~~Town~~Town Manager may declare the assurance forfeited, and the ~~Town~~Town may make or cause the required improvements to be made, using the funds from the financial assurance to pay the full expense thereof. In addition, the Director shall notify the State Real Estate Commissioner of the default.

e.

f. ~~f.~~ If good cause is shown by the applicant, the Community Development Director or d~~D~~esignee may extend the term of the assurance and the time limit for completion of subdivision improvements.

3. ~~3. Upon receiving certification from the Town Engineer and the assurances required by these Regulations, the Town Clerk shall cause the~~The applicant shall be responsible for taking the Final Plat to be recorded in the Office of the Yavapai County Recorder.
4. ~~4. Inspection:~~ The applicant, using the services of an Arizona registered Professional Engineer and plans as approved by the ~~Town~~Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than 30 days prior to the release date of the assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of "as-built" construction plans, if complete, or a report on the status of improvements, if only partially complete, to the ~~Town~~Town Engineer.
5. ~~5.~~ A fee may be imposed by the Town Council for the inspection by the ~~Town~~Town Engineer.
6. ~~6.~~ Report to Community Development Director or d~~D~~esignee: The ~~Town~~Town Engineer will review the "as-built" plans and/or report, with the applicant's Engineer of Record and notify the applicant of any noncompliance with the approved construction plans or with these r~~R~~egulations. If the ~~Town~~Town Engineer determines that compliance has been made, he will then submit a report to the Community Development Director or d~~D~~esignee, setting forth the conditions of such facilities.
7. ~~7. Release:~~ A certificate sealed by the Engineer of Record on the "as-built" plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein, must be approved by the ~~Town~~Town Engineer and presented to the Community Development Director or d~~D~~esignee prior to the final release of assurances, who shall forward said plans to the Public Work Director or ~~Desginee~~designee. If all ~~of the~~ improvements comply with ~~Town~~Town Standards, the ~~Town~~Town Manager shall release the guarantee. If the condition of materials or workmanship show unusual depreciation or does not comply with ~~Town~~Town Standards, the ~~Town~~Town Engineer may present this information to the Community Development Director or d~~D~~esignee who may declare the applicant in default.

8. ~~8.~~ Once the improvements are approved and the assurances are released, the Public Works Director or designee shall review the improvements for acceptance into the ~~Town~~Town system for maintenance.

~~9. If the Public Works Director or designee approves the plat, the Town Clerk shall transcribe a certificate of approval upon the plat, first making certain that the other certifications required by these Regulations have been duly signed.~~

**SECTION 12-~~4~~5**

**MINOR SUBDIVISION**

~~*12-5-010 Minor Subdivision*~~*12-4-010 Minor Subdivision*

~~*12-5-020 Outline of Minor Subdivision Procedures*~~*12-45-020 Outline of Minor Subdivision Procedures*

~~12-5-030 Minor Subdivision Preliminary Plat Review~~

~~*12-5-040 Responsibilities of the Subdivision Committee*~~

~~*12-5-050 Appeals*~~

~~*12-5-060 Significance of Minor Subdivision Plat Approval*~~

***Section 12-~~4~~5-010 Minor Subdivision***

The Minor Subdivision is a process developed to respond to the needs of property owners who are proposing subdivisions of 10 lots or fewer. The ~~The Preliminary Plat process is replaced by an administrative review by the Subdivision Committee. The Final Plat approval~~ process shall ~~is still required for Minor Subdivisions, as is~~ compl~~yiance~~ with all requirements of this Ordinance and of Arizona Revised Statutes~~. and compliance with all requirements of the Arizona Department of Real Estate.~~

***Section 12-~~4~~5-020 ~~Outline of~~ Minor Subdivision Procedures***

The preparation, submittal, review, and approval of all Minor Subdivision Plats located in the ~~Town~~Town limits shall proceed through the following ~~progressive stages~~:

A. ~~**A. Stage I -**~~ **Pre-Application ~~Conference~~meeting.** Refer to Section ~~12-4-020~~12-34-020 of these regulations for submittal requirements and process.

B. ~~B. Stage II -~~ **Minor Subdivision Plat.** Refer to Section ~~12-4-030~~12-34-030 of this regulation for submittal requirements and process. ~~The Minor Subdivision Plat shall be reviewed by the Subdivision Committee.~~

C. ~~C. Stage III -~~ **Technical Review.** Review to Section ~~12-4-040~~12-34-040 of these regulations for submittal requirements and process.

D. ~~D. Stage IV~~ **Final Plat, Recording and Post Approval.** Refer to Section ~~12-4-050~~12-34-050 of these regulations for submittal requirements and process.

~~Section 12-5-030 Minor Subdivision Preliminary Plat Review~~

~~**A. The Community Development Director or designee shall distribute copies of the plat to the following:**~~

~~**1. Subdivision Committee:**~~

~~**a. Community Development Director or designee**~~

~~**b. Public Works and/or Utilities Director**~~

~~**c. Town Engineer**~~

~~**d. Police Department**~~

~~**e. Committee Chair or designee**~~

~~**2. The Yavapai County Flood Control District**~~

~~**3. The Yavapai County Environmental Services**~~

~~**4. Representatives of local utilities**~~

~~**5. Arizona Department of Transportation for recommendations regarding right-of-way and intersection design when the land abuts a state highway**~~

~~**6. Clarkdale Fire District**~~

~~**B. The reviewers may be requested to transmit their recommendations to the Community Development Director in writing. The Director will then summarize the recommendations, prepare a report and present it to the Committee.**~~

~~**Section 12-5-040 Responsibilities of the Subdivision Committee**~~

~~**The Subdivision Committee shall recommend for approval, conditional approval, or denial of the proposed Minor Subdivision Plat, as proposed, after**~~

~~considering the recommendations and findings of the Director and all other appropriate agencies.~~

~~A. Recommendation for approval by the Subdivision Committee shall be based on the following findings:~~

~~1. The proposed subdivision conforms to the adopted standards and policies of the Town.~~

~~2. The proposed subdivision, as reviewed and approved, will not be detrimental to the public's health, safety, and general welfare.~~

~~3. Environmental concerns conform to adopted standards.~~

~~4. The proposed subdivision is consistent with provisions of Zoning Code requirements applicable to the property.~~

~~6. The proposed subdivision conforms to the improvement standards and design standards set forth in these Regulations and other applicable Town, County, State and Federal regulations.~~

~~B. If satisfied all objectives of these Regulations have been met, the Subdivision Committee shall recommend approval of the Minor Subdivision Plat. The Community Development Director or Designee Chair or designee shall sign one copy of the Minor Subdivision Plat as recognition of approval and return to the applicant.~~

~~C. If the Minor Subdivision Plat is generally acceptable but requires minor revision(s), the Subdivision Committee shall recommend for conditional approval, with the required revisions being noted in the meeting minutes. The staff will forward a copy of the minutes with the copies of the Minor Subdivision Plat to the Community Development Director or Designee.~~

~~D. If the Subdivision Committee finds the Minor Subdivision Plat is not in conformance with five or more requirements, the plat shall be held for revision, re-submittal, processing and rescheduled for review.~~

~~Section 12-5-050 Appeals~~

~~If the Subdivision Committee finds that the Minor Subdivision Plat does not meet the requirements of these Subdivision Regulations, the applicant may appeal this decision to the Board of Adjustment with the following stipulations:~~

~~A. All appeals shall be made in writing setting forth the particulars and the reasons for the appeal and filed with the Town Clerk; a copy shall also be filed with the Community Development Director.~~

~~B. Appeals must be made within 30 days from the date of the findings of the Subdivision Committee.~~

~~C. The Board of Adjustment will hear and decide such cases for appeal no later than 30 days after appeal is taken.~~

~~D. The Board of Adjustment shall decide on appeals wherein it is alleged by the applicant that there is error in any order, requirement, decision, grant or refusal made by the Subdivision Committee or any official in the administration of these Regulations.~~

~~E. The Board of Adjustment may approve, disapprove or approve with modifications, upon appeal or recommendation of the Subdivision Committee in specific cases, such variations as will not be contrary to the public interest, where, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.~~

~~Section 12-5-060 Significance of Minor Subdivision Plat Approval~~

~~Minor Subdivision Plat approval constitutes authorization for the applicant to proceed with preparation of the engineering plans and specifications for public improvements. Minor Subdivision approval is subject to the following:~~

~~A. The basic considerations under which approval of the Minor Subdivision Plat is granted will not be changed prior to the expiration date of Minor Subdivision Plat approval.~~

~~B. Approval is valid for a period of three years from the date of Community Development Director or Designee action. Requests can be made for two, one year extensions up to a total of not more than five years from the original date of approval. Extensions of the Minor Subdivision Plat approval may be granted by the Community Development Director or Designee upon receipt of a letter from the applicant before the expiration date.~~

~~C. Minor Subdivision Plat approval, in and of itself, does not ensure final acceptance of streets for dedication or continuation of existing zoning~~

~~**requirements for the tract or its environs. It does not constitute authorization to record the plat.**~~

~~**D. Compliance with all requirements of the Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate.**~~

**SECTION 12-~~5~~6**

**MINOR LAND DIVISIONS ~~AND LOT LINE ADJUSTMENTS~~**

~~*12-6-010 Purpose of Minor Land Divisions*~~*12-56-010 Purpose of Minor Land Divisions*

~~*12-6-020 Applicability*~~*12-56-020 Applicability*

~~*12-6-030 General Standards*~~*12-56-030 General Standards*

~~*12-6-040 Application Requirements*~~

~~*12-6-050 Application Process*~~*12-56-040 Application Process*

~~*12-6-060 Conspiracy to Subdivide*~~*12-56-05~~6~~0 Conspiracy to Subdivide*

~~*12-6-070 Purpose of Lot Line Adjustment*~~

~~*12-6-080 General Standards*~~

~~*12-6-090 Application Requirements*~~

~~*12-6-100 Application Process*~~

~~*12-6-110 Roadway Standards for Minor Subdivisions*~~

***Section 12-~~5~~6-010 Purpose of Minor Land Divisions***

A. ~~A.~~ Provide for the division of land into parcels or lots of two or three parts through a process that is more expeditious than the subdivision process.

B. ~~B.~~ Maintain accurate records of surveys created to divide existing parcels or lots.

C. ~~C.~~ Assure the proposed land division conforms to the standards established by the ~~Town~~Town of Clarkdale.

D. ~~D.~~ Ensure adequate legal access to lots or parcels.

E. ~~E.~~ Ensure adequate emergency vehicle access to lots or parcels.

F. ~~F.~~ Ensure that Minor Land Division does not constitute a subdivision as defined in Zoning Code Section ~~12-2~~12-2 or Arizona Revised Statutes Title ~~9~~9.

***Section 12-~~5~~6-020 Applicability***

~~A.~~ The regulations contained in this ~~Section~~ Ordinance shall apply to all divisions of land made within the corporate limits of the ~~Town~~Town of Clarkdale since December 12, 1986, the effective date of revisions to the ~~Town~~Town Code, whereby the division of any property into four or more parcels shall proceed through the subdivision process and be subject to all of the provisions of Chapter ~~1~~12 - Subdivision Regulations of the Zoning Code of the ~~Town~~Town of Clarkdale.

A. ~~1.~~ The division of improved or unimproved land or lands, totaling 2.5 acres or more, into two or three lots, tracts, or parcels, and which does not involve a new street, shall be subject to the provisions of this Ordinance ~~Section~~.

B. ~~2.~~ All other divisions or changes shall proceed through the s~~S~~ubdivision process.

***Section 12-~~5~~6-030 General Standards***

~~A. A.~~ All Minor Land Divisions shall be developed to comply with all requirements for the specific zoning district in which the divisions are located. At a minimum, these will include meeting the following, if applicable:

A.

1. Minimum lot size
2. Minimum lot width
3. Minimum setbacks
4. Minimum yard or frontage requirements
5. Lot coverage and floor area ratio

~~1. Minimum lot size~~

~~2. Minimum lot width~~

~~3. Minimum setbacks~~

~~4. Minimum yard or frontage requirements~~

~~5. Lot coverage and floor area ratio~~

B. ~~B.~~ No lot or parcel shall be divided so that any division of the lot contains more dwelling units than are permitted by the zoning district for which the lot or parcel is located.

C. ~~C.~~ No lot or parcel shall be divided so that any division of the lot results in a split zoning classification on a single lot or parcel.

D. ~~D.~~ No lot or parcel shall be divided so that any division of the lot or parcel results in the creation of a non-conforming structure or use.

E. ~~E.~~ No lot or parcel shall be divided so that any division of the lot results in a lack of legal access to any lots or parcels created by the division.

**~~Section 12-6-040 Application Requirements~~**

~~This section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Minor Land Divisions. Unless exempted by the Director, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than 1 inch equals 100 feet. Unless otherwise directed, the map data will be drawn on a sheet not to exceed 24 inches by 36 inches.~~

~~A. Minor Land Divisions~~

~~1. Completed Minor Land Divisions Application~~

~~2. Two paper copies and one digital copy of a Minor Land Divisions Survey from a land surveyor registered in the State of Arizona containing the following information:~~

~~a. Title, which shall read "Minor Land Division Map for (name of applicant)".~~

~~b. Location by section, township, and range.~~

~~c. Legal description of land involved.~~

~~d. Name, address, email address and phone number of applicant and/or owner.~~

~~e. Scale, north point, and dates of preparation and revisions.~~

~~f. Existing streets (public or private), utility easements, and lot or parcel lines.~~

~~g. Name, address, registration number, and seal of the registered land surveyor preparing the map.~~

h. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be shown in feet and decimals.

i. Location and dimensions of all lots within the Minor Land Division Map. All sides of the proposed lots shall be identified by bearing and distances.

j. All lots shall be identified by number or letter.

k. Proposed street dedications or private access easements, as well as public utility easements, shall be identified by course, length and width.

l. If questions pertaining to property boundaries develop, the Community Development Department may require location of all existing physical and natural features, including, but not limited to, buildings, structures, bridges, culverts, within the Minor Land Division boundaries. The applicant shall also identify any of those features which are to be removed.

m. The map shall include provisions for signatures – the Director and the Town Engineer and the date of approval.

n. Identify any public utility extensions or upgrades, when required, to serve proposed land division.

o. Any ingress or street improvements necessary to ensure compliance with emergency vehicle access, dust abatement, and drainage improvements necessary to mitigate any negative effects on current public infrastructure adjacent to and/or fronting the proposed land division.

p. Other information as deemed applicable by the Director to enable the Town to determine the compliance of the Minor Land Division with applicable ordinances and regulations.

3. Payment of a fee for review of the application.

4. Documentation of the land division history of the parcel proposed to be divided in the form of a chain of title or a history of the ownership of the parcel proposed to be split, dating back to December 12, 1986, the effective date of the Code; the chain of title or history of ownership shall be provided so as to determine whether or not the proposed land split constitutes a subdivision. Such documentation shall be presented by a recognized title company doing business in the state of Arizona in the form of a title history search, copies of deeds, or County Assessor's records and maps.

***Section 12-56-045~~0~~ ~~———~~Application Process***

A. **Pre-application meeting**. A pre-application meeting is mandatory. The purpose of the pre-application meeting is to:

1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
2. Discuss the development review process and required submissions with the applicant.
3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
5. Persons applying will be required to submit a Pre-application meeting request, including the site plan and supporting documentation. These materials shall be submitted to the Community Development Department, who shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of a submittal shall be required per Article 3-4 of the Town Code.
   a. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic communication and specify the additional materials required to make the application complete.
   b. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the Subdivision Committee.
6. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal.
7. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

~~**A. Pre-Application Process**~~

~~**The applicant shall meet with the Director to discuss the proposed Minor Land Division. The Director shall advise the applicant of the specific objectives of this Section and the specific procedures, standards, and approval process regarding the review of the application.**~~

B. ~~**B.**~~ **Submittal of Application**~~**. to the Community Development Department**~~

This Section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Minor Land Divisions. Unless exempted by the Community Development Director, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals 100 feet. Application requirements:

1. Completed Minor Land Divisions Application.
2. A Minor Land Divisions Survey from a land surveyor registered in the State of Arizona containing the following information:
   a. Title, which shall read “Minor Land Division Map for (name of applicant)”.
   b. Location by section, Township, and range.
   c. Legal description of land involved.
   d. APN of parcel.
   e. Name, address, email address and phone number of applicant and/or owner.
   f. Scale, north point, and dates of preparation and revisions.
   g. Existing streets (public or private), utility easements, and lot or parcel lines.
   h. Name, address, registration number, and seal of the registered land surveyor preparing the map.
   i. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be shown in feet and decimals.
   j. Location and dimensions of all lots within the Minor Land Division Map. All sides of the proposed lots shall be identified by bearing and distances.
   k. All lots shall be identified by number or letter.
   l. Proposed street dedications or private access easements, as well as public utility easements, shall be identified by course, length and width.

m. If questions pertaining to property boundaries develop, the Community Development Department may require location of all existing physical and natural features, including, but not limited to, buildings, structures, bridges, culverts, within the Minor Land Division boundaries. The applicant shall also identify any of those features which are to be removed.

n. The map shall include signature blocks for the Community Development Director and the Public Works Director, including the date of approval.

o. Identify any public utility extensions or upgrades, when required, to serve proposed land division.

p. Any ingress or street improvements necessary to ensure compliance with emergency vehicle access, dust abatement, and drainage improvements necessary to mitigate any negative effects on current public infrastructure adjacent to and/or fronting the proposed land division.

q. Other information as deemed applicable by the Director to enable the Town to determine the compliance of the Minor Land Division with applicable ordinances and regulations.

3. Payment of a fee for review of the application.

4. Documentation of the land division history of the parcel proposed to be divided in the form of a chain of title or a history of the ownership of the parcel proposed to be split, dating back to December 12, 1986, the effective date of the Code; the chain of title or history of ownership shall be provided so as to determine whether or not the proposed land split constitutes a subdivision. Such documentation shall be presented by a recognized title company doing business in the state of Arizona in the form of a title history search, copies of deeds, or Yavapai County Assessor's records and maps.

5. The Community Development Director or designee shall check all submittals to ensure the application is in compliance with the objectives and standards of this Ordinance and the General Plan.

6. Upon receipt of a completed application, the Director or their designee, shall approve or deny the application within 30 days.

C. **Actions after Approval**

1. If approved, the applicant shall submit the following: A final, recordable, reproducible map consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track or parcel, and signature blocks for the Community Development Director and the Public Works Director.
2. Upon written approval by the Director, applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. Said recording shall occur within 60 days of approval, or the Minor Land Division shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.

~~1.~~ ***~~1. The Director or designee, shall check all submittals to ensure the application is in compliance with the objectives and standards of this Ordinance and the General Plan. It shall be the responsibility of the Community Development Department to ensure all relevant departments, utilities, and other agencies receive copies for review. The following information is required at the time of application:~~***

***~~a. Completed application form.~~***

***~~b. Application fee.~~***

***~~c. Completed land division survey as noted in Section 12-5-040-4-A.2 above.~~***

***~~d. The chain of title or history of the ownership of the parcel proposed to be split.~~***

***~~C. Decision of Director~~***

~~2.~~ ***~~1. Upon receipt of a completed application, the Director, or their designee, shall approve or deny the Permit within 30 days. A denial may be based only upon one or more, of the following findings:~~***

***~~a. Parcels resulting from the division do not conform to applicable zoning regulations.~~***

***~~b. The division of land results in a subdivision as defined in the Subdivision Regulations.~~***

~~3.~~ ***~~c. One or more of the resulting parcels are landlocked.~~***

***~~D. Appeals~~***

~~***An appeal may be taken to the Board of Adjustments by any taxpayer who owns or leases property adjacent to, or within three hundred feet of, the boundary of the affected property, or by any officer or department of the municipality affected by the action. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.***~~

~~***E. Actions after Approval***~~

~~***If approved, the applicant shall submit the following:***~~

~~***1. Two copies, plus one digital copy, of a final, recordable, reproducible, mylar map 24 inches by 36 inches consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track or parcel, and signature block for the Community Development Director.***~~

~~***2. Upon written approval by the Director, applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. Said recording shall occur within 60 days of approval, or the Minor Land Division shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.***~~

***Section 12-56-0560 Conspiracy to Subdivide***

Any Minor Land Division or sequence of divisions which are the result of two or more individuals, firms, partnerships or corporations conspiring together to create four or more parcels of land shall be deemed a subdivision and subject to all provisions of the ~~Town~~Town of Clarkdale Subdivision Ordinance.

## SECTION 12-6 LOT LINE ADJUSTMENTS

*12-6-010 Purpose of Lot Line Adjustment*
*12-6-020 General Standards*
*12-6-030 Application Process and Requirements*

***Section 12-6-0170 Purpose of Lot Line Adjustment***

The Lot Line Adjustment is an agreement between adjoining property owners to adjust a common boundary line. No new lots or parcels are created. For purposes of this Section, a Lot Line Adjustment shall include the following acts:

~~A. A.~~ The Lot Line Adjustment between owners of adjoining properties solely for the purpose of revisions to common boundary lines; and

A.

~~B.~~ Additional lots are not being created.~~; and~~

B. ~~C. Any lot remaining after the Lot Line Adjustment shall contain at least the minimum lot size, setback, frontage as required by the Zoning Code, and shall meet all other lot standards of the Town of Clarkdale's Zoning Code.~~

***Section 12-6-0280 General Standards***

A. ~~A.~~ All Lot Line Adjustments shall be developed to comply with all requirements for the specific zoning district in which the divisions are located. At a minimum, these will include meeting the following, if applicable:

1. ~~*1.*~~ *Minimum lot size.*
2. ~~*2.*~~ *Minimum lot width.*
3. ~~*3.*~~ *Minimum setbacks.*
4. ~~*4.*~~ *Minimum yard or frontage requirements.*
5. ~~*5.*~~ *Lot coverage and floor area ratio.*

B. ~~B.~~ No Lot Line Adjustment shall result in more dwelling units than are permitted by the zoning district for which the lot or parcel is located.

C. ~~C.~~ No Lot Line Adjustment shall result in a split zoning classification on a single lot or parcel.

D. ~~D.~~ No Lot Line Adjustment shall result in the creation of a non-conforming structure or use.

E. ~~E.~~ No Lot Line Adjustment shall result in a lack of legal access to any lots or parcels created by the division.

**~~Section 12-6-090 Application Requirements~~**

~~This section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Lot Line Adjustments. Unless exempted by the Community Development Director, the~~

~~information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals one hundred feet. Unless otherwise directed, the map data will be drawn on a sheet not to exceed 24 inches by 36 inches.~~

~~1. *A. Lot Line Adjustments*~~

~~*1. Completed Lot Line Adjustment Application.*~~

~~*2. Lot Line Adjustment Survey, two paper copies plus one digital copy, completed by a registered land surveyor in the State of Arizona.*~~

~~*3. Payment of the Application Fee.*~~

***Section 12-~~66~~-03~~10~~0 ~~Application~~ Application Process***

An application for a Lot Line Adjustment shall be submitted to the Community Development Department. ~~with the required copies of the lot line adjustment survey and the application fee.~~ The Community Development Director or designee shall have 30 working days to approve or reject the application. ~~If approved by the Director, the land survey shall be recorded by the applicant in the office of the Yavapai County Recorder within 10 calendar days. A copy of the recorded Lot Line Adjustment shall be provided to the Community Development Department after recording. If rejected, written notice shall be provided to the applicant via first class mail, postmarked within 10 days after the expiration of the 30 day review period. The written notice shall specify the reasons for denial.~~

A. **Submittal of Application.** This Section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Lot Line Adjustments. Unless exempted by the Community Development Director, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals 100 feet.

B. **Application Requirements.**

1. Completed Lot Line Adjustment Application.
2. Lot Line Adjustment Survey completed by a registered land surveyor in the State of Arizona.
3. Payment of the Application Fee.

D. **Actions after Approval.** If approved, the applicant shall submit the following:

1. A final, recordable, reproducible map consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track or parcel, and signature block for the Community Development Director and the Public Works Director.
2. Upon written approval by the Director, applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. Said recording shall occur within 60 days of approval, or the Minor Land Division shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.

~~A. Appeals~~

~~An appeal may be taken to the Board of Adjustments by any taxpayer who owns or leases property adjacent to, or within three hundred feet of, the boundary of the affected property, or by any officer or department of the municipality affected by the action. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.~~

~~B. Actions after Approval~~

~~If application is approved the applicant shall submit the following:~~

~~1. A final, recordable, reproducible, mylar map 24 inches by 36 inches consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track, or parcel, and signature block for the Community Development Director.~~

~~2. Upon written approval by the Director, the applicant shall record the Lot Line Adjustment map with the Yavapai County Recorder's Office. Said recording shall occur within 60 days of approval or the Lot Line Adjustment shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.~~

~~Section 12-6-110 Roadway Standards for Minor Subdivisions~~

~~A. The following roadway standards shall be used in the consideration of Minor Subdivisions. In all other respects the Design Principles will be the same as for any other roadway within a subdivision.~~

1. Between 2 and 3 lots: Private Street Standard expanded to include a 25 foot right-of-way.
2. From 4 to 6 lots: Rural Lane Standard.
3. From 7 to 10 lots: Rural Local Standard.

B. Roadways required as outlined above shall be provided along the entire frontage of the lots being created and must be provided with required rights-of-way that are dedicated and constructed in accordance with the provisions of the Subdivision Regulations following the approval of the Community Development Director or designee of the Final Plat and prior to the issuance of any building permits for the lots. Each of the deeds created for the resulting lots must carry a notation pointing out the responsibility of the property owner to improve the roadway to the required standard prior to issuance of building permits. All new roadways to be dedicated to the Town must be constructed to the minimum requirements as approved by the Town Engineer and the Public Works and/or Utilities Director.

C. Any lots created that would have their frontage on what is indicated in the General Plan of the Town of Clarkdale (as it may be amended) as existing or proposed collector or arterial streets shall provide the minimum right-of-way for that street type.

D. All street rights-of-way shall also include an adjacent minimum 8 foot Public Utility Easement, on one side for the entire length of the street segment.

Section 12-7

PUBLIC IMPROVEMENT STANDARDS

12-7-010 Purpose
12-7-020 Improvement Plans
12-7-030 Construction and Inspection
12-7-040 Required Improvements

Section 12-7-010 Purpose

A. It is the purpose of this Section to establish in outline the minimum acceptable standards for improvement of streets and utilities, to define the responsibility of the applicant in planning, constructing and financing improvements and to establish procedures for review and approval of engineering plans.

B. All improvements in streets or easements which are required as a condition to plat approval shall be the responsibility of the applicant.

Section 12-7-020 Improvement Plans

A. A complete set of engineering plans for construction of all required improvements shall be prepared by an engineer registered in Arizona. Such plans shall be based on those approved during the Preliminary Plat and the Technical Review stages.

B. Final construction plans for all improvements shall be approved and signed by the Town Engineer prior to the approval of the Final Plat.

Section 12-7-030 Construction and Inspection

A. All improvements, whether public or private, shall be constructed to the latest standards and specifications adopted by the Town.

B. All improvements in a public right-of-way shall be constructed under the inspection and approval of the Town Engineer and/or the Public Works and/or Utilities Director. Construction shall not commence until a permit has been issued for such construction. Work shall not be discontinued or suspended unless first approved by the Town and work shall not resume prior to notification and approval of the Town.

C. All underground utilities to be installed in the street shall be constructed prior to the surfacing of such street.

D. All relocations and reconstruction of irrigation facilities shall be done to standards of the owning utility and the Town Engineer.

E. Improvements proposed or required on County or State highway right-of-way shall be included in the improvement plans and designed to the applicable County or State standards. Prior to approval by the Town Engineer, the applicant shall acquire the approval of such improvements by the applicable County or State authorities, as directed by the Town Engineer.

F. Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting unsubdivided land. (Prior code § 12-7-3)

Section 12-7-040 Required Improvements

A. Streets

1. All streets and alleys, both public and private, within the subdivision, including perimeter streets or half-streets, shall be improved in accordance with Section 12-3 of these Regulations.

2. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of existing streets.

~~3. Dead-end streets serving more than four (4) lots shall be provided with an improved temporary turning circle.~~

~~4. When a major collector or arterial street is included, or is a perimeter street, the Town may pay for such extra width paving as deemed appropriate by the Town.~~

~~5. Where curbs and/or sidewalks are required, they shall be paved with Portland cement to the latest MAG standards or the latest standards and specifications of the Town Code, if the Town Code is more restrictive.~~

~~C. Water~~

~~1. All lots will be supplied with public or private piped water unless the lots are larger than seventy thousand (70,000) square feet in area. Supplied water shall be of sufficient volume and at a minimum pressure of twenty pounds per square inch (20 PSI) for domestic use and fire protection. All lines shall be designed to the standards of Arizona Department of Environmental Quality (ADEQ).~~

~~2. If water is supplied by a public or private water company, the minimum service connection shall be three-quarter inch to each lot.~~

~~3. If water is supplied by a public or private water company, then fire hydrants shall be installed in the subdivision at locations and to grades approved by the Water Company, Town Engineer and the Fire District, and in conformance with Town and Uniform Fire Code Standards.~~

~~4. If water service is not available from a public or private water company then a statement of water adequacy from the Arizona Department of Water Resources will be required.~~

~~D. Sewers~~

~~1. If the subdivision is within 25 feet per lot (i.e. 250 feet for 10 lots, 1,250 feet for 50 lots) of an available sanitary sewer then, each lot shall be supplied with connection to such sewer with lines designed to Town, County, and State standards.~~

~~2. If connection to a public sewer system is not required, the Town shall require the installation of capped sewer mains, if the average subdivision lot is less than two acres in area.~~

~~3. When connection to a sanitary sewer system is not available, septic tanks or other disposal systems may be permitted provided a statement is submitted from the County Health Department certifying that field investigation has determined~~

~~ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as depicted on the subdivision plan.~~

~~E. Gas service may be furnished according to current supplies as determined by the franchise supplier.~~

~~F. Utilities~~

~~1. New utilities including, but not limited to electric, internet fiber optics, communication and television cable shall be installed underground.~~

~~2. When overhead utility lines exist within the property being platted, including boundary easements, said existing overhead utility lines and the new installations within the platted area shall be placed underground.~~

~~3. When overhead utility lines exist on the boundary of the property being platted, said existing overhead utility lines, and any additions or replacements needed to increase capacity or improve service reliability, may remain overhead, provided however, that any service drops into the platted area from said peripheral overhead lines shall be underground.~~

~~4. Electric lines greater than three thousand Kilovolt Amps (3,000 KVA) capacity shall be exempt from being placed underground.~~

~~5. Exception may be granted if the Community Development Director or designee recommends that due to soil or other natural features is impractical to place the utility underground.~~

~~6. Design of all underground utilities shall be coordinated to prevent conflicts. All utilities shall be installed in a manner consistent with separations required by local county and state agencies.~~

~~7. The applicant shall make the necessary arrangements with each of the serving utility companies involved for the installation of the underground facilities. Letters from each utility company indicating such arrangements have been made shall be submitted to the Director prior to submittal of the Final Plat.~~

~~G. Storm Drainage and Detention~~

~~1. The applicant shall make provisions for the disposal of storm water entering, as well as initiated in the subdivision, in accordance with plans approved by the Yavapai County Flood Control District and the Town Engineer.~~

~~2. The hydrologic function of existing major water courses shall be protected.~~

~~3. Complete hydrology and hydrological design computations and a Phase III County Flood Control Report shall accompany the plans and shall be approved by the Town Engineer before recordation of the Final Plat.~~

~~4. Increases in on-site storm runoff due to development shall be addressed in the hydrologic/hydrological analysis and shall meet the criteria set forth in the most recent Yavapai County Flood Control District Reference Storm Water Detention Material.~~

~~5. Once constructed and approved by the Town, the drainage and detention facilities shall not be modified unless such modification is approved by the Town Engineer.~~

~~H. Streetlights shall be required and installed in accordance with Town Standards. Installation, or partial installation in residential and industrial subdivisions, may be waived by the Community Development Director or designee.~~

~~I. Street Name and Traffic Control Signs~~

~~1. All streets in a subdivision shall be named and identified by signs installed at every street intersection.~~

~~2. Traffic control devices shall be installed as recommended by the Town Police Department and Public Works Department.~~

~~3. All signs and devices shall be standard as indicated by Town policy and as approved by the Public Works and/or Utilities Director.~~

~~J. Monuments~~

~~1. Permanent monuments shall be installed as approved by the Town Engineer, at all corners, angle points, points of curve and at all street intersections for streets within and around the perimeter of the subdivision and at such other locations as determined by the Town Engineer.~~

~~2. A permanent marker acceptable to the Town Engineer shall be set at all corners, angle points and points of curve for each lot within the subdivision prior to the recording of the plat.~~

~~3. After all monuments have been installed, a registered land surveyor shall check the location of the monuments and certify their accuracy.~~

~~K. Buffering requirements set forth in Chapter 9 - Landscape Design Standards, shall be implemented to separate residential lots from arterial and collector streets if said residential lots back to such streets.~~

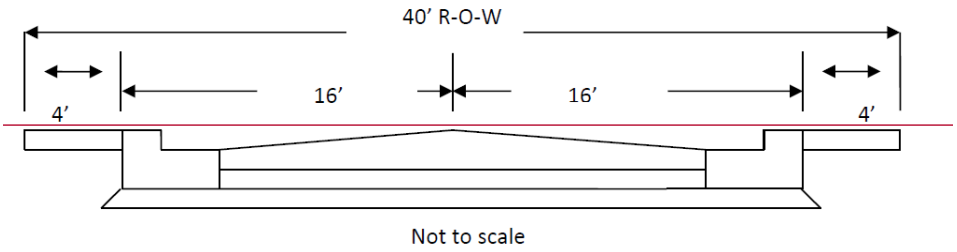
~~L. Landscaping or retaining walls may be required by the Town Engineer to prevent erosion on areas of cut or fill.~~

~~M. As a condition of Final Plat approval, the Community Development Director or designee may require an applicant to pay a pro rata share of the cost, or agree to install the necessary street, sewerage, drainage and other improvements, including land and easements, located off-site of the property limits of the subdivision but necessitated or required by the development. "Necessary" improvements are those for which there is nexus related to the proposed subdivision. The Community Development Director or designee and shall provide in its Preliminary Plat approval the basis of the required improvements. The capacity and design of proposed improvements shall be based upon the recommendations of the Town Engineer, the Yavapai County Flood Control District, the Arizona Department of Transportation (ADOT), and the adopted Town Circulation Plan, Sewer Plan, Drainage Plan, General Plan or other adopted improvement plans. At the discretion of the Community Development Director or designee, pro rata funds may be deposited into an escrow account for future construction if it is deemed by the Community Development Director or designee that it is in the interest of the Town to delay construction of said improvements. In no case shall the delay be more than six years and in the case that the Town elects to not construct the improvements within six years, the funds will be returned to the applicant with interest paid at the same rate of interest that the Town received on the funds.**

~~N. Upon completion of development, the applicant's Engineer of Record shall provide and certify a set of "as-built" construction plans to the Town Engineer, stating that all required improvements have been completed in substantial conformance to the specifications and standards contained in or referred to herein.~~

~~Exhibit A -~~

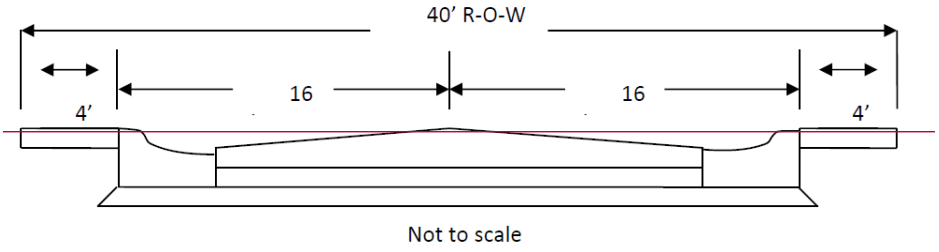
~~Residential Collector~~




| | |
|---|---|
| ~~R-O-W Width~~ | ~~40 feet~~ |

| | |
|---|---|
| ~~Improved Roadway~~ | ~~28 feet Back of Curb/Back of Curb~~ |
| ~~Surface~~ | ~~2 inches asphalt with 6 inches Base~~<br>~~or~~<br>~~3 inches asphalt with 4 inches Base~~ |
| ~~Base~~ | ~~ABC (Aggregate Base Course)~~ |
| ~~Subgrade~~ | ~~6 inches minimum~~ |
| ~~Curb/gutter~~ | ~~6 inches vertical – 2 foot horizontal~~ |
| ~~Shoulders~~ | ~~None~~ |
| ~~Ditches~~ | ~~None~~ |
| ~~Maximum ADT~~ | ~~3,000~~ |
| ~~Sidewalk~~ | ~~4 feet Minimum~~ |
| ~~Crown~~ | ~~2% Minimum~~ |
| ~~Grade~~ | ~~7% Maximum~~ |

~~Exhibit B - Residential Local~~

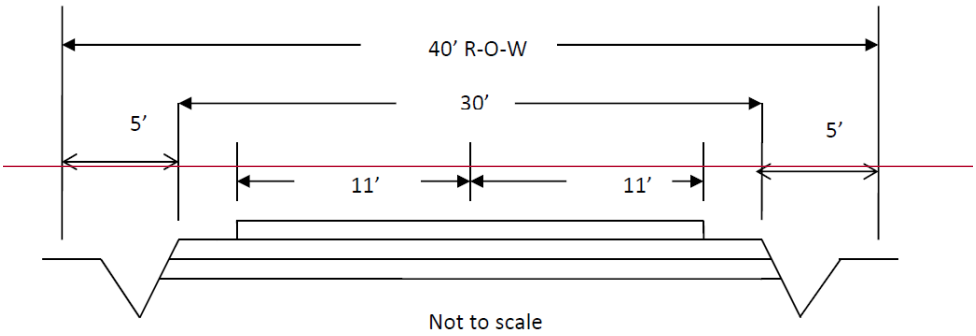



Not to scale

| | |
|---|---|
| ~~R-O-W Width~~ | ~~40 feet~~ |
| ~~Improved Roadway~~ | ~~28 feet Back of Curb/Back of Curb~~ |
| ~~Surface~~ | ~~2 inches asphalt with 6 inches Base~~<br>~~or~~ |

| | |
|---|---|
| | ~~3 inches asphalt with 4 inches Base~~ |
| ~~Base~~ | ~~ABC~~ |
| ~~Subgrade~~ | ~~6 inches minimum~~ |
| ~~Curb/gutter~~ | ~~Rolled Curb~~ |
| ~~Shoulders~~ | ~~None~~ |
| ~~Ditches~~ | ~~None~~ |
| ~~Maximum ADT~~ | ~~500~~ |
| ~~Sidewalk~~ | ~~4 feet Minimum~~ |
| ~~Crown~~ | ~~2% Minimum~~ |
| ~~Grade~~ | ~~10% Maximum~~ |

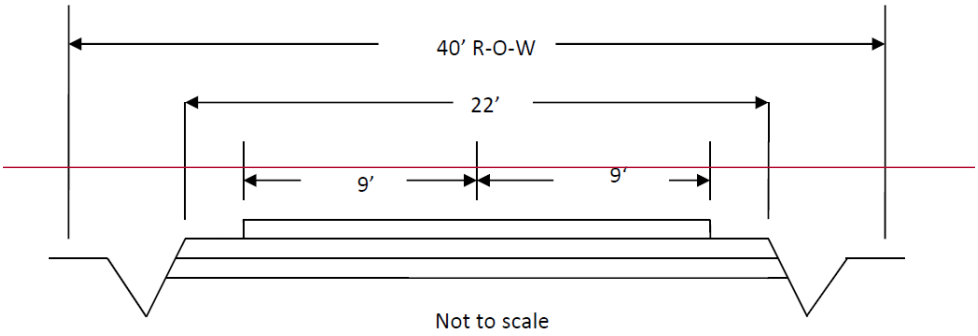
~~Exhibit C -~~
~~Rural Collector~~




| | |
|---|---|
| ~~R-O-W Width~~ | ~~40 feet~~ |
| ~~Improved Roadway~~ | ~~22 feet from edge of pavement to edge of pavement~~ |
| ~~Surface~~ | ~~2 inches asphalt with 6 inches Base or~~ |
| | ~~3 inches asphalt with 4 inches Base~~ |
| ~~Base~~ | ~~ABC~~ |

| | |
|---|---|
| ~~Subgrade~~ | ~~6 inches minimum~~ |
| ~~Curb/gutter~~ | ~~None~~ |
| ~~Shoulders~~ | ~~4 inches graded~~ |
| ~~Ditches~~ | ~~1.5:1 Maximum Slope, Minimum depth to be determined by grading plan and approved by the Town Engineer~~ |
| ~~Maximum ADT~~ | ~~3,000~~ |
| ~~Sidewalk~~ | ~~None~~ |
| ~~Crown~~ | ~~2% Minimum (not indicated on example)~~ |
| ~~Grade~~ | ~~7% Maximum~~ |

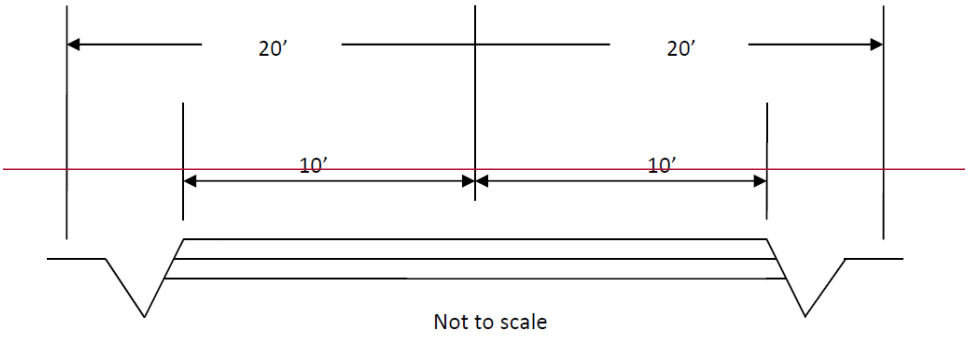
~~Exhibit D - Rural Local~~




| | |
|---|---|
| ~~R-O-W Width~~ | ~~40 feet~~ |
| ~~Improved Roadway~~ | ~~18 feet Edge of pavement/Edge of pavement~~ |
| ~~Surface~~ | ~~2 inches asphalt with 6 inches Base or~~<br>~~3 inches asphalt with 4 inches Base~~ |
| ~~Base~~ | ~~ABC~~ |
| ~~Subgrade~~ | ~~6 inches minimum~~ |

| | |
|---|---|
| ~~Curb/gutter~~ | ~~No~~ |
| ~~Shoulders~~ | ~~2 feet graded~~ |
| ~~Ditches~~ | ~~1.5:1 Maximum Slope, Minimum depth to be determined by grading plan and approved by the Town Engineer~~ |
| ~~Maximum ADT~~ | ~~500~~ |
| ~~Sidewalk~~ | ~~No~~ |
| ~~Crown~~ | ~~2% Minimum (not indicated on example)~~ |
| ~~Grade~~ | ~~10% Maximum~~ |

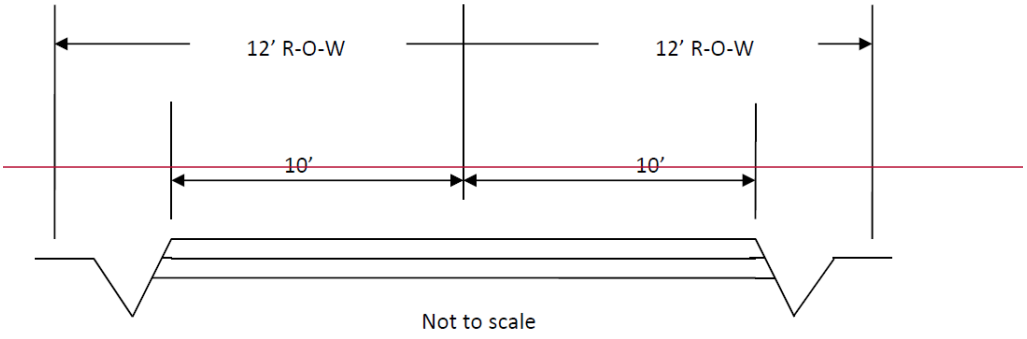
~~Exhibit E - Rural Lane~~




| | |
|---|---|
| ~~R-O-W Width~~ | ~~40 feet~~ |
| ~~Improved Roadway~~ | ~~20 feet from edge of ABC to edge of ABC~~ |
| ~~Surface~~ | ~~4 inches ABC~~ |
| ~~Subgrade~~ | ~~6 inches minimum~~ |
| ~~Curb/gutter~~ | ~~No~~ |
| ~~Shoulders~~ | ~~None~~ |

| | |
|---|---|
| ~~Ditches~~ | ~~Yes - 1.5:1 Maximum Slope, Minimum depth to be determined by grading plan and approved by the Town Engineer~~ |
| ~~Maximum ADT~~ | ~~250~~ |
| ~~Sidewalk~~ | ~~None~~ |
| ~~Crown~~ | ~~2% Minimum (not indicated on example)~~ |
| ~~Grade~~ | ~~12% Maximum~~ |

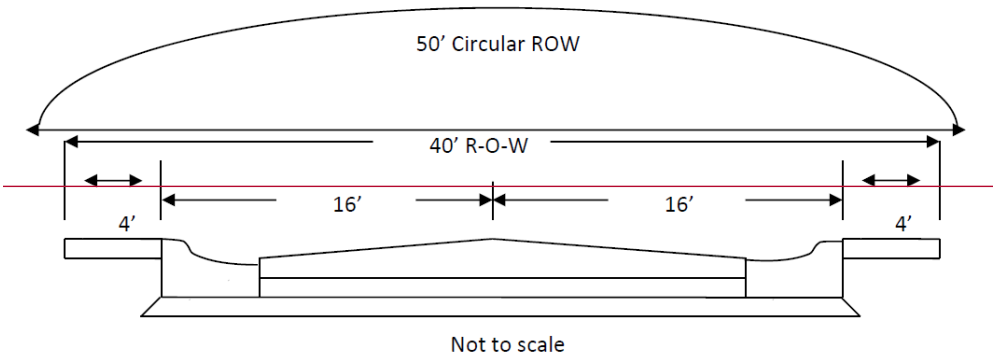
~~Exhibit F - Private Street~~




| | |
|---|---|
| ~~Easement Width~~ | ~~24 feet unless the street is designated on the general plan as requiring additional width~~ |
| ~~Improved Roadway~~ | ~~20 feet minimum between ditches~~ |
| ~~Surface~~ | ~~4 inches compacted ABC~~ |
| ~~Subgrade~~ | ~~6 inches. Town Engineer may amend the requirement for new subgrade if the grading report substantiates that adequate subgrade currently exists~~ |
| ~~Curb/gutter~~ | ~~No~~ |
| ~~Shoulders~~ | ~~None~~ |

| | |
|---|---|
| ~~Ditches~~ | ~~Yes - 1.5:1 Maximum slope, minimum depth to be determined by grading plan and approved by the Town Engineer~~ |
| ~~Maximum ADT~~ | ~~N/A~~ |
| ~~Sidewalk~~ | ~~None~~ |
| ~~Crown~~ | ~~2% Minimum (not indicated on example)~~ |
| ~~Grade~~ | ~~12% Maximum~~ |
| ~~Utility Easement~~ | ~~8 feet minimum on at least one side unless 8 feet on both sides is required by utility companies~~ |

~~Exhibit G - Cul-de-sac~~




| | |
|---|---|
| ~~R-O-W Width~~ | ~~50 feet~~ |
| ~~Improved Roadway~~ | ~~40 foot, with a 40-foot radius turning circle at termination~~ |
| ~~Surface~~ | ~~2 inches asphalt with 6 inches base/ or 3 inches asphalt with 4 inches base~~ |
| ~~Base~~ | ~~ABC~~ |
| ~~Subgrade~~ | ~~6 inches minimum~~ |
| ~~Curb/gutter~~ | ~~Rolled Curb~~ |

| | |
|---|---|
| Shoulders | None |
| Ditches | None |
| Maximum ADT | 500 |
| Sidewalk | 4 feet Minimum |
| Crown | 2% Minimum |
| Grade | 10% Maximum |
| Maximum Length | 600 feet |

Figure 1
Trip Generation Rates by Land Use Categories

| Land Use Type | Average Weekday Trip Generation Rates |
|---|---|
| Residential | Per dwelling unit |
| Single-Family Detached | 10.1 |
| Condominium | 5.9 |
| Apartment | 6.6 |
| Mobile Home Park | 4.8 |
| Office Building | Per 1,000 square foot of Building |
| General Office Building: | |
| 10 M square feet | 24.4 |
| 50 M square feet | 16.3 |
| 100 M square feet | 13.7 |
| 200 M square feet | 11.5 |
| 500 M square feet | 9.2 |

| | |
|---|---|
| ~~Medical Office Building~~ | ~~34.2~~ |
| ~~Office Park~~ | ~~11.4~~ |
| ~~Research Center~~ | ~~6.1~~ |
| ~~Retail~~ | ~~Per 1,000 square foot of Building~~ |
| ~~Specialty Retail~~ | ~~40.7~~ |
| ~~Discount Store~~ | ~~71.2~~ |
| ~~Shopping Center:~~ | |
| ~~10 M square feet~~ | ~~166.4~~ |
| ~~50 M square feet~~ | ~~94.7~~ |
| ~~100 M square feet~~ | ~~74.3~~ |
| ~~200 M square feet~~ | ~~58.9~~ |
| ~~500 M square feet~~ | ~~39.9~~ |
| ~~1000 M square feet~~ | ~~33.4~~ |
| ~~Industrial~~ | ~~Per 1,000 square feet of Building~~ |
| ~~Light Industrial~~ | ~~7.0~~ |
| ~~Heavy Industrial~~ | ~~1.5~~ |
| ~~Industrial Park~~ | ~~7.0~~ |
| ~~Manufacturing~~ | ~~3.9~~ |
| ~~Warehouse~~ | ~~4.9~~ |
| ~~Mini-Warehouse~~ | ~~2.6~~ |
| ~~Lodging~~ | ~~Per Room~~ |
| ~~Motel~~ | ~~10.2~~ |

~~Trip rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.~~

~~Figure 2~~

~~Street Classification and Minimum Design Standards~~

| Street Class | Street Category | Travel Lane Width | Parking Lane Width | Total Improved Width | Curb or Shoulder | Graded Areas or Sidewalk | Surface | ROW/Easement Width | Maximum Avg. Daily Traffic (ADT) | Design Speed MPH |
|---|---|---|---|---|---|---|---|---|---|---|
| I | Arterial | 12' | None | 60' | Vertical | Sidewalk | | 76' | 3,000+ | 55 |
| II | Industrial | 12' | 12' | 48' | Rolled | Graded | | 64' | 3,000 | 40 |
| III | Commercial | 12' | 8' | 40' | Vertical | Sidewalk | | 60' | 3,000 | 40 |
| IV | Residential Collector | 16' | None | 28' | Vertical | Sidewalk | 2" w/6" base or 3"w/4" base | 40' | 3,000 | 40 |
| V | Residential Local | 16' | One side only | 28' | Rolled | Sidewalk | 2" w/6" base or 3"w/4" base | 40' | 500 | 25 |
| VI | Rural Collector* | 11' | None | 22' | 4' Shoulder Ditch**** | Graded | 2" w/6" base or 3"w/4" base | 40' | 3,000 | 40 |

| Street Class | Street Category | Travel Lane Width | Parking Lane Width | Total Improved Width | Curb or Shoulder | Graded Areas or Sidewalk | Surface | ROW/Easement Width | Maximum Avg. Daily Traffic (ADT) | Design Speed MPH |
|---|---|---|---|---|---|---|---|---|---|---|
| VII | Rural Local* | 9' | None | 18' | 2' Shoulder Ditch**** | Graded | 2" w/6" base or 3"w/4" base | 40' | 500 | 25 |
| VIII | Rural Lane | 10' | None | 20' | None/Ditch*** * | Graded | 4" ABC w/6" Subgrade | 40' | 250 | 25 |
| IX | Alley | 10' | None | 20' | None | None | 4" ABC | 20' | 500 | 10 |
| X | Private Street | 12' | None | 20' | None/Ditch*** * | None | 4" ABC w/6" Subgrade** | 24'*** | | |

~~* Rural street standards may be used only in residential areas developed with minimum lot sizes of 20,000 square feet.~~

~~** Town Engineer may waive the requirement for improved subgrade if adequate subgrade exits~~

~~*** A minimum 8' utility easement is required along only one side of a private street unless the utility companies request an 8' easement along both sides~~

~~**** Depth of the required ditch shall be determined by the Town Engineer upon review and approval of the required grading plans.~~

~~Figure 3~~

~~Street Curve and Design Data~~

| ~~Street Class~~ | ~~Improved Surface~~ | ~~R-O-W~~ | ~~Radius~~ | ~~Length~~ | ~~Reverse Curb Tangent*~~ | ~~Intersection Tangent**~~ | ~~Minimum Corner Radius~~ | ~~Maximum Grade~~ | ~~Minimum Sight Distance~~ |
|---|---|---|---|---|---|---|---|---|---|
| ~~I~~ | ~~60 feet~~ | ~~76 feet~~ | ~~1,400 feet~~ | ~~500 feet~~ | ~~500 feet~~ | ~~475 feet~~ | ~~30 feet~~ | ~~***~~ | ~~770 feet~~ |
| ~~II~~ | ~~48 feet~~ | ~~64 feet~~ | ~~800 feet~~ | ~~300 feet~~ | ~~200 feet~~ | ~~300 feet~~ | ~~25 feet~~ | ~~7%~~ | ~~560 feet~~ |
| ~~III~~ | ~~40 feet~~ | ~~60 feet~~ | ~~800 feet~~ | ~~300 feet~~ | ~~200 feet~~ | ~~300 feet~~ | ~~25 feet~~ | ~~7%~~ | ~~560 feet~~ |
| ~~IV~~ | ~~24 feet~~ | ~~40 feet~~ | ~~800 feet~~ | ~~300 feet~~ | ~~200 feet~~ | ~~300 feet~~ | ~~25 feet~~ | ~~7%~~ | ~~560 feet~~ |
| ~~V~~ | ~~24 feet~~ | ~~40 feet~~ | ~~300 feet~~ | ~~100 feet~~ | ~~0 feet~~ | ~~200 feet~~ | ~~25 feet~~ | ~~10%~~ | ~~420 feet~~ |
| ~~VI~~ | ~~22 feet~~ | ~~40 feet~~ | ~~800 feet~~ | ~~300 feet~~ | ~~200 feet~~ | ~~300 feet~~ | ~~25 feet~~ | ~~7%~~ | ~~560 feet~~ |

| Street Class | Improved Surface | R-O-W | Radius | Length | Reverse Curb Tangent * | Intersection Tangent** | Minimum Corner Radius | Maximum Grade | Minimum Sight Distance |
|---|---|---|---|---|---|---|---|---|---|
| VII | 18 feet | 40 feet | 300 feet | 100 feet | 0 feet | 200 feet | 25 feet | 10% | 420 feet |
| VIII | 20 feet | 40 feet | 300 feet | 100 feet | 0 feet | 200 feet | 25 feet | 12% | 350 feet |

* Minimum length of tangent between curves in opposite directions (reverse curves). Reverse curves without tangent sections between curves are not permitted, except on local streets.

** Minimum length of tangent at intersections is measured from the Right-Of Way line of the intersecting street. Tangents approaching an intersection may vary in length with increased design speed.

*** As determined by the Town Engineer.

Figure 4 ROADWAY STANDARDS FOR MINOR SUBDIVISIONS

Figure 5 SIGNATURE BLOCKS FOR MYLARS

Figure 4

Roadway Standards For Minor Subdivisions

| # of lots in subdivision | Required Road Standard | Required Surface | Minimum ROW |
|---|---|---|---|
| 2-3 lots | Private Street Standard expanded to include a twenty-five (25) foot right-of-way | 2" w/6" base | 25' |
| 4-6 lots | Rural Lane Standard | 2" w/6" base | 40' |
| 7-10 lots | Rural Local Standard | 2" w/6" base | 40' |

Roadways required as outlined above shall be provided along the entire frontage of the lots being created and must be provided with required rights-of-way that are

~~dedicated and constructed in accordance with the provisions of the Subdivision Regulations following the approval of Community Development Director or designee of the Final Plant and prior to the issuance of any building permits for the lots.~~

~~All roadways dedicated to the Town must meet adopted Town standards and be approved by the Public Works Director.~~

~~Each of the deeds created for the resulting lots must carry a notation pointing out the responsibility of the property owner to improve the roadway to the required standard prior to issuance of building permit.~~

~~Any lots created that would have their frontage on what is indicated in the General Plan of the Town of Clarkdale as existing or proposed Collector or Arterial streets shall provide the minimum right-of-way for that street type.~~

~~All street right-of-ways shall also include an adjacent minimum eight (8) foot Public Utility Easement, on one side, the entire length of the street segment.~~

~~Figure 5~~

~~Signature Blocks for Mylars~~

| ~~Documents that need Signature Blocks~~ | ~~When they will need to be signed~~ | ~~Titles for Signature Blocks~~ |
|---|---|---|
| ~~Planned Area Development (PAD)<br>▪ Preliminary Development Plan~~ | ~~After Preliminary Plat approval by Town Council~~ | ~~Mayor<br>▪ Town Clerk~~ |
| ~~Planned Area Development (PAD)<br>▪ Final Development Plan~~ | ~~After Final Development Plan approval by Town Council~~ | ~~▪ Mayor<br>▪ Town Clerk~~ |
| ~~Subdivision<br>▪ Preliminary Plat~~ | ~~After Preliminary Plat approval by Community Development Director or designee~~ | |

| Documents that need Signature Blocks | When they will need to be signed | Titles for Signature Blocks |
|---|---|---|
| Subdivision<br>▪ Final Plat | After Final Plat approval by Community Development Director or designee | Community Development Director<br>Town Engineer/Public Works Director |
| Minor Subdivision<br>▪ Minor Subdivision Plat | After Minor Subdivision Plat approval by Community Development Director or designee | ▪ Community Development Director or designee |
| Minor Subdivision<br>▪ Final Plat | After Final Plat approval by Community Development Director or designee. | ▪ Mayor<br>▪ Town Clerk |
| Minor Land Division | After approval by Director of Community Development | ▪ Community Development Director |
| Lot Line Adjustment | After approval by Director of Community Development | ▪ Community Development Director<br> |

The Clarkdale Zoning Code is current through Ordinance #438, passed December 10, 2024.

~~**Disclaimer: The Town Clerk has the official version of the Clarkdale Zoning Code. Users should contact the Town Clerk for ordinances passed subsequent to the ordinance cited above.**~~

~~Town Website: www.clarkdale.az.gov~~

~~Town Telephone: (928) 639-2400~~

~~Hosted by General Code.~~

## SECTION 12-7 APPEALS

~~A. Appeals~~

Any order, requirement, decision, determination, interpretation, or administrative action made pursuant to, or in the administration or enforcement of, any provision of this Ordinance may be appealed to the Board of Adjustment, except as expressly provided herein.

A. **Persons Aggrieved.** An appeal may be filed by:
   1. the applicant or permittee; or
   2. any taxpayer who owns or leases real property that is directly adjacent to, or located within 300 feet of the exterior boundary of the subject property at the time the decision is rendered; or
   3. any officer, board, commission, or department of the Town that is directly affected by the decision.

B. **Procedure.** All appeals shall be processed, noticed, and heard in accordance with Chapter 17, Article 17-2 Board of Adjustment of the Town Code of Clarkdale, as amended.

C. **Finality; Exception.** Decisions rendered by the Town Council shall be final and conclusive and shall not be subject to appeal under this Ordinance, as the Town

Council serves as the Board of Adjustment for such matters. However, any person aggrieved, as defined above, by any order, requirement, decision, determination, interpretation, or administrative action of Town Council, may follow the process as outlined in Section 17-2-5 of the Town Code.

~~An appeal may be taken to the Board of Adjustments by any taxpayer who owns or leases property adjacent to, or within three hundred feet of, the boundary of the affected property, or by any officer or department of the municipality affected by the action. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.~~

~~D. Appeals~~

~~An appeal may be taken to the Board of Adjustments by any taxpayer who owns or leases property adjacent to, or within three hundred feet of, the boundary of the affected property, or by any officer or department of the municipality affected by the action. Appeals must be filed within 30 days after the Community Development Director or designee renders a decision.~~

# EXHIBIT L
# CHAPTER 12
## SUBDIVISION REGULATIONS

**SECTIONS:**

**12-1 GENERAL PROVISIONS**

**12-2 SUBDIVISION DESIGN PRINCIPLES AND STANDARDS**

**12-3 SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS**

**12-4 MINOR SUBDIVISION**

**12-5 MINOR LAND DIVISIONS**

**12-6 LOT LINE ADJUSTMENT**

**12-7 APPEALS**

### SECTION 12-1 GENERAL PROVISIONS

*12-1-010 Title*

*12-1-020 Town Development Policy*

*12-1-030 Purpose and Intent*

*12-1-040 Severability*

*12-1-050 Saving Provision*

*12-1-060 Amendments*

*12-1-070 Subdivision Amendments*

*12-1-080 Re-subdivision of Land*

*12-1-090 Abandonment (Reversion to Acreage)*

*12-1-100 Private Agreements*

*12-1-110 Prohibition Against Circumvention of Regulations*

*12-1-120 Violations and Penalties*

*12-1-130 Subdivision Committee*

*12-1-140 Processing Fee Schedule*

*12-1-150 Waiver*

*12-1-160 Water Adequacy*

### *Section 12-1-010 Title*

This ordinance shall be known as the "Subdivision Regulations of the Town of Clarkdale."

### *Section 12-1-020 Authority, Applicability, and Jurisdiction*

A. These regulations shall be governed by the Arizona Revised Statutes, Title 9, governing the division and platting of land pursuant thereto.

B. These regulations apply to all subdivisions, minor subdivisions and minor land divisions within the incorporated limits of the Town of Clarkdale.

### *Section 12-1-030 Purpose and Intent*

The provisions of these regulations shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the General Plan, Zoning Code, Official Maps and the Capital Improvement Plan.

The provisions of these regulations shall be held to be the minimum requirements for the promotion of the public's health, safety, and general welfare.

### *Section 12-1-040 Severability*

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which judgment shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

### *Section 12-1-050 Saving Provision*

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town, except as shall be expressly provided for in these regulations.

### *Section 12-1-060 Amendments*

For the purpose of promoting the public's health, safety and general welfare, the Town Council may from time to time amend upon the recommendation of the Planning Commission the provisions imposed by these Subdivision regulations in the manner prescribed by law.

### *Section 12-1-070 Subdivision Amendments*

Any changes, erasures, modifications or revisions made to the final plat after approval shall be processed in the same manner as the original approval by the Community Development Director or designee.

### *Section 12-1-080 Re-Subdivision of Land*

For any change in a map of an approved or recorded subdivision plat, if such change affects any name, street layout shown on such map, or area reserved thereon for public use, or any lot line, or any improvements, such change(s) shall be approved by Community Development Director or designee in accordance with the same procedures and regulations as for a new subdivision.

The Community Development Director or designee may waive these procedures for minor revisions of lot lines between two neighboring lots in a platted subdivision when no other change of the Final Plat is involved and the two new lots conform to all Town Codes. If lots within an approved subdivision have been sold to individual

property owners, the Town may require, at the Town's discretion, signatures from all property owners within the subdivision be obtained and placed on the revised plat to be recorded.

### *Section 12-1-090 Abandonment (Reversion to Acreage)*

A. If no lots in a subdivision, for which a final map has been approved and recorded, have been sold within 12 months from the date of recordation and if all of the improvements have not been made within 12 months of recordation, the Community Development Director or designee may determine whether the approval and recording of such final map should be revoked. Such revocation shall be in accordance with the Arizona Revised Statutes.

B. If no lots in a subdivision for which a final plat has been approved and recorded have been sold, the property owner(s) of all lots within a subdivision may submit an application to the Community Development Director or designee for Reversion to Acreage. This application shall include a survey and legal description presenting the property as reverted from the platted subdivision. The Community Development Director or designee shall distribute the request to the Subdivision Committee for review and comment. Upon Community Development Director or designee approval of the reversion and recording of the new property description, the Public Works Director will determine if any posted assurances may be released. An application fee of an amount established by the Town Council shall be paid at the time of filing.

C. The acreage shall be in conformance with the General Plan of the Town.

D. All reverted acreage shall have legal access to a public street or an approved private access easement.

E. Any other actions applicable to the above process and permitted by State laws are permissible.

F. Applications to abandon streets or easements shall be made pursuant to Arizona Revised Statutes and shall be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.

### *Section 12-1-100 Private Agreements*

The provisions of these regulations are not intended to abrogate any easement, covenants or other existing agreements which are more restrictive than the provisions of these regulations.

### *Section 12-1-110 Prohibition Against Circumvention of Regulations*

No person, firm, corporation, or other legal entity shall hereafter sell or offer for sale any lot, piece, or parcel of land which is within a subdivision, as defined in Chapter 2 of the Town Zoning Code, without first having recorded a plat thereof in accordance with the provisions of these regulations.

### *Section 12-1-120 Violations And Penalties*

A violation of this Ordinance by any person, firm, corporation, or other legal entity shall be punishable under Article1-8 of the Town Code; any violation brought as a criminal misdemeanor offense shall be a class 1 misdemeanor.

### *Section 12-1-130 Subdivision Committee*

The Subdivision Committee shall be responsible for the review of all major and minor subdivisions, including preliminary plats, final plats, and lot line adjustments.

A. Recommendations by the Subdivision Committee shall be based on the following findings:
    1. The proposed project conforms to the adopted standards and policies of the Town.
    2. The proposed project, as reviewed and approved, will not be detrimental to the public's health, safety, and general welfare.
    3. Environmental concerns conform to adopted standards.
    4. The proposed project is consistent with provisions of the Zoning Code requirements applicable to the property.

5. The proposed project conforms to the improvement standards and design standards set forth in these Regulations and other applicable Town, County, State and Federal regulations.

B. The Subdivision Committee shall consist of the following members or their duly authorized representatives:

1. *Community Development Director; and*
2. *Public Works Director; and*
3. *Town Engineer; and*
4. *Water Resources Manager; and*
5. *Chief of Police; and*
6. *Fire Chief; and*
7. *Building Inspector; and*
8. *Flood Control: and*
9. *Yavapai County Health Department; and*
10. *Any other agency or municipality that Town staff deems necessary.*

C. Representatives from the following may be included at the discretion of the Community Development Director:

1. *School Districts; or*
2. *Arizona Public Service (APS); or*
3. *Unisource; or*
4. *Arizona Department of Transportation (ADOT);or*
5. *Arizona Department of Game and Fish; or*
6. *United States Forest Service; or*
7. *Yavapai County; or*
8. *Others as determined by the Community Development Director.*

### *Section 12-1-140 Processing Fee Schedule*

In the event the Town Manager or designee finds it necessary to use the professional services of any person, either in their regular employ or retained outside of their regular employ, in connection with their examination, approval, inspection or acceptance of any subdivision; said services shall be paid for by the applicant. A late fee of 1.5% per month will be charged on all past due fees. The Final Plat will not be recorded until all fees are paid.

### *Section 12-1-150 Waiver For Public Purpose*

The Community Development Director or designee may waive, any provision of these regulations insofar as they affect a public use or purpose. No waiver may be granted unless the Community Development Director or designee finds that it is in the best interest of the public, without impairing the intent and purpose of these regulations. The details of the waiver, including but not limited to the extent and duration, shall be documented in writing and filed with the original application submittal.

### *Section 12-1-160 Water Adequacy*

A. The Community Development Director or designee shall not approve a final plat for a subdivision, as defined in A.R.S. § 32-2101, unless one of the following applies:
    1. The Director of the Arizona Department of Water Resources has determined that there is an adequate water supply for the subdivision pursuant to A.R.S. § 45-108, and the applicant has included the report with the plat.
    2. The applicant has obtained a written commitment of water service for the subdivision from a city, Town, or private water company designated as having an adequate water supply by the Director of the Arizona Department Water Resources pursuant to A.R.S. § 45-108.

B. The requirements of Subsection 12-1-160.A do not apply to:
    1. A proposed subdivision that the Director of the Arizona Department of Water Resources has determined will have an inadequate water supply pursuant to

A.R.S. § 45-108, if the director grants an exemption for the subdivision pursuant to A.R.S. § 45-108.2 and the exemption has not expired, or the director of the Arizona Department of Water Resources grants an exemption pursuant to A.R.S. § 45-108.3.

2. A proposed subdivisions that received final plat approval from the Town of Clarkdale before the requirement for an adequate water supply became effective in the Town, if the plat has not been materially changed since it received the final plat approval.

    a. If changes were made to the plat after the plat received the final plat approval, the Director of the Arizona Department of Water Resources shall determine whether the changes are material.

C. If the Community Development Director or designee approves a final plat for a subdivision pursuant to 12-1-160.A, the Community Development Director or designee shall note on the face of the plat that the Director of the Arizona Department of Water Resources has reported the subdivision has an adequate water supply, or the applicant has obtained a commitment of water services for the proposed subdivision from a city, Town or private water company designated as having an adequate water supply pursuant to A.R.S. § 45-108.

D. If the Community Development Director or designee approves a final plat for a subdivision pursuant to an exemption authorized by 12-1-160.B.2 or granted by the Director of the Arizona Department of Water Resources pursuant to A.R.S. § 45-108.2 or to A.R.S. § 45-108.3, the Community Development Director or designee shall;

1. Give written notice of approval to the Director of the Arizona Department of Water Resources and the Director of Environmental Quality.

2. Include on the face of the plat a statement describing the exemption under which the plat was approved, including a statement that the Community Development Director or designee or the Director of the Arizona Department of Water Resources, whichever applies, has determined that the specific conditions of the exemption were met.

3. If the Director of the Arizona Department of Water Resources subsequently informs the Community Development Director or designee that the

subdivision is being served by a water provider that has been designated by the Director as having an adequate water supply pursuant to A.R.S to A.R.S. § 45-108, the Community Development Director or designee shall record in the Yavapai County Recorder's office a statement disclosing the fact.

## SECTION 12-2 SUBDIVISION DESIGN PRINCIPLES AND STANDARDS

*12-2-010 General*

*12-2-020 Reservation of Land for Public Use*

*12-2-030 Landscape Requirements*

*12-2-040 Street Location and Arrangement*

*12-2-050 Dedicated Access*

*12-2-060 Street Classification*

*12-2-070 Block Design*

*12-2-080 Lot Planning*

*12-2-090 Street Naming*

*12-2-100 Easement Planning*

*12-2-110 Condominium Development-Air Rights Planning*

### *Section 12-2-010 General*

The provisions of this Ordinance shall apply to all subdivisions which are located wholly or partially within the Town of Clarkdale. Every subdivision shall conform to the General Plan, the Zoning Code, the Town Code, the Arizona Revised Statutes, and the following:

A. Ensure traffic circulation in conformance with adopted transportation plans.

B. Incorporate multimodal transportation options.

C. Secure adequate provisions for water supply, drainage, sanitary sewers, that conform to adopted engineering and sanitation standards.

D. Incorporate renewable energy sources, including but not limited to, solar, geothermal and wind.

E. Provide appropriate sites for schools, recreation areas, and other public facilities.

F. Require conveyance of land by accurate legal description.

G. Preserve existing wildlife habitat.

H. Encourage the substitution of effluent for potable water when possible.

I. All construction and repair of public facilities and private roads shall be accomplished in accordance with the standards adopted by the Town of Clarkdale. Additionally, all traffic control devices shall be placed in accordance with the latest edition of the Manual of Uniform Traffic Control Devices as adopted by the Arizona Department of Transportation.

### *Section 12-2-020 Reservation Of Land For Public Use*

Where the tract of land to be subdivided contains all or any part of the site of a park, school, flood control facility, or other public area as shown on the General Plan, or as recommended by the Community Development Director or designee, such site shall be dedicated to the public or reserved for acquisition by the public within one year after recording the Final Plat unless a different timeline is agreed upon in the subdivision or development agreement. An agreement shall be reached between the applicant and the appropriate public agency regarding time, method and cost of such acquisition. If the public agency for whose benefit, an area has been reserved does not exercise the reservation agreement set forth in this Ordinance by agreeing to a timetable for development and dedication of the reserved land within such one year period or such extended period as may be mutually agreed upon by such public agency and the applicant, the reservation of such area shall terminate.

### *Section 12-2-030 Landscape Requirements*

Subdivision landscaping shall meet the requirements of Chapter 9 - Landscape Design Standards of the Town of Clarkdale Zoning Code.

### *Section 12-2-040 Street Location and Arrangement*

A. Whenever a tract to be subdivided embraces any part of a street designated in the adopted Town General Plan, Street Plan, Trail Plan, or Circulation Plan, such streets, bicycle ways, pedestrian ways and trails shall be platted in conformance therewith.

B. Street layout shall provide for the continuation of such streets as the Subdivision Committee and/or the Community Development Director or designee may designate.

C. The street patterns in the land development shall not landlock adjacent property nor prevent access to public land.

D. Whenever a tract to be subdivided is located within an area for which a Neighborhood Plan has been approved, the street arrangement shall conform substantially to said plan.

E. Proposed collector streets shall be extended to the tract boundary to provide future connection with adjoining un-platted lands, or existing collector streets.

F. Residential streets, other than designated collector streets, shall be so arranged as to discourage through traffic.

G. Where a subdivision abuts or contains the right-of-way of a drainage way, an irrigation ditch, a railroad right-of-way, or abuts a commercial or industrial land use, the Community Development Director or designee may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of intervening land. Such distance shall be determined in conformance with regulations governing approach grades, drainage, bridges or future grade separations.

H. Streets shall be so arranged in relation to existing topography as to facilitate adequate drainage.

I. Alleys shall be required in all commercial and industrial subdivisions unless the Subdivision Committee and the Community Development Director or designee recommend waiving this requirement. Alleys may be required in residential subdivisions if the Subdivision Committee and the Community Development

Director or designee recommend that alleys be required to complete an existing pattern or to provide secondary access to adjacent properties or service.

J. Half-streets shall be discouraged, except where necessary, to provide right-of-way required by the adopted Town Circulation Plan, to complete a street pattern already begun, or to ensure reasonable development of several adjoining parcels. Where there exists, a platted half-street abutting the tract to be subdivided, the remaining half shall be platted within the tract.

K. Street patterns that provide multiple accesses to the subdivision are encouraged and may be required by the Committee, Community Development Director or Designee and/or the Community Development Director or designee.

### *Section 12-2-050 Dedicated Access*

A. Each subdivision shall provide for adequate traffic circulation using the Average Daily Traffic (ADT) and classification system in the Town Engineering Standards.

B. Where private streets are approved, the plat, the deed restrictions and the Homeowner's Association by-laws shall contain statements declaring these streets to be private and remaining the permanent responsibility of the Homeowner's Association. Such private streets are subject to an easement authorizing use by emergency and public service vehicles.

C. Street designs, including cul-de-sacs and dead-ends shall meet the criteria in the Town Engineering Standards and Specifications and the standards of the Fire District with jurisdiction.

D. No subdivision shall be approved without dedicated legal access to a collector street.

### *Section 12-2-060 Street Classification*

A. The street hierarchy system shall be defined by use and Average Daily Traffic (ADT) rates calculated by average trip generation rates prepared by the Institute of Transportation Engineers. The applicant may use another approved method if it can be demonstrated to better reflect local conditions.

B. The applicant will demonstrate to the Community Development Director or designee that no street shall exceed the maximum ADT's.

C. Rural street designs may be used only in residential areas developed with a minimum lot size of 20,000 square feet.

### *Section 12-2-070 Block Design*

A. Maximum length of blocks measured along the centerline of the street, and between intersecting street center lines, is 1200 feet, except in a development with lot areas averaging 1.5 acres or more, this maximum may be exceeded by 500 feet. Block length shall be designed to meet the above maximums and adopted engineering standards.

B. Pedestrian or bicycle ways with right-of-way widths a minimum of eight feet may be required where essential for circulation or access to schools, playgrounds, shopping centers, public land, transportation and other community facilities. Pedestrian or bicycle ways may also be used for utility and drainage purposes if so noted on the plat and approved by the Community Development Director or designee and the Town Engineer.

### *Section 12-2-080 Lot Planning*

A. Lot width, depth, frontage, area, lot coverage, floor area ratio and building setbacks shall comply with the minimum requirements of the Zoning Code. The type and extent of street and utility improvements being installed shall comply with the minimum requirements of the Zoning Code. Where steep topography, unusual soil conditions, or drainage problems exist or prevail, variances to adopted development standards may be considered.

B. Lands that are subject to periodic inundation, subsidence of the earth's surface, high water table, adverse topography, adverse soils, or other natural or manmade hazards to life or property shall be excluded from subdivision unless it can be substantiated by the applicant that proposed lot configurations and sizes, grading and drainage techniques, or other special development

approaches necessary to protect the public health, safety, or general welfare on any lands to be subdivided affected by such characteristics, are satisfactory.

C. The Community Development Director or designee may approve subdivision of such land upon receipt of written evidence from the Town Engineer, the Yavapai County Flood Control District and State and Yavapai County Health Authorities that the construction of specific improvements will render the land suitable; thereafter, construction upon such land shall be prohibited until specified improvements have been planned and the construction guaranteed.

D. Side lot lines shall be substantially at right angles or radial to street lines, except where special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the use of said lot lines will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.

E. All lots shall have frontage as required by the appropriate zoning district on a fully dedicated public or private street.

F. Single-family lots on curvilinear streets shall have rear lot lines consisting of a series of straight lines with points of deflection occurring only at the junction of side or rear lot lines unless otherwise approved.

G. Corner lots may be wider than interior lots to provide for setback requirements.

H. Single-family residential lots extending through the block and having frontage on two parallel local streets is prohibited.

I. Residential lots shall not be accessible from collector or arterial streets.

### *Section 12-2-090 Street Naming*

New street names shall not be duplicated or be similar to those already in existence in or within three miles of the Town. Where streets are continuations of existing streets, the name of the existing street shall be used. Proposed street names will be reviewed and approved by the Community Development Director or designee and Yavapai County Addressing Division.

### *Section 12-2-100 Easement Planning*

A. Easements for utilities shall be provided to ensure the provision of services to each lot.

   1. The developer will provide the Community Development Director written documentation of approval by the utilities with respect to easements.

B. Drainage easements shall be provided to the satisfaction of the Town Engineer and the Yavapai County Flood Control District. In no case shall drainage easements be less than 20 feet in width.

C. Easements necessary to assure non-motorized access to adjacent public lands are required. Such easement shall not exceed 10 feet in width.

D. Where alleys are provided, an easement sized to the refuse container may be required as determined by the Community Development Director or designee.

E. Based on adopted engineering standards, increased right-of-way widths and slope easements may be required by the Town Engineer.

### *Section 12-2-110 Condominium Development*

The processing of subdivision plats for condominium developments shall follow procedures set forth in this Ordinance and Section 33-1201-33-1270 of the Arizona State Statue.

## SECTION 12-3 SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS

*12-3-010 Subdivision Procedures*

*12-3-020 Pre-Application Meeting*

*12-3-030 Preliminary Plat*

*12-3-040 Subdivision Technical Review*

*12-3-050 Final Plat, Recording and Post Approval*

### *Section 12-3-010 Subdivision Procedures*

The preparation, submittal, review and approval of all subdivision plats located within the Town limits shall conform to the following requirements and processes. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-5 of the Town Code.

### *Section 12-3-020 Pre-Application Meeting*

A. A pre-application meeting is mandatory. The purpose of the pre-application meeting is to:
    1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
    2. Discuss the development review process and required submissions with the applicant.
    3. Identify issues that need to be resolved in future submissions.
    4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
    5. Applicants shall provide the information as indicated in Table 1 of Chapter 11 – Design Review, Section 11-040 Submission Requirements. In addition, information regarding legal problems which are associated with the property, if any, as well as tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements shall be supplied.

B. Persons applying for a Subdivision will be required to submit a Pre-application meeting request, including a letter of intent, the site plan, the development plan, and supporting documentation. These materials shall be submitted to the Community Development Department, who shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant that the application is administratively complete.
    1. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic

communication and specify the additional materials required to make the application complete.

2. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the following:
    a. Subdivision Committee:
        i. Community Development Director; and
        ii. Public Works Director; and
        iii. Town Engineer; and
        iv. Water Resources Manager; and
        v. Chief of Police (or designee); and
        vi. Fire Chief (or designee); and
        vii. Building Inspector; and
        viii. Flood Control: and
        ix. Yavapai County Health Department; and
        x. Any other agency or municipality that Town staff deems necessary; and
    b. Representatives from the following may be included at the discretion of the Community Development Director:
        i. School Districts; or
        ii. Arizona Public Service (APS); or
        iii. Unisource; or
        iv. Arizona Department of Transportation (ADOT);
        v. Arizona Department of Game and Fish; or
        vi. United States Forest Service; or
        vii. Yavapai County; or
        viii. Others as determined by the Community Development Director.

C. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal.

D. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

E. The applicant shall prepare a Memorandum of Understanding. It shall be formally acknowledged in writing by all parties. The Memorandum of Understanding shall include all items discussed.

### *Section 12-3-030 Preliminary Plat*

The Preliminary Plat stage of a subdivision includes detailed subdivision planning, submittal, review and approval of the Preliminary Plat. To avoid delay in processing this application, the applicant shall provide the Town with all information required to determine conformance with adopted codes and regulations.

Any furtherance of pre-development activity engaged in, by, or on behalf of the applicant while an application for zoning amendment or variance is pending, shall in no instance be construed as having been undertaken in reliance of a favorable determination of such application, notwithstanding the nature of the recommendation on the matter of the Community Development Director.

A. **Zoning.** The subdivision shall be designed to meet the specific requirements of the zoning district within which it is located. However, in the event that rezoning is deemed necessary, such as in the case of a Planned Area Development (PAD), the rezoning shall be initiated by the property owner or an authorized agent and be heard and considered by the Planning Commission and Town Council. Any change in zoning or site plan approval required in relation to approval of the Preliminary Plat shall have been approved by Town Council.

B. **Sanitary Sewage, Refuse Disposal and Water Supply.** As a prerequisite to Preliminary Plat review, the applicant shall have informed all pertinent regulatory agencies of the tentative plans and the applicant shall become informed of the general requirements for sewage disposal, water supply and refuse disposal which may apply to the property.

C. **Owner's Authorization.** If the applicant is not the legal owner of the property to be subdivided, said applicant shall, before filing the plat, obtain and submit notarized written consent to act on behalf of the legal owner(s) as the applicant.

D. **Preliminary Plat Submission.**

1. The submittal shall be reviewed by the Community Development Director or designee for completeness. If incomplete, the applicant will be notified within one week of receipt and given the opportunity to comply. Upon determination that the application is complete, a case number will be assigned and the applicant will be notified.

2. The Preliminary Plat and required supporting data, prepared in accordance with requirements set forth in this Ordinance shall be filed with the Community Development Department. Review of the Preliminary Plat by the Community Development Director or designee, the Subdivision Committee, and other agencies having jurisdiction shall be dependent upon adequacy of data presented and completion of processing. The review shall occur within 30 days of the submission date. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant for correction via electronic communication.

3. A Preliminary Plat fee, as adopted by the Town Council, shall be paid by the applicant prior to the acceptance of the Preliminary Plat. The filing fee shall also cover filing of an amended or revised Preliminary Plat handled as the same case. If preliminary approval expires prior to application for final approval, the plat shall be re-submitted for preliminary approval as a new case and the applicant shall pay the required fees.

E. **Form of Presentation for Preliminary Plat.** The information hereafter required as part of the Preliminary Plat submittal shall be shown graphically, or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale. The scale shall not be smaller than one inch equals 100 feet. All Preliminary Plat submittals shall include the following:

1. Letter of intent from the applicant describing the subdivision and proposed name of subdivision and its location by Section, Township and Range, reference by dimension and bearing to an acceptable government section or quarter-section corner. The proposed subdivision name shall not duplicate any other recorded plat in Clarkdale or adjacent communities.
2. Name, address, email address and telephone number of the owner of record of the property, and of the applicant, if not the owner of record.
3. A copy of the title paperwork for the property.
4. Name, title, address, email address and telephone number of engineering, land planning, surveying, architectural firm, or individual preparing the plat.
5. Name, book and page number of any recorded subdivision adjacent to or having common boundaries with this plat.
6. Scale (written and bar graph), north point and date of preparation including dates of any subsequent revision.
7. Total subdivision acreage and dimensions. Do not include previously dedicated rights-of-way in this figure.
8. Fully dimensioned boundary lines.
9. A vicinity map which shows the relationship of the proposed subdivision to dedicated rights-of-way and any other facilities and developments which locate the subdivision. This map may be on the Preliminary Plat, but, if it is not practical, then a separate map showing title, scale, north point and date shall be provided.
10. Names, locations and widths of adjacent streets, highways, ways, railroads and utility easements including streets and rights-of-way providing legal dedicated right-of-way access to the property.
11. Location, names, areas, width, proposed grade curve, super elevations, sight distances, and radii for all streets, highways and ways in the proposed subdivision and off-site, if required, to provide adequate access to the subdivision. Include connections to adjoining platted tracts, public lands and streets contained therein.

12. The width and approximate locations of all existing or proposed public or private easements or rights-of-way for streets, ways, trails, drainage, sewers, public utilities, flood control purposes, access to adjacent public land, or other community facilities.
13. Typical lot dimensions (scaled); dimensions of all corner lots which should be 10% bigger, all lots of more than four sides and lots of curvilinear sections of streets; each lot numbered individually and consecutively; total number of lots or dwelling units.
14. Designations of all land to be dedicated or reserved for public use with use indicated, including land reserved for parks, recreational facilities, school sites, and fires stations pursuant to A.R.S. 9.463.01.D.
15. Area of all lots and parcels not for single-family residential use, in acres. The area of all single-family residential lots in square feet if under or equal to one acre in size, or in acres, if the lots are over one acre in size.
16. A report by a sanitary engineer describing proposed wastewater disposal.
17. Locations, elevations, and sizes of culverts, storm drains and detention facilities. This information shall be accompanied by a hydrologic and hydraulic analysis, which meets the criteria set forth in the most recent Yavapai County Flood Control District Storm Water Detention Material and Drainage Criteria Manual.
18. The locations of floodway and floodplain boundaries and base flood elevations as determined by Federal Emergency Management Agency (FEMA) Flood Maps and the location of other water courses and land subject to inundation or flood hazard.
19. Engineer’s calculations and estimated values for each tributary of storm runoff for a 25 year and 100 year frequency storm as specified in the Yavapai County Flood Control District Ordinance. The values shall be indicated along the boundary of the plat for all points of drainage entering and leaving the property.
20. Proposed cut and fill areas showing original and proposed grade levels with elevations and contours.

21. Proposed use of all lots, tracts or parcels within the subdivision.
22. Location and dimensions of all existing or proposed structures, walls, fences, irrigation ditches, water wells, pipelines, utilities, and other physical features. Plat shall indicate which improvements are to remain, be altered or removed.
23. Letters of serviceability for all utilities proposed to service the subdivision.
24. Contour intervals shall be such as to adequately reflect the character and drainage of the land.
25. School or park sites that may be required.
26. The zoning of all adjacent land.
27. Any deed restrictions or covenants and property owners' association agreements to be or presently imposed upon the plat or any part thereof.
28. A Yavapai County Flood Control Report.

F. **Preliminary Plat Review.** The Community Development Director shall distribute copies of the plat to the Subdivision Committee. Following receipt of the written comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

G. **Responsibilities of the Community Development Director or Designee.** Approval by the Community Development Director or designee shall be based on the following findings:

1. The proposed subdivision conforms to the adopted General Plan goals, objectives and policies of the Town.
2. The proposed subdivision, as reviewed and approved, will not be detrimental to the public's health, safety, and general welfare.
3. Environmental concerns conform to adopted standards.
4. The design of the proposed subdivision conforms to adopted engineering standards.
5. The proposed subdivision is consistent with the Zoning Code requirements applicable to the property.

6. The proposed subdivision conforms to the improvement standards and design standards set forth in these regulations and other applicable Town, County, State and Federal regulations.

H. **Community Development Director or Designee Decision.** The Community Development Director or designee shall approve, conditionally approve or deny the Preliminary Plat as proposed after considering the recommendations and findings of the Subdivision Committee, and all other agencies having jurisdiction. The Community Development Director or designee's action shall be based on its findings of fact and conclusion.

I. **Community Development Director or Designee Rejection.** If the Preliminary Plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee.

J. **Significance of Preliminary Plat Approval.** Approval of the Preliminary Plat constitutes authorization for the applicant to proceed with preparation of the engineering plans and specifications for public improvements and is based upon the following terms:

1. The basic considerations under which approval of the Preliminary Plat is granted will not be changed prior to the expiration date of Preliminary Plat approval.
2. Approval is valid for a period of two years from the date of the Community Development Director or designee's approval. Requests can be made for one year extensions up to a total of not more than three years from the original date of approval. Extensions of the Preliminary Plat approval may be granted by the Community Development Director or designee upon receipt of a letter from the applicant before the expiration date.
3. Preliminary Plat approval does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs. It does not constitute authorization to record the plat.

### *Section 12-3-040 Subdivision Technical Review*

The Technical Review is designed for the Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending the applicant proceed with Final Plat procedures.

A. Submittal for Technical Review shall be made to the Community Development Department with their Preliminary Plat submittal. The submittal shall be checked by the Town Engineer for content in accordance with requirements set forth in these regulations and for substantial conformity with the Preliminary Plat.

B. Submittal requirements: The following information is required for Technical Review submittal and shall be shown graphically, by note, or by letter, and may consist of several sheets showing various elements of the required data. All mapped data for the same plat shall be drawn at the same standard engineering scale. The applicant may use more than one sheet if necessary, using one of the standard engineering scales. The scale shall not be less than one inch equals one hundred feet providing sufficient detail to illustrate the applicant's intent.

   1. Planned Area Developments (PADs) shall submit typical floor plans and elevations.
   2. Identification and descriptive data:
      a. All information required for the Preliminary Plat.
      b. Building setbacks for a typical lot. Where there are lots with more than four sides or whose shape may be considered atypical, show all setbacks.
      c. Construction plans of all improvements required by these regulations, on-site and off-site, including but not limited to sewers, all utilities, roads, parks, sidewalks, drains, culverts, and grading.
      d. A Yavapai County Flood Control Report.
   3. Review Fee: At the time of filing of the plat for Technical Review, the applicant shall pay a fee as fixed by the Town Council. If revisions are made and further review is required, additional fees may be required.

C. The Town Engineer will review the technical details of the plat and note any changes necessary for the plat to be in compliance with all Town, County, State and Federal Engineering Standards. The Town Engineer will approve and sign, or reject the plat, and notify the Community Development Director or designee in writing of findings. The Community Development Director or designee will notify the applicant of the findings in writing. If the plat is approved, the Director will advise the applicant to proceed with final platting procedures. If the plat is rejected, the Director or Town Engineer will review with the applicant the changes needed to receive approval.

### *Section 12-3-050 Final Plat, Recording and Post Approval*

A. **Filing of Final Plat.**

1. To initiate Final Plat procedures, the applicant shall file the Final Plat, and an application with the Community Development Department.
2. At the time of filing for Final Plat approval, the applicant shall pay a fee as established by Town Council. If revisions are made and further review is required, additional fees may be required.
3. The Final Plat shall be presented in accordance with the requirements set forth below and shall conform to the approved Preliminary Plat or the Revised Preliminary Plat and the approved Technical Review.

B. **Form of Presentation for the Final Plat.** The following information is required as part of the Final Plat submittal. All mapped data for the same plat shall be drawn at the same standard engineering scale of at least one inch equals 100 feet.

1. The Final Plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black ink, that when filed, results in legible prints and negatives produced from the original.
2. Sheet size shall be 24 inches by 36 inches with a border line drawn completely around each sheet leaving an entirely blank margin of 1.5 inches except that the binding edge shall be two inches.

3. Certificates, affidavits, and acknowledgments shall be legibly stamped or printed upon the plat with black opaque ink. All signatures shall be in black waterproof ink, with the ink surface coated with a suitable substance when used on polyester film to assure permanent legibility. Names and titles of signers shall be lettered legibly under their signatures.
4. Scale shall be shown with a bar scale and a written scale.
5. The exterior boundary of the subdivision shall be indicated by a heavy line.
6. Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the total number of sheets shown on each sheet.
7. The case number, subdivision name, date, scale and north point shall be shown on each sheet.
8. Every Final Plat shall have a title sheet either as a separate page or where the size of the subdivision permits as part of the Final Plat. Said title shall contain the following:
    a. The subdivision name shall comprise the title.
    b. Below the title shall be a sub-title consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveys.
    c. References to adjacent subdivisions shall be worded identically with original records, with references to the books and pages of the subdivision.
    d. Name, address, registration number, and signature included with the seal of the registered civil engineer and/or registered land surveyor preparing the plat.
    e. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication and notary seals required by law and by these regulations shall appear on the title sheet.
    f. The title sheet shall show the basis of bearings.
    g. A vicinity map showing the proposed subdivision and the surrounding subdivisions, dedicated right-of-way access to the subdivision, and parcels

and streets located within a 300 foot radius of the boundaries of the proposed subdivision.

9. The following survey data shall be required as a part of Final Plat submittal:
    a. The corners of the subdivision shall be located on the monument lines of abutting streets; boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All distances shall be shown in feet and decimals.
    b. Any excluded parcels within or surrounded by the plat boundaries shall be noted as “not a part of this subdivision” and shall show all bearings and distances of the expected parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.
    c. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two separate corners of the subdivision transverse shall be tied by course and distances to separate section corners or quarter-section corners.
    d. Location of all physical encroachments upon the boundaries of the tract.
    e. Ties to any Federal, State, County and Town boundary lines, section corners and quarter corners involved.
    f. Name, right-of-way lines, courses, lengths, and widths of all public streets, alleys, pedestrian or bicycle ways and utility easements; radii, points of tangency, curve lengths, and central angles of all curvilinear streets, alleys and intersection corners.
    g. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways shall be dedicated drainage ways or right-of-way as determined by the Town Engineer or Yavapai County Flood Control District.
    h. All easements for right-of-way provided for public services or utilities and any limitations of the easements. The following notations shall be placed on all Final Plats: “Construction within easements, except by public

agencies and utility companies, shall be limited to utilities, and wood, wire, or removable section type fencing."

i. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the Town with the use clearly indicated.

j. The limits of any 100 year flood plain identified using the standards set forth by the Director of the Arizona Department of Water Resources, together with the base flood elevation, shall be illustrated on the Final Plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the flood plain. A note shall also be placed on the plat indicating that "Flood Plain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Yavapai County Flood Control District."

10. The following description data shall be required as a part of Final Plat submittal:

a. All residential lots shall be numbered by consecutive numbers throughout the plat.

b. Dimensions and square footage of all lots.

c. "Tracts", "parcels", "exceptions" and "common open space" shall be so designated, lettered, or named, and clearly dimensioned.

d. Location of all adjoining subdivisions and developments with date, name, book and page number of recordation noted. If adjoining land is unrecorded or undivided, so shall it be marked on the plat.

e. Any existing or proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the Town, shall be noted on the plat.

f. Limitations on rights of access to and from streets, lots and other parcels of land.

g. Locations and names of streets and pedestrian or bicycle ways adjacent to the proposed subdivision.

h. Provisions for the perpetual maintenance of private roads, recreation facilities, and/or open spaces that are part of the subdivision shall be

provided for in the Property Owners Association (or other legal entities) organizational Sections of Incorporation and must be acceptable to the Town.

i. Letters from each utility company indicating serviceability of the subdivision.

11. The following dedication and acknowledgment information is required for Final Plat submittal:

a. Dedication: There shall be required as part of the Final Plat submittal an irrevocable offer of dedication of any streets, crosswalks, drainage ways, pedestrian or bicycle ways, trails, and other easements for public use by the parties holding title of record, by parties holding titles as vendees under land contract, by spouse of said parties, lienholders and all other parties having an interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication of drainage easements shall be required. Dedication shall include a written location by Section, Township and Range of the tract. If the plat contains private access ways, the right to install and maintain utilities, including refuse collection, in these access ways, shall be reserved.

b. Acknowledgment of Dedication: Acknowledgment of the offer of dedication shall be certified by a notary public. All parties having any record title or interest in the land being subdivided shall be included in such acknowledgments.

c. An offer of dedication to the Town or County Flood Control District for any streets, pedestrian or bicycle ways, trails, areas, drainage ways, easements and other rights-of-way for public use either immediate or in the future shall not constitute public ownership or responsibility, until the Town Council formally accepts said offer of a dedication by separate instrument.

12. The following certifications shall be required as a part of the Final Plat submittal:

a. Certification by the civil engineer or land surveyor preparing the plat, that the plat is correct and accurate and that the monuments described in it

have either been set or located as described. All maps shall contain the seal of a civil engineer or land surveyor, whichever is applicable. Closure calculations may be required if deemed necessary by the Town Engineer.

b. A certificate signed and acknowledged by all parties having any record of title or interest in the land being subdivided offering for dedication rights of access to and from prescribed streets, lots and parcels of land.

c. A statement of adequate water supply from the Arizona Department of Water Resources, or, if served by a water company, a statement of water serviceability from the serving water company (private or public).

13. A cost estimate for constructing the required public or private improvements signed and sealed by a professional engineer who is registered to practice in the State of Arizona. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Attorney prior to approval of the Final Plat.

C. **Final Plat Review.**

1. The Community Development Director, upon receipt of the Final Plat submittal, shall immediately record receipt and date of filing, and check it for completeness. If complete, the Director shall review the plat for substantial conformity to the approved Preliminary Plat, or revised Preliminary Plat, and forward copies of the submittal to the Subdivision Committee.

2. The reviewers shall transmit their recommendations to the Director in writing. The Community Development Director will then summarize the recommendations, prepare a report and present it to the Subdivision Committee.

3. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

D. **Final Plat Approval, Recording and Post Approval**

1. After the certificate of approval by the Community Development Director or designee has been transcribed on the plat, it shall be retained until the following is met:

a. The Town Engineer certifies that the subdivision has been staked and that the engineering plans, for the subdivision improvements, have been approved.

b. The required letters of assurance of improvements from each serving utility company are attached.

c. An agreement executed by the applicant, in a form acceptable to the Town and approved by the Town Manager, covering the following:

    i. The subdivision improvements in a recorded development unit may be constructed in practical increments of lots, as specified by the applicant, subject to provisions for drainage, traffic movements, and other services as determined by the Town Engineer.

    ii. The improvements, except those utility facilities not directly governed by the Town, shall be constructed in accordance with plans approved by the Town Engineer and the appropriate Town department for water and public sanitary sewer facilities, and by the Town Engineer for all other improvements. If the location of the development is so required, water and sanitary sewer facilities shall also be constructed in accordance with plans approved by the appropriate State and County departments.

    iii. The improvements, except those utility facilities specified in this Ordinance, shall be completed within a specified time period, for each increment, as determined by the Town. An extension of time may be granted under conditions specified in the agreement.

    iv. The applicant shall give adequate assurance of the construction of each increment in accordance with this Ordinance.

    v. Progress payments may be made to the applicant on order from any cash deposit made. Such payments shall be made in accordance with standards established by the Town Engineer.

    vi. Any work abandoned or not completed by the applicant may be completed by the Town, and the Town shall be entitled to recover the construction costs from the applicant’s financial assurances posted with the Town, and if insufficient, from the applicant.

vii. Construction of all improvements within streets and easements, except those utility facilities specified in this Ordinance, shall be subject to inspection by the Town Engineer.

viii. No lots shall be released from the approved increment of lots until either the agreement or an assurance of construction has been posted and accepted by the Town Engineer.

ix. With regard to on-site and off-site street and utility improvements accepted for maintenance by the Town of Clarkdale, the applicant shall warrant all workmanship and materials involved in such improvements for a period of one calendar year after the date of written acceptance.

2. Assurance of Construction.

   a. To ensure construction of the required improvements as set forth above in this Ordinance, except those utility facilities specified in this Ordinance, the applicant shall deposit with the Town an amount in cash or a letter of credit equal to the amount of the cost of the work of each recorded increment, as determined by the Town Engineer, guaranteeing that the work will be completed in accordance with Town Engineering Standards and Specifications.

   b. Any alternative forms of assurance, such as a surety bond, must be approved by Town Manager during the final plat approval process.

   c. The duration of financial assurances shall be for one year, from the date of recording. Extension of time in one year increments may be granted by the Community Development Director or designee upon good cause. The assurance shall remain in force and effect until it is released by the Community Development Director or designee or has been authorized for partial release as provided herein.

   d. The Town Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the financial assurance for the work completed in accordance with the approved cost estimate and construction plans. Ten percent of the estimated cost of completed improvements shall be retained to insure sufficient funds remain to

insure completion of the improvements, final inspections and preparation of final “as-built” plans.

e. In the event the applicant defaults or fails or neglects to satisfactorily install the required improvements within three years from the date of recording, the Town Manager may declare the assurance forfeited, and the Town may make or cause the required improvements to be made, using the funds from the financial assurance to pay the full expense thereof. In addition, the Director shall notify the State Real Estate Commissioner of the default.

f. If good cause is shown by the applicant, the Community Development Director or designee may extend the term of the assurance and the time limit for completion of subdivision improvements.

3. The applicant shall be responsible for taking the Final Plat to be recorded in the Office of the Yavapai County Recorder.

4. The applicant, using the services of an Arizona registered Professional Engineer and plans as approved by the Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than 30 days prior to the release date of the assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of “as-built” construction plans, if complete, or a report on the status of improvements, if only partially complete, to the Town Engineer.

5. A fee may be imposed by the Town Council for the inspection by the Town Engineer.

6. Report to Community Development Director or designee: The Town Engineer will review the “as-built” plans and/or report, with the applicant’s Engineer of Record and notify the applicant of any noncompliance with the approved construction plans or with these regulations. If the Town Engineer determines that compliance has been made, he will then submit a report to the Community Development Director or designee, setting forth the conditions of such facilities.

7. A certificate sealed by the Engineer of Record on the “as-built” plans stating that the construction has been completed in substantial conformance to the

specifications and standards contained in or referred to herein, must be approved by the Town Engineer and presented to the Community Development Director or designee prior to the final release of assurances, who shall forward said plans to the Public Work Director or designee. If all improvements comply with Town Standards, the Town Manager shall release the guarantee. If the condition of materials or workmanship show unusual depreciation or does not comply with Town Standards, the Town Engineer may present this information to the Community Development Director or designee who may declare the applicant in default.

8. Once the improvements are approved and the assurances are released, the Public Works Director or designee shall review the improvements for acceptance into the Town system for maintenance.

## SECTION 12-4 MINOR SUBDIVISION

*12-4-010 Minor Subdivision*

*12-4-020 Minor Subdivision Procedures*

### *Section 12-4-010 Minor Subdivision*

The Minor Subdivision is a process developed to respond to the needs of property owners who are proposing subdivisions of 10 lots or fewer. The process shall comply with all requirements of this Ordinance and of Arizona Revised Statutes.

### *Section 12-4-020 Minor Subdivision Procedures*

The preparation, submittal, review, and approval of all Minor Subdivision Plats located in the Town limits shall proceed through the following:

A. **Pre-Application meeting.** Refer to Section 12-3-020 of these regulations for submittal requirements and process.

B. **Minor Subdivision Plat.** Refer to Section 12-3-030 of this regulation for submittal requirements and process.

C. **Technical Review.** Review to Section 12-3-040 of these regulations for submittal requirements and process.

D. **Final Plat, Recording and Post Approval.** Refer to Section 12-3-050 of these regulations for submittal requirements and process.

## SECTION 12-5 MINOR LAND DIVISIONS

*12-5-010 Purpose of Minor Land Divisions*

*12-5-020 Applicability*

*12-5-030 General Standards*

*12-5-040 Application Process*

*12-5-050 Conspiracy to Subdivide*

### *Section 12-5-010 Purpose of Minor Land Divisions*

A. Provide for the division of land into parcels or lots of two or three parts through a process that is more expeditious than the subdivision process.

B. Maintain accurate records of surveys created to divide existing parcels or lots.

C. Assure the proposed land division conforms to the standards established by the Town of Clarkdale.

D. Ensure adequate legal access to lots or parcels.

E. Ensure adequate emergency vehicle access to lots or parcels.

F. Ensure that Minor Land Division does not constitute a subdivision as defined in Zoning Code Section 12-2 or Arizona Revised Statutes Title 9.

### *Section 12-5-020 Applicability*

The regulations contained in this Ordinance shall apply to all divisions of land made within the corporate limits of the Town of Clarkdale since December 12, 1986, the effective date of revisions to the Town Code, whereby the division of any property into four or more parcels shall proceed through the subdivision process and be

subject to all of the provisions of Chapter 12 - Subdivision Regulations of the Zoning Code of the Town of Clarkdale.

A. The division of improved or unimproved land or lands, totaling 2.5 acres or more, into two or three lots, tracts, or parcels, and which does not involve a new street, shall be subject to the provisions of this Ordinance.

B. All other divisions or changes shall proceed through the subdivision process.

### *Section 12-5-030 General Standards*

A. All Minor Land Divisions shall be developed to comply with all requirements for the specific zoning district in which the divisions are located. At a minimum, these will include meeting the following, if applicable:

   1. Minimum lot size
   2. Minimum lot width
   3. Minimum setbacks
   4. Minimum yard or frontage requirements
   5. Lot coverage and floor area ratio

B. No lot or parcel shall be divided so that any division of the lot contains more dwelling units than are permitted by the zoning district for which the lot or parcel is located.

C. No lot or parcel shall be divided so that any division of the lot results in a split zoning classification on a single lot or parcel.

D. No lot or parcel shall be divided so that any division of the lot or parcel results in the creation of a non-conforming structure or use.

E. No lot or parcel shall be divided so that any division of the lot results in a lack of legal access to any lots or parcels created by the division.

### *Section 12-5-040 Application Process*

A. **Pre-application meeting**. A pre-application meeting is mandatory. The purpose of the pre-application meeting is to:

1. Provide staff with an opportunity to review and comment on proposals prior to submittal.
2. Discuss the development review process and required submissions with the applicant.
3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
5. Persons applying will be required to submit a Pre-application meeting request, including the site plan and supporting documentation. These materials shall be submitted to the Community Development Department, who shall determine if the application is complete. If the application is complete, the Community Development Director or designee will notify the applicant. A deposit toward potential outside consultant fees incurred by the Town in the processing and review of a submittal shall be required per Article 3-4 of the Town Code.
    a. If the application is determined to be incomplete, the Community Development Director or designee shall notify the applicant by electronic communication and specify the additional materials required to make the application complete.
    b. After the application has been accepted as complete the Community Development Department will distribute copies of the submittal to the Subdivision Committee.
6. The Community Development Department may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal.
7. Following receipt of the comments from the various departments and agencies, the Community Development Director or designee shall forward one complete copy to the applicant via electronic communication.

B. **Submittal of Application.** This Section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Minor Land Divisions. Unless exempted by the

Community Development Director, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals 100 feet. Application requirements:

1. Completed Minor Land Divisions Application.
2. A Minor Land Divisions Survey from a land surveyor registered in the State of Arizona containing the following information:
    a. Title, which shall read “Minor Land Division Map for (name of applicant)”.
    b. Location by section, Township, and range.
    c. Legal description of land involved.
    d. APN of parcel.
    e. Name, address, email address and phone number of applicant and/or owner.
    f. Scale, north point, and dates of preparation and revisions.
    g. Existing streets (public or private), utility easements, and lot or parcel lines.
    h. Name, address, registration number, and seal of the registered land surveyor preparing the map.
    i. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be shown in feet and decimals.
    j. Location and dimensions of all lots within the Minor Land Division Map. All sides of the proposed lots shall be identified by bearing and distances.
    k. All lots shall be identified by number or letter.
    l. Proposed street dedications or private access easements, as well as public utility easements, shall be identified by course, length and width.
    m. If questions pertaining to property boundaries develop, the Community Development Department may require location of all existing physical and natural features, including, but not limited to, buildings, structures, bridges, culverts, within the Minor Land Division boundaries. The

applicant shall also identify any of those features which are to be removed.

n. The map shall include signature blocks for the Community Development Director and the Public Works Director, including the date of approval.

o. Identify any public utility extensions or upgrades, when required, to serve proposed land division.

p. Any ingress or street improvements necessary to ensure compliance with emergency vehicle access, dust abatement, and drainage improvements necessary to mitigate any negative effects on current public infrastructure adjacent to and/or fronting the proposed land division.

q. Other information as deemed applicable by the Director to enable the Town to determine the compliance of the Minor Land Division with applicable ordinances and regulations.

3. Payment of a fee for review of the application.

4. Documentation of the land division history of the parcel proposed to be divided in the form of a chain of title or a history of the ownership of the parcel proposed to be split, dating back to December 12, 1986, the effective date of the Code; the chain of title or history of ownership shall be provided so as to determine whether or not the proposed land split constitutes a subdivision. Such documentation shall be presented by a recognized title company doing business in the state of Arizona in the form of a title history search, copies of deeds, or Yavapai County Assessor's records and maps.

5. The Community Development Director or designee shall check all submittals to ensure the application is in compliance with the objectives and standards of this Ordinance and the General Plan.

6. Upon receipt of a completed application, the Director or their designee, shall approve or deny the application within 30 days.

C. **Actions after Approval**

1. If approved, the applicant shall submit the following: A final, recordable, reproducible map consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of

each lot, track or parcel, and signature blocks for the Community Development Director and the Public Works Director.

2. Upon written approval by the Director, applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. Said recording shall occur within 60 days of approval, or the Minor Land Division shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.

### *Section 12-5-050 Conspiracy to Subdivide*

Any Minor Land Division or sequence of divisions which are the result of two or more individuals, firms, partnerships or corporations conspiring together to create four or more parcels of land shall be deemed a subdivision and subject to all provisions of the Town of Clarkdale Subdivision Ordinance.

## SECTION 12-6 LOT LINE ADJUSTMENTS

*12-6-010 Purpose of Lot Line Adjustment*

*12-6-020 General Standards*

*12-6-030 Application Process and Requirements*

### *Section 12-6-010 Purpose of Lot Line Adjustment*

The Lot Line Adjustment is an agreement between adjoining property owners to adjust a common boundary line. No new lots or parcels are created. For purposes of this Section, a Lot Line Adjustment shall include the following acts:

A. The Lot Line Adjustment between owners of adjoining properties solely for the purpose of revisions to common boundary lines; and

B. Additional lots are not being created.

### *Section 12-6-020 General Standards*

A. All Lot Line Adjustments shall be developed to comply with all requirements for the specific zoning district in which the divisions are located. At a minimum, these will include meeting the following, if applicable:

   1. *Minimum lot size.*
   2. *Minimum lot width.*
   3. *Minimum setbacks.*
   4. *Minimum yard or frontage requirements.*
   5. *Lot coverage and floor area ratio.*

B. No Lot Line Adjustment shall result in more dwelling units than are permitted by the zoning district for which the lot or parcel is located.

C. No Lot Line Adjustment shall result in a split zoning classification on a single lot or parcel.

D. No Lot Line Adjustment shall result in the creation of a non-conforming structure or use.

E. No Lot Line Adjustment shall result in a lack of legal access to any lots or parcels created by the division.

### *Section 12-6-030 Application Process*

An application for a Lot Line Adjustment shall be submitted to the Community Development Department. The Community Development Director or designee shall have 30 working days to approve or reject the application.

A. **Submittal of Application.** This Section outlines the minimum information needed to enable the Town to make informed and expeditious decisions regarding applications for Lot Line Adjustments. Unless exempted by the Community Development Director, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals 100 feet.

B. **Application Requirements.**

1. Completed Lot Line Adjustment Application.
2. Lot Line Adjustment Survey completed by a registered land surveyor in the State of Arizona.
3. Payment of the Application Fee.

D. **Actions after Approval.** If approved, the applicant shall submit the following:

1. A final, recordable, reproducible map consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track or parcel, and signature block for the Community Development Director and the Public Works Director.
2. Upon written approval by the Director, applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. Said recording shall occur within 60 days of approval, or the Minor Land Division shall automatically become null and void. A copy of the recorded land division shall be provided to the Community Development Department after being recorded.

## SECTION 12-7 APPEALS

Any order, requirement, decision, determination, interpretation, or administrative action made pursuant to, or in the administration or enforcement of, any provision of this Ordinance may be appealed to the Board of Adjustment, except as expressly provided herein.

A. **Persons Aggrieved.** An appeal may be filed by:

1. the applicant or permittee; or
2. any taxpayer who owns or leases real property that is directly adjacent to, or located within 300 feet of the exterior boundary of the subject property at the time the decision is rendered; or
3. any officer, board, commission, or department of the Town that is directly affected by the decision.

B. **Procedure.** All appeals shall be processed, noticed, and heard in accordance with Chapter 17, Article 17-2 Board of Adjustment of the Town Code of Clarkdale, as amended.

C. **Finality; Exception.** Decisions rendered by the Town Council shall be final and conclusive and shall not be subject to appeal under this Ordinance, as the Town Council serves as the Board of Adjustment for such matters. However, any person aggrieved, as defined above, by any order, requirement, decision, determination, interpretation, or administrative action of Town Council, may follow the process as outlined in Section 17-2-5 of the Town Code.

# EXHIBIT M

# CHAPTER 13

## ~~ENFORCEMENT,~~ AMENDMENTS~~, AND PENALTIES~~

**~~Articles~~SECTIONS:**

~~13-010 Enforcement~~
~~13-020 010 Procedure for Amendments~~13-~~020~~ 010 Procedure for Amendments
~~13-030 Penalties~~
~~13-040 020 Severability~~13-~~040~~ 020 Severability
~~13-050 030 Repeal~~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 Ordnance.~~

~~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.**

A. 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~~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.~~.~~**

B. 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~~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)~~

~~A. Application for change of zone~~A request for a zone change shall be made on an application form provided by the ~~Town~~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.

C.

1. Prior to re-zoning applications being accepted, an application for a pre-application review meeting shall be submitted by the applicant so that Town staff may provide additional information and outline the process and requirements for the zone change.
2. The following information shall be included with all applications for a zone change amendment.

   A proposed zoning exhibit for which the zone change is being requested, shall include the following:

   a. 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. Proposed or existing dedicated rights-of-way and proposed zoning boundaries.
   b. A narrative of how the requested zone change complies with the Clarkdale General Plan.
   c. Completed application form.
   d. Meeting notes from the Pre-Application meeting provided by the Town.
   e. Legal description of the property including a Record of Survey and map exhibit.
   f. Copy of property title or statement of letter of authorization from the property owner notarized statement or letter of agency.
   g. Proposed citizen participation plan to ensure the applicant pursues early and effective participation from the community regarding the proposed zoning change. A summary of the neighborhood input provided in a citizen participation plan report shall be presented by the applicant to staff a minimum of 15 days prior to the Planning Commission meeting.

h. The application shall be accompanied by a vicinity map showing the subject property.

i. The Community Development Director shall determine whether the application is administratively complete within 30 days of submittal.

i. 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.

ii. The Community Development Director shall determine whether a resubmitted application is complete within 15 days after receiving the resubmitted application.

iii. After determining that the application is administratively complete, the Town shall approve or deny the application within 180 days.

iv. The Town may extend the timeline for approval or denial of the application beyond 180 days for either of the following reasons:

(A) For extenuating circumstances, the Town may grant a one-time extension of no more than 30 days.

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

j. This Ordinance 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.

k. A preliminary traffic impact statement may be required by the Town of Clarkdale.

l. A preliminary drainage report and plan may be required by the Town of Clarkdale.

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

~~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.~~

~~1. 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 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.~~

~~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 propertyas 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.~~

~~i. 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.~~

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

~~iii. 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:~~

~~(A) 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.~~

~~a. 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.~~

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

~~c.~~ 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.~~

~~B. D.~~ **Citizen Participation.**

D.

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. The purpose of the citizen participation process is to:
   a. 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;
   b. 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
   c. 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:
   a. A minimum of one neighborhood meeting be held on all re-zoning cases organized and presented by the applicants. The neighborhood meeting shall be completed a minimum of 30 days prior to the Planning Commission public hearing; Town staff may attend to observe the meeting.
   b. The applicant shall notify all affected property owners within 300 feet of the subject site by first class mail no less than 15 days prior to the neighborhood meeting date.
   c. The notification above shall include date, time, and place for the 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.

d. Reference shall be made as to where comments can be made concerning the proposed zone change including the applicant and Town staff contact information.

e. The affected property shall be posted 15 days in advance of the neighborhood meeting date so that the following are visible from a distance of 100 feet; the word "zoning", the present zoning district classification, the proposed zoning district classification, and the date, time, and location of the hearing.

~~**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 (300500) feet of the subject site by first class mail no less than fifteen (15) days prior to the public hearingneighborhood meeting date.~~

~~3. The notification above shall include date, time, and place for the public hearingneighborhood 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 hearingneighborhood 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.~~

Commented [CP1]: I think we should take this out, Not that we wouldn't encourage but it's fluff and doesn't need to be in the ordinance.

~~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.~~**

~~C.~~ **~~E.~~ Public Hearing Require~~d~~ments.**

E.

1. Two public hearings will be held on all re-zoning cases. The first public hearing will be before the Planning and Zoning Commission; the second public hearing will be before the Town Council.
   a. The Planning and Zoning Commission shall hold a public hearing on any re-zone. If no written protest is filed (see section G of this Ordinance), the re-zone may be presented to the Town Council at a public hearing with opportunity for public comment.
      i. 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 15 days before the hearing in the following manner:
         (A) The Town shall notify all affected property owners within 300 feet of the subject site by first class mail no less than 15 days prior to the public hearing dates.
         (B) 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.
         (C) 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.
      ii. The affected property shall be posted by the applicant a minimum of 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 Public 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.

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

iv. 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.

v. 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 300 feet of the property to be re-zoned.

vi. 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 below:

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

(B) A 10% or more increase or reduction in the allowable height of buildings.

(C) An increase or reduction in the allowable number of stories of buildings.

(D) A 10% or more increase or decrease in setback or open space requirements.

(E) An increase or reduction in permitted uses.

(F) An increase in the intensity of use.

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

i. 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 15 days before the hearing in the following manner:

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

(B) 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.

(C) 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.

ii. The affected property shall be posted by the applicant a minimum of 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 Public 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.

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

iv. 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.

v. 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.

vi. 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 below:

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

(B) A 10% or more increase or reduction in the allowable height of buildings.

(C) An increase or reduction in the allowable number of stories of buildings.

(D) A 10% or more increase or decrease in setback or open space requirements.

(E) An increase or reduction in permitted uses.

(F) An increase in the intensity of use.

2. 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.

~~**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. case. 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.~~**

**~~(A) 3. An increase or reduction in the allowable number of stories of buildings.~~**

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

**~~i. 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.~~

~~a. 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.~~

~~b. 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. ~~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 hearing. The Planning

Commission may consider the following when reviewing a zone change amendment request:

1. The amendment conforms to the Clarkdale General Plan, specifically the Land Use Element.
2. The amendment conforms to any adopted Area plans, if applicable.
3. The proposed development provides buffering to adjacent land uses.
4. The proposed development addresses traffic impact.

5. The proposed development addresses noise impact to surrounding properties.
6. The proposed development will conform to all existing zoning regulations 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.

~~D.~~ **Protest.** If the owners of 20% or more either of the area 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, or of those immediately adjacent in the rear or/and side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths 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 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 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 – Town 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 30 days after final approval of the change in classification by the Town Council.~~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 mitigatestraffic 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:~~

H.

~~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~~SEVERABILITY~~Separability~~**

It is hereby declared to be the intent of the ~~Town~~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~~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)~~

# EXHIBIT M
# CHAPTER 13
## AMENDMENTS

**SECTIONS:**

13-010 Procedure for Amendments

13-020 Severability

13-030 Repeal

### 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.** A request for a zone change shall be made on an application form 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.

1. Prior to re-zoning applications being accepted, an application for a pre-application review meeting shall be submitted by the applicant so that Town staff may provide additional information and outline the process and requirements for the zone change.
2. The following information shall be included with all applications for a zone change amendment.

   A proposed zoning exhibit for which the zone change is being requested, shall include the following:

   a. 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. Proposed or existing dedicated rights-of-way and proposed zoning boundaries.
   b. A narrative of how the requested zone change complies with the Clarkdale General Plan.
   c. Completed application form.
   d. Meeting notes from the Pre-Application meeting provided by the Town.
   e. Legal description of the property including a Record of Survey and map exhibit.
   f. Copy of property title or statement of letter of authorization from the property owner notarized statement or letter of agency.
   g. Proposed citizen participation plan to ensure the applicant pursues early and effective participation from the community regarding the proposed zoning change. A summary of the neighborhood input provided in a citizen participation plan report shall be presented by the applicant to staff a minimum of 15 days prior to the Planning Commission meeting.
   h. The application shall be accompanied by a vicinity map showing the subject property.

i. The Community Development Director shall determine whether the application is administratively complete within 30 days of submittal.

i. 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.

ii. The Community Development Director shall determine whether a resubmitted application is complete within 15 days after receiving the resubmitted application.

iii. After determining that the application is administratively complete, the Town shall approve or deny the application within 180 days.

iv. The Town may extend the timeline for approval or denial of the application beyond 180 days for either of the following reasons:

(A) For extenuating circumstances, the Town may grant a one-time extension of no more than 30 days.

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

j. This Ordinance 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.

k. A preliminary traffic impact statement may be required by the Town of Clarkdale.

l. A preliminary drainage report and plan may be required by the Town of Clarkdale.

m. 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. The purpose of the citizen participation process is to:

a. 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;

b. 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

c. 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:

a. A minimum of one neighborhood meeting be held on all re-zoning cases organized and presented by the applicants. The neighborhood meeting shall be completed a minimum of 30 days prior to the Planning Commission public hearing; Town staff may attend to observe the meeting.

b. The applicant shall notify all affected property owners within 300 feet of the subject site by first class mail no less than 15 days prior to the neighborhood meeting date.

c. The notification above shall include date, time, and place for the 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.

d. Reference shall be made as to where comments can be made concerning the proposed zone change including the applicant and Town staff contact information.

e. The affected property shall be posted 15 days in advance of the neighborhood meeting date so that the following are visible from a distance of 100 feet; the word “zoning”, the present zoning district classification, the proposed zoning district classification, and the date, time, and location of the hearing.

E. **Public Hearing Requirements.**

1. Two public hearings will be held on all re-zoning cases. The first public hearing will be before the Planning and Zoning Commission; the second public hearing will be before the Town Council.

   a. The Planning and Zoning Commission shall hold a public hearing on any re-zone. If no written protest is filed (see section G of this Ordinance), the re-zone may be presented to the Town Council at a public hearing with opportunity for public comment.

      i. 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 15 days before the hearing in the following manner:

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

         (B) 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.

         (C) 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.

      ii. The affected property shall be posted by the applicant a minimum of 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 Public 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.

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

iv. 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.

v. 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 300 feet of the property to be re-zoned.

vi. 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 below:

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

(B) A 10% or more increase or reduction in the allowable height of buildings.

(C) An increase or reduction in the allowable number of stories of buildings.

(D) A 10% or more increase or decrease in setback or open space requirements.

(E) An increase or reduction in permitted uses.

(F) An increase in the intensity of use.

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

i. 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 15 days before the hearing in the following manner:

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

(B) 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.

(C) 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.

ii. The affected property shall be posted by the applicant a minimum of 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 Public 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.

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

iv. 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.

v. 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.

vi. 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 below:

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

(B) A 10% or more increase or reduction in the allowable height of buildings.

(C) An increase or reduction in the allowable number of stories of buildings.

(D) A 10% or more increase or decrease in setback or open space requirements.

(E) An increase or reduction in permitted uses.

(F) An increase in the intensity of use.

2. 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.

F. **Procedure for Amendments - Recommendation of the Commission.** 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 hearing. The Planning

Commission may consider the following when reviewing a zone change amendment request:

1. The amendment conforms to the Clarkdale General Plan, specifically the Land Use Element.
2. The amendment conforms to any adopted Area plans, if applicable.
3. The proposed development provides buffering to adjacent land uses.
4. The proposed development addresses traffic impact.
5. The proposed development addresses noise impact to surrounding properties.
6. The proposed development will conform to all existing zoning regulations 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.

G. **Protest.** If the owners of 20% or more either of the area 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, or of those immediately adjacent in the rear or/and side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths 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 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 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.

H. **Emergency Measure – Town 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 30 days after final approval of the change in classification by the Town Council.

## SECTION 13-020 SEVERABILITY

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.

## 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.

# Staff Report

Item Number: 7.C.

**Agenda Item:** **Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code**
Discuss, review and act upon Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code.
Attachments can be found under item 6.A.

**Staff Contact:** Scott Ellis, Community Development Director

**Meeting Date:** May 12, 2026

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

- Goal Area 1 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 3 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

**Background:** The Town of Clarkdale's Zoning Code has evolved over many years through incremental amendments. While these updates addressed specific needs at the time, the code structure has become increasingly difficult to administer due to inconsistent formatting, outdated provisions and terminology, and cross-referencing issues.

To address these challenges, the Community Development Department initiated a comprehensive review of the Zoning Code to modernize the document, improve usability, and ensure alignment with current planning practices and Arizona Revised Statutes.

A Citizen Advisory Committee was appointed on Feb. 11, 2025, to provide input and feedback throughout the process. The Committee worked collaboratively with staff to identify areas for improvement and ensure the updated code reflects community priorities while maintaining Clarkdale's character.

The purpose of this update is not to introduce significant policy changes, but rather to reorganize, clarify, and modernize the existing code so that it is easier for residents, applicants, staff, and decision-makers to understand and administer.

This effort focuses on improving the functionality of the code rather than altering its underlying intent.

The Planning Commission held a public hearing on April 21, 2026, evaluated Ordinance 454, and has forwarded a recommendation of approval to the Town Council for final action.

**Project Description**

The proposed update includes a comprehensive review and reorganization of all 13 chapters of the Clarkdale Zoning Code. Each chapter has been evaluated and revised to ensure consistent formatting, terminology, and structure throughout the document. Overall, the update represents a structural and administrative improvement to the code rather than a substantive policy shift.

**Project Goals**

The primary goals of the zoning code update are to:

- Improve clarity and readability of regulations
- Standardize formatting across all chapters
- Correct outdated or inconsistent cross-references
- Ensure consistency with Arizona law and planning practices
- Consolidate related regulations into logical chapters
- Improve administrative efficiency for staff and applicants
- Maintain Clarkdale's community character and planning goals

**Summary of Changes by Chapter**

- *Chapter 1 – Zoning Code*
  - General cleanup and reorganization
  - Removed outdated references to the Zoning Map
  - Improved clarity of purpose and applicability
- *Chapter 2 – Definitions*
  - Updated key definitions (e.g., accessory structure, roof, front yard)
  - Added new definitions (e.g., data center, microbrewery, airstrip)
  - Removed outdated or use-specific definitions
  - Improved consistency and usability of terminology
- *Chapter 3 – Zoning Districts*
  - Updated permitted and conditional uses
  - Added purpose and intent statements for each district
  - Clarified applicability of other chapters
  - Removed unused zoning districts (Neighborhood Commercial and Highway Commercial)

- Relocated performance standards and agri-tourism to Chapter 4
- Moved Historic Preservation District to its own chapter, #10

- *Chapter 4 – General Provisions*

  - Comprehensive reorganization and modernization
  - Added new standards (e.g., data centers, trash enclosures)
  - Consolidated lot and development standards
  - Updated walls, fences, parking, and loading requirements
  - Added bicycle parking and shared parking provisions
  - Removed or relocated engineering-related provisions

- *Chapter 5 – Conditional Use Permits*

  - Streamlined application and review procedures
  - Added pre-application requirement
  - Extended implementation timeline from six months to one year
  - Aligned appeals process with Town Code

- *Chapter 6 – Planned Area Development (PAD)*

  - Introduced a modern, master-planned development framework
  - Added comprehensive master development plan requirements
  - Standardized review procedures
  - Removed PUD standards and outdated PAD structure and tiers

- *Chapter 7 – Signage*

  - Revised sign area calculations based on building frontage
  - Established a maximum aggregate sign area of 250 square feet
  - Converted monument signs to freestanding signs
  - Shifted commercial sign review to administrative approval
  - Consolidated temporary signage categories

- *Chapter 8 – Outdoor Lighting*

  - Updated to align with dark-sky standards
  - Requires fully shielded fixtures
  - Limits color temperature to 4000K or less
  - Establishes maximum lumens per acre
  - Reduces light trespass through downward-directed fixtures

- *Chapter 9 – Landscape Design Standards*

  - Added prohibited plant list and shading requirements
  - Strengthened buffering and parking lot landscaping standards
  - Clarified maintenance and exception provisions

- *Chapter 10 – Historic Preservation District*

  - Established as a standalone chapter

- Improves organization and visibility of preservation standards

- *Chapter 11 – Design Review*

  - Aligned with state requirements for administrative review
  - Replaced subjective criteria with objective standards
  - Standardized submittal requirements
  - Streamlined appeals process

- *Chapter 12 – Subdivision Regulations*

  - Updated to reflect administrative plat approval requirements
  - Removed outdated and engineering-specific provisions
  - Standardized submittal and review procedures
  - Clarified subdivision committee membership
  - Separated minor land divisions and lot line adjustments

- *Chapter 13 – Amendments*

  - Removed enforcement and penalty provisions (addressed in the Town Code)
  - Standardized application requirements
  - Aligned appeals process with other review procedures

**Key Findings**

1. The proposed update represents a comprehensive organizational improvement rather than a policy shift.
2. The revised code improves clarity, consistency, and usability for all users.
3. The update ensures alignment with Arizona Revised Statutes and modern planning practices.
4. Administrative processes have been streamlined, improving efficiency and predictability.
5. The update maintains the Town's existing character and planning framework while making the code easier to implement.

**Next Steps**

- Town Council public hearing and adoption
- Implementation

**Budget Impact:** No budget impact.

**Recommendation:** Staff recommends that Town Council approve the proposed Zoning Code update.

SUGGESTED MOTION

"I move to approve Ordinance No. 454: A Comprehensive Update to the Clarkdale Zoning Code as presented, and authorize the Mayor, Town Attorney and Town Clerk to execute all documents."

# Staff Report

Item Number: 7.D.

**Agenda Item:** **Resolution 1761 - Adopting the New Position of Deputy Town Manager**
Discuss, consider and act upon Resolution 1761, adopting the new position of Deputy Town Manager and updating the salary range table.

**Staff Contact:** Angela Benavides, Human Resources/Risk Director

**Meeting Date:** May 12, 2026

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

- Goal Area 5 - Strategically invest in organizational development to enhance efficiency and service delivery and to attract and retain an exemplary workforce.

**Background:** The Town Council previously adopted Resolution #1576 establishing the Salary Range Placement Table. An amendment is needed to add the Deputy Town Manager position and ensure proper alignment within the Town's compensation structure. This update supports internal equity, organizational effectiveness, and a competitive pay framework. The addition is proposed to take effect July 1, 2026.

**Budget Impact:** No budget impact.

**Recommendation:** Staff recommends that the Council approve Resolution 1761, adopting the new position of Deputy Town Manager and updating the salary range table and authorize the Mayor and Town Clerk to execute all documents.

# RESOLUTION NO. 1761

## A RESOLUTION OF THE TOWN OF CLARKDALE, ARIZONA, MAYOR AND COMMON COUNCIL, AMENDING RESOLUTION #1576, ADOPTING THE NEW POSITION OF DEPUTY TOWN MANAGER AND RANGE PLACEMENT TABLE FOR EMPLOYEE SALARY RANGES, AND SETTING EFFECTIVE DATES.

**BE IT RESOLVED** by the Mayor and the Town Council of the Town of Clarkdale:
**THAT** the following Salary Range Placement Table is hereby adopted effective July 1, 2026.

| 7/1/2026 -- Recommended -- | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Occupational Job Family / Group** | **Salary Range** | **Exempt / Non-exempt** | **Minimum Hour** | **Minimum** | **Midpoint Hour** | **Midpoint** | **Maximum Hour** | **Maximum** |
| Town Manager | 35 | Ex | $60.74 | **$126,333** | $78.88 | **$164,069** | $97.02 | **$201,804** |
| Assistant Town Manager | 31 | Ex | $49.97 | **$103,934** | $64.89 | **$134,980** | $79.82 | **$166,025** |
| Police Chief | 30 | Ex | $53.72 | **$111,741** | $69.84 | **$145,264** | $85.95 | **$178,785** |
| Town Engineer | 30 | Ex | $47.54 | **$98,886** | $61.80 | **$128,552** | $76.07 | **$158,217** |
| Senior Director Public Works | 29 | Ex | $45.28 | **$94,177** | $58.86 | **$122,430** | $72.44 | **$150,683** |
| Administrative Services Director | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Community Development Director | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Finance Director | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Public Works Director | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Director Public Utilities | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Director of Water/Wastewater | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Deputy Town Manager | 28 | Ex | $43.12 | **$89,692** | $56.06 | **$116,600** | $68.99 | **$143,508** |
| Town Clerk | 26 | Ex | $39.11 | **$81,353** | $50.85 | **$105,760** | $62.58 | **$130,166** |
| Parks & Recreation Director | 26 | Ex | $39.11 | **$81,353** | $50.85 | **$105,760** | $62.58 | **$130,166** |
| Human Resources Director | 26 | Ex | $39.11 | **$81,353** | $50.85 | **$105,760** | $62.58 | **$130,166** |
| Assitant Director Community Development | 24 | Ex | $35.48 | **$73,791** | $46.12 | **$95,927** | $56.76 | **$118,064** |
| Assistant Director Public Works | 24 | Ex | $35.48 | **$73,791** | $46.12 | **$95,927** | $56.76 | **$118,064** |
| Assistant Director Water/Wastewater Utilities | 24 | Ex | $35.48 | **$73,791** | $46.12 | **$95,927** | $56.76 | **$118,064** |
| Chief Building Official | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Planning Manager | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Water Resources Manager | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Public Works Manager | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Public Works Superintendent | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Parks & Recreation Manager | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Assistant to Town Manager/Grants Manager | 23 | Ex | $33.79 | **$70,277** | $43.92 | **$91,359** | $54.06 | **$112,442** |
| Finance Manager | 22 | Ex | $32.18 | **$66,930** | $41.83 | **$87,009** | $51.48 | **$107,088** |
| Human Resources Manager | 22 | Ex | $32.18 | **$66,930** | $41.83 | **$87,009** | $51.48 | **$107,088** |
| Grants Manager | 22 | Ex | $32.18 | **$66,930** | $41.83 | **$87,009** | $51.48 | **$107,088** |
| Court Administrator | 20 | Ex | $29.19 | **$60,708** | $37.94 | **$78,920** | $46.70 | **$97,132** |
| Grants Administrator | 20 | Ex | $29.19 | **$60,708** | $37.94 | **$78,920** | $46.70 | **$97,132** |
| Project Manager | 20 | Ex | $29.19 | **$60,708** | $37.94 | **$78,920** | $46.70 | **$97,132** |
| Public Works Administration Manager | 20 | Ex | $29.19 | **$60,708** | $37.94 | **$78,920** | $46.70 | **$97,132** |
| Assistant Parks & Marketing Manager | 20 | Ex | $29.19 | **$60,708** | $37.94 | **$78,920** | $46.70 | **$97,132** |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Accounting Supervisor | 17 | Ex | $25.21 | **$52,441** | $32.78 | **$68,173** | $40.34 | **$83,907** |
| Sr. Accountant | 17 | Ex | $25.21 | **$52,441** | $32.78 | **$68,173** | $40.34 | **$83,907** |
| Public Works Administrative Supervisor | 17 | Ex | $25.21 | **$52,441** | $32.78 | **$68,173** | $40.34 | **$83,907** |
| Public Works Operations Supervisor | 17 | Ex | $25.21 | **$52,441** | $32.78 | **$68,173** | $40.34 | **$83,907** |
| Senior Planner | 17 | Ex | $25.21 | **$52,441** | $32.78 | **$68,173** | $40.34 | **$83,907** |
| | | | | | | | | |
| Chief Water/Wastewater Operator | 16 | Nex | $24.01 | **$49,944** | $31.22 | **$64,928** | $38.42 | **$79,910** |
| Civilian Administrative Supervisor | 16 | Nex | $24.01 | **$49,944** | $31.22 | **$64,928** | $38.42 | **$79,910** |
| PW Assistant Superintendent | 16 | Nex | $24.01 | **$49,944** | $31.22 | **$64,928** | $38.42 | **$79,910** |
| | | | | | | | | |
| Parks & Recreation Supervisor | 15 | Nex | $22.87 | **$47,566** | $29.73 | **$61,836** | $36.59 | **$76,105** |
| Public Works Operations Foreman | 15 | Nex | $22.87 | **$47,566** | $29.73 | **$61,836** | $36.59 | **$76,105** |
| | | | | | | | | |
| Assistant to the Manager | 14 | Nex | $21.78 | **$45,301** | $28.31 | **$58,891** | $34.85 | **$72,482** |
| Civilian Operations Supervisor | 14 | Nex | $21.78 | **$45,301** | $28.31 | **$58,891** | $34.85 | **$72,482** |
| Deputy Town Clerk | 14 | Nex | $21.78 | **$45,301** | $28.31 | **$58,891** | $34.85 | **$72,482** |
| Management Assistant | 14 | Nex | $21.78 | **$45,301** | $28.31 | **$58,891** | $34.85 | **$72,482** |
| Planner I | 14 | Nex | $21.78 | **$45,301** | $28.31 | **$58,891** | $34.85 | **$72,482** |
| Senior Mechanic | 14 | Nex | $21.78 | **$45,301** | $28.31 | **$58,891** | $34.85 | **$72,482** |
| | | | | | | | | |
| Building Inspector/Plan Checker | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| Community Development Technician | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| Finance/HR Specialist | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| Lead Water/Wastewater Operator | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| PW Ops Specialist II | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| Parks and Public Relations Specialist | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| Associate Planner | 13 | Nex | $20.74 | **$43,143** | $26.96 | **$56,087** | $33.19 | **$69,030** |
| | | | | | | | | |
| Animal Control/Code Enforcement Officer | 12 | Nex | $19.75 | **$41,089** | $25.68 | **$53,416** | $31.61 | **$65,743** |
| | | | | | | | | |
| Finance/HR Assistant | 11 | Nex | $18.81 | **$39,132** | $24.46 | **$50,873** | $30.10 | **$62,613** |
| Water/Wastewater Operator | 11 | Nex | $18.81 | **$39,132** | $24.46 | **$50,873** | $30.10 | **$62,613** |
| | | | | | | | | |
| Accounting Technician | 10 | Nex | $17.92 | **$37,269** | $23.29 | **$48,450** | $28.67 | **$59,631** |
| Mechanic | 10 | Nex | $17.92 | **$37,269** | $23.29 | **$48,450** | $28.67 | **$59,631** |
| Parks & Recreation Coordinator | 10 | Nex | $17.92 | **$37,269** | $23.29 | **$48,450** | $28.67 | **$59,631** |
| Public Works Operations Specialist | 10 | Nex | $17.92 | **$37,269** | $23.29 | **$48,450** | $28.67 | **$59,631** |
| PW Tech (merge Ops Specialist) | 10 | Nex | $17.92 | **$37,269** | $23.29 | **$48,450** | $28.67 | **$59,631** |
| | | | | | | | | |
| Accounting Clerk | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| Administrative Assistant | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| Court Clerk | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| Police Aide | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| Utility Clerk | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| Water/Wastewater Operator Trainee | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| Mechanic Trainee/Intern | 8 | Nex | $16.25 | **$33,804** | $21.13 | **$43,946** | $26.00 | **$54,087** |
| | | | | | | | | |
| Laborer | 7 | Nex | $15.48 | **$32,194** | $20.12 | **$41,853** | $24.76 | **$51,511** |
| PW Ops Specialist Trainee/Intern | 7 | Nex | $15.48 | **$32,194** | $20.12 | **$41,853** | $24.76 | **$51,511** |
| | | | | | | | | |
| Custodian | 1 | Nex | $15.15 | **$27,954** | $17.78 | **$36,982** | $20.41 | **$42,457** |
| Seasonal/Temp Positions | 1 | Nex | $15.15 | **$27,954** | $17.78 | **$36,982** | $20.41 | **$42,457** |
| Verde River Ambassador | 1 | Nex | $15.15 | **$27,954** | $17.78 | **$36,982** | $20.41 | **$42,457** |
| | | | | | | | | |
| Police | | | | | | | | |
| Police Lieutenant | P5 | Ex | $41.12 | **$85,539** | $49.65 | **$103,273** | $58.18 | **$121,008** |
| Police Sergeant | P4 | Nex | $39.17 | **$81,465** | $47.29 | **$98,356** | $55.41 | **$115,248** |
| Detective | P3 | Nex | $35.52 | **$73,892** | $42.89 | **$89,214** | $50.26 | **$104,533** |
| Lead Police Officer | P2 | Nex | $33.83 | **$70,373** | $40.85 | **$84,964** | $47.86 | **$99,554** |
| Police Officer | P1 | Nex | $30.52 | **$63,478** | $36.97 | **$76,889** | $43.41 | **$90,298** |

PASSED AND ADOPTED by the Town of Clarkdale, Arizona Mayor and Council, this 12th day of May 2026.

**ATTEST:**

_____ _____

Robyn Prud'homme-Bauer – Mayor

Charity Brooks, Town Clerk

Town Administration
Town of Clarkdale
P.O. Box 308, Clarkdale, AZ 86324
Town Hall 928-639-2400 * fax 928-639-2459

Job Description

# Deputy Town Manager

**DESCRIPTION:** Under general direction of the Town Manager, performs highly responsible executive-level administrative and operational work in support of Town-wide priorities, programs, and services. Assists in advancing the Town's strategic goals by coordinating cross-departmental initiatives, supporting organizational performance, and ensuring efficient service delivery to the community. Serves as a key member of the leadership team, exercising sound judgment, initiative, and discretion in representing the Town Manager in internal and external matters. Maintains primary responsibility for the Town's grants program, including oversight, coordination, and compliance. Fosters collaborative relationships with departments, elected officials, community partners, and regulatory agencies, and supports clear and consistent communication across the organization. Serves as Acting Town Manager in the Town Manager's absence and performs related duties as assigned.

**CLASSIFICATION**: This is a FLSA exempt, full time, "at will" position, with full benefits.

## ESSENTIAL FUNCTIONS AND DUTIES:

Essential functions and duties may be modified at any time at management's discretion. Typical duties may include, but are not limited to the following:

- Supports the Town Manager in coordinating Town-wide operations, programs, and strategic initiatives.
- Leads and facilitates cross-departmental projects to improve efficiency, effectiveness, and service delivery.
- Oversees and administers the Town's grants program, including identification, application, compliance, and reporting.
- Prepares and reviews reports, agenda items, and communications for the Town Manager and Town Council.
- Analyzes operational and policy issues and provides recommendations for decision-making.
- Represents the Town Manager in meetings with staff, elected officials, community groups, and external agencies.
- Participates in the development and monitoring of the Town's budget and organizational goals.
- Responds to and resolves complex or sensitive issues, inquiries, and community concerns.
- Ensures compliance with applicable laws, regulations, and Town policies.
- Serves as Acting Town Manager in the Town Manager's absence.
- Performs related duties as assigned.

## MINIMUM QUALIFICATIONS

Education and/or Experience

- Bachelor's degree in public or business administration, Political Science or a closely related field from an accredited educational Institution.
- Minimum five (5) years of demonstrated leadership experience in public sector organizations; OR an equivalent combination of education and experience.
- Master's degree in public administration is highly desirable.

## Special Requirements, Licenses, and Certificates

- Must possess State of Arizona Driver's license.

## Knowledge, Skills, and Abilities

*Knowledge*

- Principles and practices of public administration, municipal operations, contract preparation, negotiation, conflict resolution, and policy development.
- Strategic planning and interdepartmental coordination.
- Applicable federal, state, and local laws, regulations, and governmental processes.
- Municipal budgeting, financial management, and grants administration.
- Intergovernmental relations and public sector organizational dynamics.

*Skills*

- Strategic thinking, analysis, sound decision-making, and servant leadership.
- Clear and effective written and verbal communication.
- Preparing reports, policy recommendations, and executive-level correspondence.
- Building collaborative relationships and facilitating cross-functional coordination.

*Abilities*

- Analyze complex issues, develop solutions, and implement recommendations.
- Navigate politically sensitive situations with professionalism and discretion.
- Leadership methods that prepare and mentor staff to assume broader leadership roles.
- Manage multiple competing priorities with time-sensitive deadlines and adapt to changing demands while maintaining accuracy, accountability, and strong decision making.
- Represent the Town effectively with internal and external stakeholders.
- Exercise independent judgment aligned with organizational goals and policies.

## PHYSICAL REQUIREMENTS

This classification involves working indoors and occasional setting. The noise level in the work environment is usually moderate. Level of responsibility subjects the incumbent to moderate stress due to interruptions.

- Mainly work in an office environment that requires sitting for prolonged periods.
- Must have the vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone with or without accommodations.
- Must be able to visit job sites and other office locations, that may require the ability to maneuver over rough terrain with or without accommodations.
- This position will require the ability to lift, carry, or move items up to twenty-five (25) lbs. with or without accommodations.
- May be required to work outside normally scheduled hours, evenings, weekends and/or holidays.
- May require travel to assist with projects or attend meetings or training events.
- May require interactions with persons who are hostile or aggressive, posing threatening conditions.

SUCCESSFUL COMPLETION AND CLEARING OF A POST OFFER, PRE-EMPLOYMENT SCREENING PROCESS (AT THE TOWN'S EXPENSE) IS MANDATORY, CONSISTING OF A BACKGROUND CHECK.

THE TOWN OF CLARKDALE IS AN EQUAL OPPORTUNITY EMPLOYER (EOE).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the Town and requirements of the job change.

# Staff Report

Item Number: 7.E.

**Agenda Item:** **Budget Proposal Presenation for the Fiscal Year Ending June 30, 2027.**
The Council will receive a Budget Proposal Presentation for the fiscal year ending June 30, 2027.

**Staff Contact:** Brittany Earles, Finance Director

**Meeting Date:** May 12, 2026

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

- Goal Area 1 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.
- Goal Area 2 - Enhance the quality and availability of parks, recreation and cultural opportunities.
- Goal Area 3 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.
- Goal Area 4 - Plan for the maintenance and growth of quality infrastructure that is sustainable and resilient.
- Goal Area 5 - Strategically invest in organizational development to enhance efficiency and service delivery and to attract and retain an exemplary workforce.
- Goal Area 6 - Adopt water conservation strategies that prevent negative aquifer impacts and no degradation of Verde River Flows.

**Background:** Since January, Town Staff have been in the process of preparing the proposed budget for the fiscal year ending June 30, 2027. As part of that process, the Council has held the following work sessions, open to the public, to provide input to staff on key considerations:

- April 6 – Council work session to discuss draft budget and provide recommendations.

- April 28 – Council work session to review revised budget.
- May 12 - Final update to Council before the Tentative Budget Adoption.

Additional discussion on the proposed budget will be held at the following meetings:

- May 26 – Tentative Budget adoption, setting upper limit.
- June 23 – Public Hearing for Budget, Truth in Taxation and Property Tax Levy.
- June 23 – Final Budget adoption.
- July 14 – Adoption of Property Tax Levy.

**Budget Impact:** No budget impact.

**Recommendation:** No recommendation. This item is for presentation and discussion only.

# Town of Clarkdale Annual Budget

*Fiscal Year ending June 30, 2027 Tentative Budget*

*Budgeting to Preserve Our Quality of Life*

# Budget Updates

5/12/26 Draft

- Added Council approved Supplementals and CIPs to the budget.
- Overall personnel costs $80,000 lower than originally expected.
- Election costs reduced by $10,000.
- Transit contract budget reduced by $3,000.
- Sanitation Revenue and Expenditure Update.

# Finance Director

Brittany Earles

# Town Council

Mayor Robyn Prud'homme-Bauer

Vice Mayor Debbie Hunseder

Council Member Marney Babbitt-Pierce

Council Member Laura Jones

Council Member Lisa O'Neill

# Town Manager

Lou Andersen

# Clarkdale Total Budget At A Glance (State Budget Forms)

| Fund | FY 2025/2026 | Proposed FY 2026/2027 | $ Change | % Change |
|---|---|---|---|---|
| General Fund | $ 7,512,700 | $ 8,677,292 | $ 1,164,592 | 16% |
| HURF Fund Streets | $ 995,000 | $ 488,088 | $ (506,912) | -51% |
| Donations Fund | $ 553,700 | $ 1,215,388 | $ 661,688 | 120% |
| Grants | $ 24,916,000 | $ 25,223,000 | $ 307,000 | 1% |
| Court Enhancement | $ 5,700 | $ 10,000 | $ 4,300 | 75% |
| GIITEM | $ 100,000 | $ 120,000 | $ 20,000 | 20% |
| Opioid Fund | $ 50,000 | $ 24,358 | $ (25,642) | -51% |
| CIP Fund 24 | $ 3,218,643 | $ 2,480,684 | $ (737,959) | -23% |
| Streets Unrestricted | $ 452,100 | $ 494,718 | $ 42,618 | 9% |
| Water | $ 5,545,969 | $ 6,624,828 | $ 1,078,859 | 19% |
| Wastewater | $ 3,500,624 | $ 1,500,900 | $ (1,999,724) | -57% |
| Sanitation | $ 437,200 | $ 446,185 | $ 8,985 | 2% |
| Cemetery | $ 196,900 | $ 236,306 | $ 39,406 | 20% |
| **Total** | **$ 47,484,536** | **$ 47,541,747** | **$ 57,211** | **0.12%** |

# Budget Timeline

**December 2025 January 2026**

- Operating budgets, supplemental request forms, and capital request forms distributed to Departments for consideration and update.
- Development of CIP projects in progress.

**February & March 2026**

- Property values received from County and revenue estimates received from State.
- Town Manager meets with Departments and Finance to review budget submissions.
- Strategic planning session with Council and public to review and refresh goals.

**April 2026**

- Council work sessions with Town Manager and Leadership Team (public invited to participate).
- Notice of intent posted for fee increases, if applicable.

**May 2026**

- Public hearing and Council adoption of tentative budget.
- Tentative budget published online and in newspaper.

**June – July 2026**

- Truth in taxation notices published for rate increases, if proposed.
- Public hearing for final budget and adoption of resolution for property tax rate.
- Tax levy/rate ordinance.

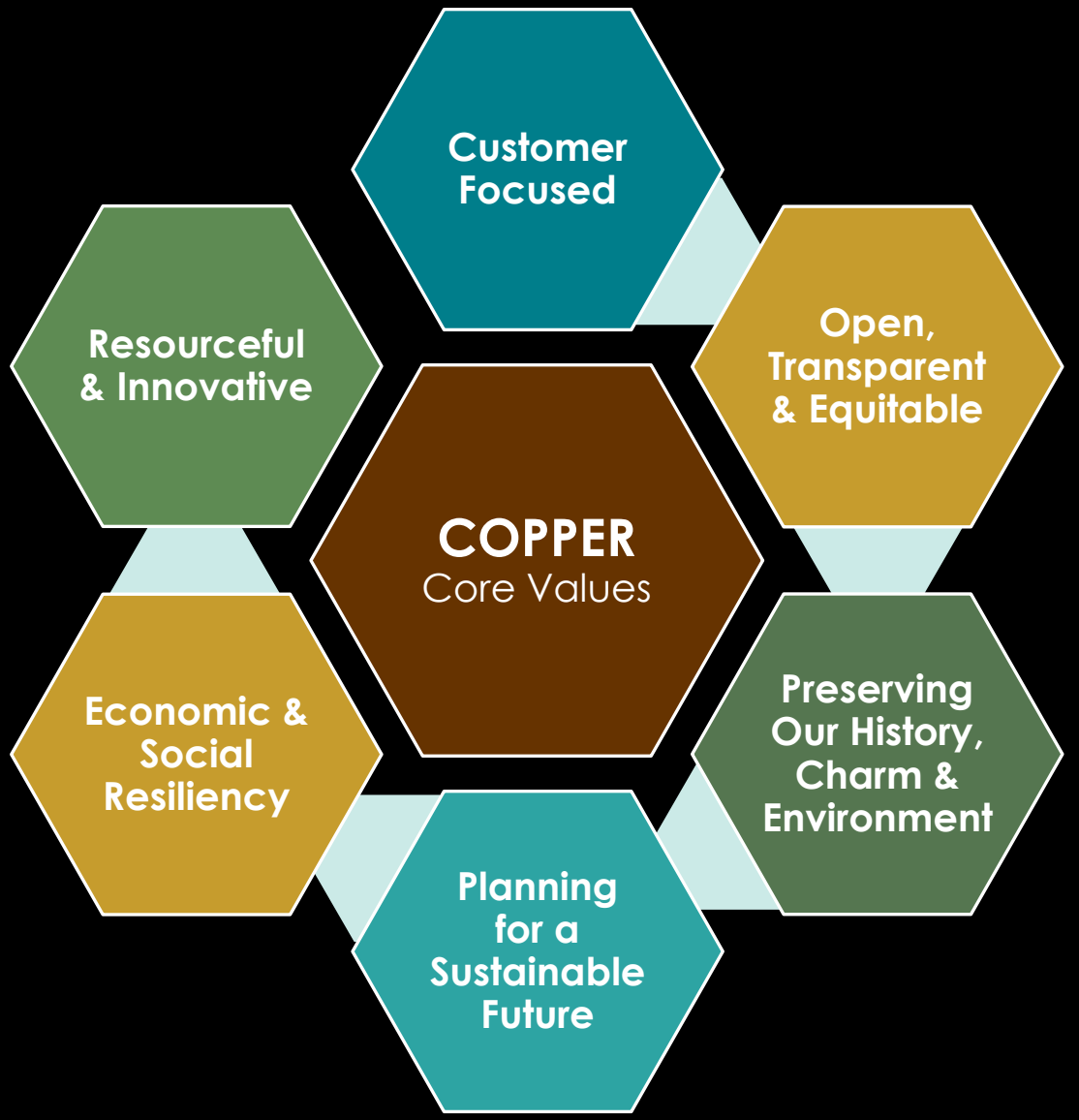
# Vision, Mission & Values

## Vision:

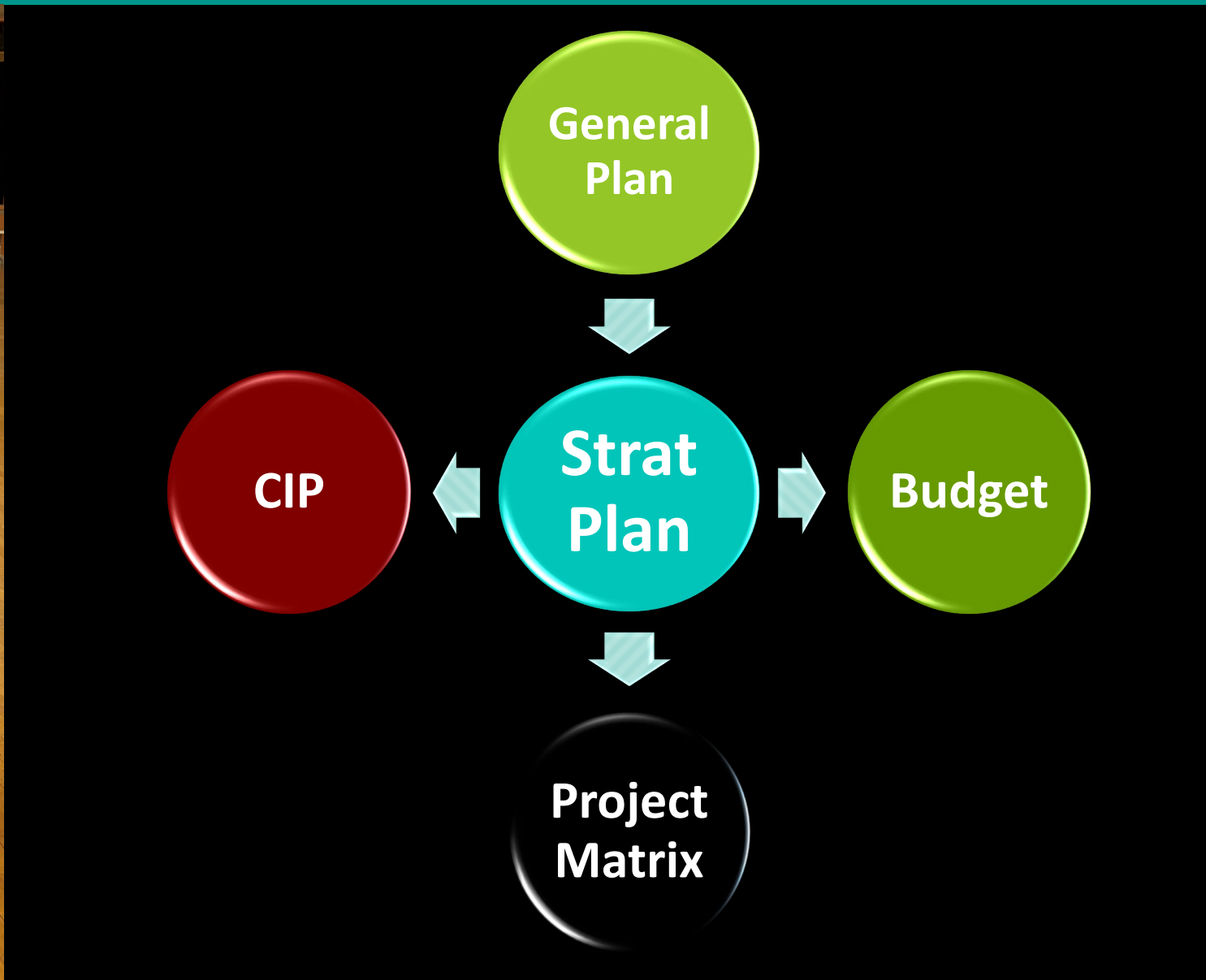
The Town of Clarkdale capitalizes on our unique history, proximity to the Verde River, and small-town charm. We cultivate a safe environment where residents and businesses can thrive. We sustainably enhance our infrastructure, support the arts and education, and develop recreational opportunities to create a bright future for our entire community.

## 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.



# Budget Alignment with Strategic Planning



# Strategic Goals 1-3

Goal Area 1

**Enhance the quality of life for residents, businesses and visitors to Clarkdale.**

Goal Area 2

**Enhance the quality and availability of parks, recreation and cultural opportunities.**

Goal Area 3

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

# Strategic Goals 4-6

Goal Area 4

**Plan for the maintenance and growth of quality infrastructure that is sustainable and resilient.**

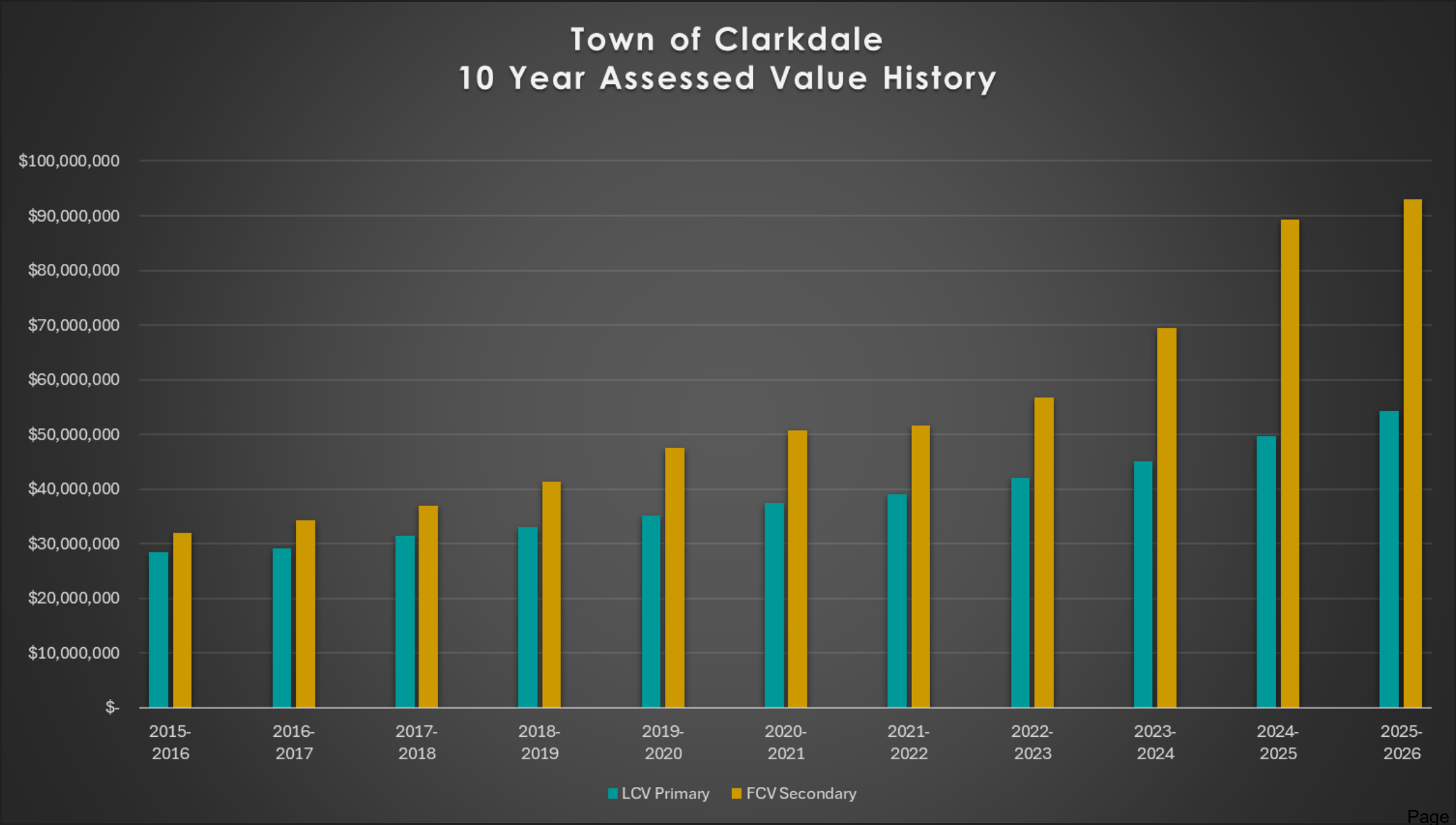
Goal Area 5

**Strategically invest in organizational development to enhance efficiency and service delivery and to attract and retain an exemplary workforce.**

Goal Area 6

**Adopt water conservation strategies that result in no drawdown in the aquifer and no degradation of Verde River flows.**

# Budget Assumptions & Highlights: Property Values



# Property Tax Analysis

| | FY 2025/2026 Current Levy | FY 2026/2027 Maximum without Truth in Taxation | FY 2026/2027 Keep Rate the Same | FY 2026/2027 Increase in Rate Below Max | FY 2026/2027 Increase in Rate Below Max | FY 2026/2027 Maximum Allowable Tax Levy |
|---|---|---|---|---|---|---|
| Truth in Taxation | | No | Yes | Yes | Yes | Yes |
| Net Assessed Value | $ 54,203,268 | $ 57,218,998 | $ 57,218,998 | $ 57,218,998 | $ 57,218,998 | $ 57,218,998 |
| Value of New Construction | $ 2,069,202 | $ 794,946 | $ 794,946 | $ 794,946 | $ 794,946 | $ 794,946 |
| Net Assessed Value minus New Const | $ 52,134,066 | $ 56,424,052 | $ 56,424,052 | $ 56,424,052 | $ 56,424,052 | $ 56,424,052 |
| Primary Tax Levy | $ 728,000 | $ 738,240 | $ 768,504 | $ 789,000 | $ 800,000 | $ 810,000 |
| Increase in Tax Levy | | $ 10,240 | $ 40,504 | $ 61,000 | $ 72,000 | $ 82,000 |
| Tax Rate | 1.3431 | 1.2902 | 1.3431 | 1.3789 | 1.3981 | 1.4156 |
| % Increase in Tax Rate | | -3.94% | 0.00% | 2.67% | 4.10% | 5.40% |
| % Increase in Tax Levy | | 1.41% | 5.56% | 8.38% | 9.89% | 11.26% |
| Proposed primary property tax levy increase on a home valued at | | $ - | $ 5.29 | $ 8.87 | $ 10.79 | $ 12.54 |

# Truth in Taxation

1. Wednesday, June 10, 2026: Deadline to submit: publish first “Truth in Taxation” notice in a paper of general circulation in the Town.
2. Wednesday, June 17, 2026: Deadline to submit: publish second “Truth in Taxation” notice in a paper of general circulation in the Town.
3. **Tuesday, June 23, 2026: PUBLIC HEARING – A hearing to receive public input on the final budget for fiscal year. Hold a public hearing on budget and property tax levy (can be combined with truth in taxation hearing).**
4. Friday, June 26, 2026: Mail a copy of the truth in taxation notice, a statement of its publication or mailing and the result of the council’s vote to the Property Tax Oversight Commission.
5. Friday, June 26, 2026: Email Board of Supervisors, send signed Tax Resolution & Published Truth in Taxation notice. Will send Ordinance after meeting.
6. Tuesday, July 14, 2026: AN ORDINANCE SETTING FORTH THE VALUATIONS OF PROPERTY IN THE TOWN OF CLARKDALE FOR THE YEAR ALONG WITH ADOPTING THE TAX LEVY FOR PROPERTY – Discussion and consideration of Ordinance # _____, adopting the tax levy and setting the valuations of property in the Town of Clarkdale for fiscal year.
7. Monday, July 20, 2026: Forward certified copy of tax levy ordinance to county.

# Truth in Taxation Notice

## TRUTH IN TAXATION HEARING
## NOTICE OF TAX INCREASE

IN COMPLIANCE WITH SECTION 42-17107, ARIZONA REVISED STATUTES, THE CITY/ TOWN OF CLARKDALE IS NOTIFYING ITS PROPERTY TAXPAYERS OF CLARKDALE'S INTENTION TO RAISE ITS PRIMARY PROPERTY TAXES OVER LAST YEAR'S LEVEL. CLARKDALE IS PROPOSING AN INCREASE IN PRIMARY PROPERTY TAXES OF $ 60,903 OR 8.37%.

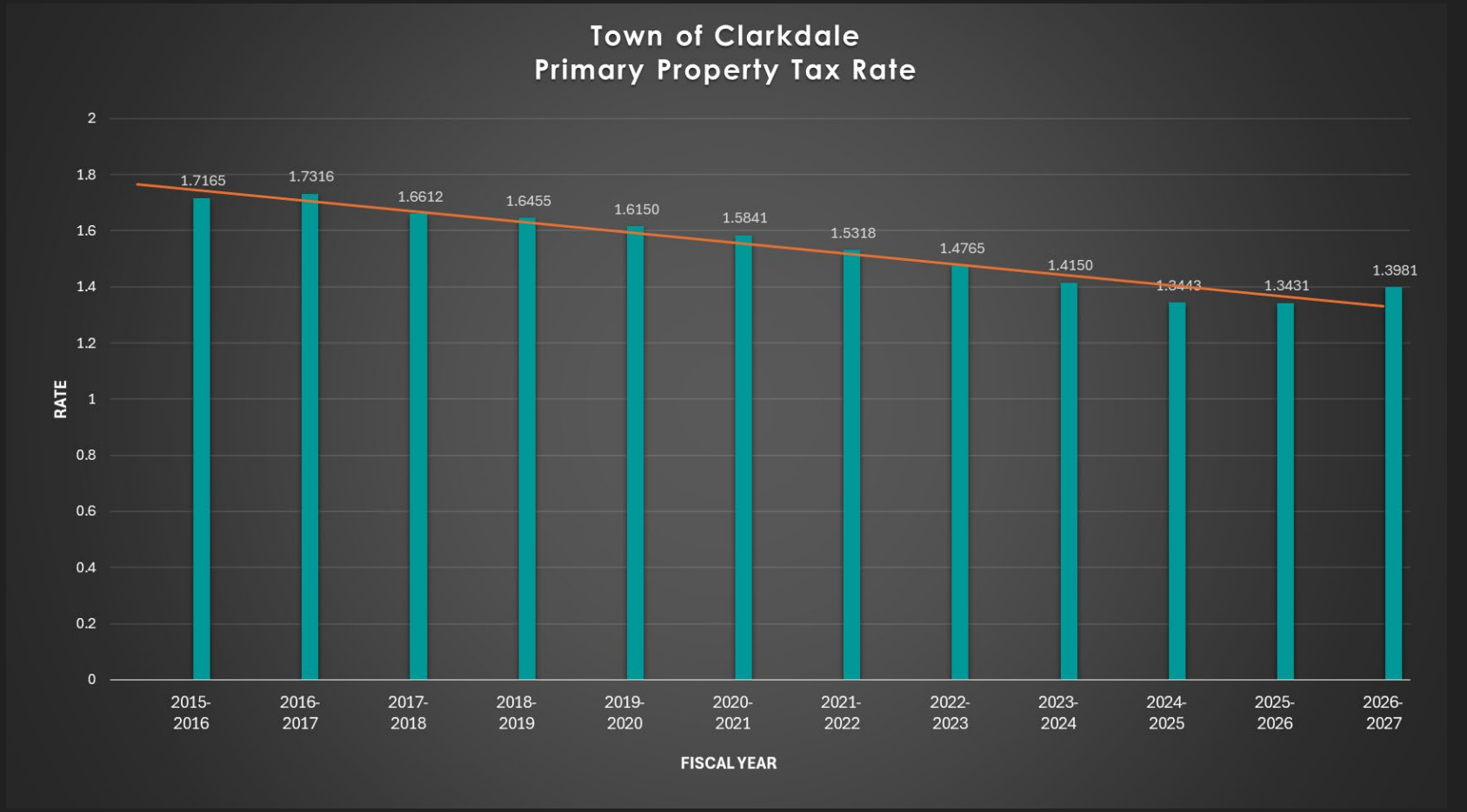
THE PROPOSED TAX INCREASE WILL CAUSE CLARKDALE'S PRIMARY PROPERTY TAXES ON AN $100,000 HOME TO INCREASE FROM $129.02 (TOTAL TAXES THAT WOULD BE OWED WITHOUT THE PROPOSED TAX INCREASE) TO $139.81 (TOTAL PROPOSED TAXES INCLUDING THE TAX INCREASE).

THIS PROPOSED INCREASE IS EXCLUSIVE OF INCREASED PRIMARY PROPERTY TAXES RECEIVED FROM NEW CONSTRUCTION. THE INCREASE IS ALSO EXCLUSIVE OF ANY CHANGES THAT MAY OCCUR FROM PROPERTY TAX LEVIES FOR VOTER APPROVED BONDED INDEBTEDNESS OR BUDGET AND TAX OVERRIDES.

ALL INTERESTED CITIZENS ARE INVITED TO ATTEND THE PUBLIC HEARING ON THE TAX INCREASE THAT IS SCHEDULED TO BE HELD JUNE 23, 2026, 3:00 P.M. AT CLARK MEMORIAL CLUBHOUSE, 19 N NINTH STREET, CLARKDALE, AZ. 86324

# Budget Assumptions & Highlights: Revenue

- Increase in Property Tax Levy of $60,903 will require Truth in Taxation.
- Increase in Building Permit Revenue of $100,000 and correlating Construction Related Sales Tax.
- Historically low growth in State Share Revenues over the last 3 years due to legislative impacts, income tax conformity, and addition of new municipalities.

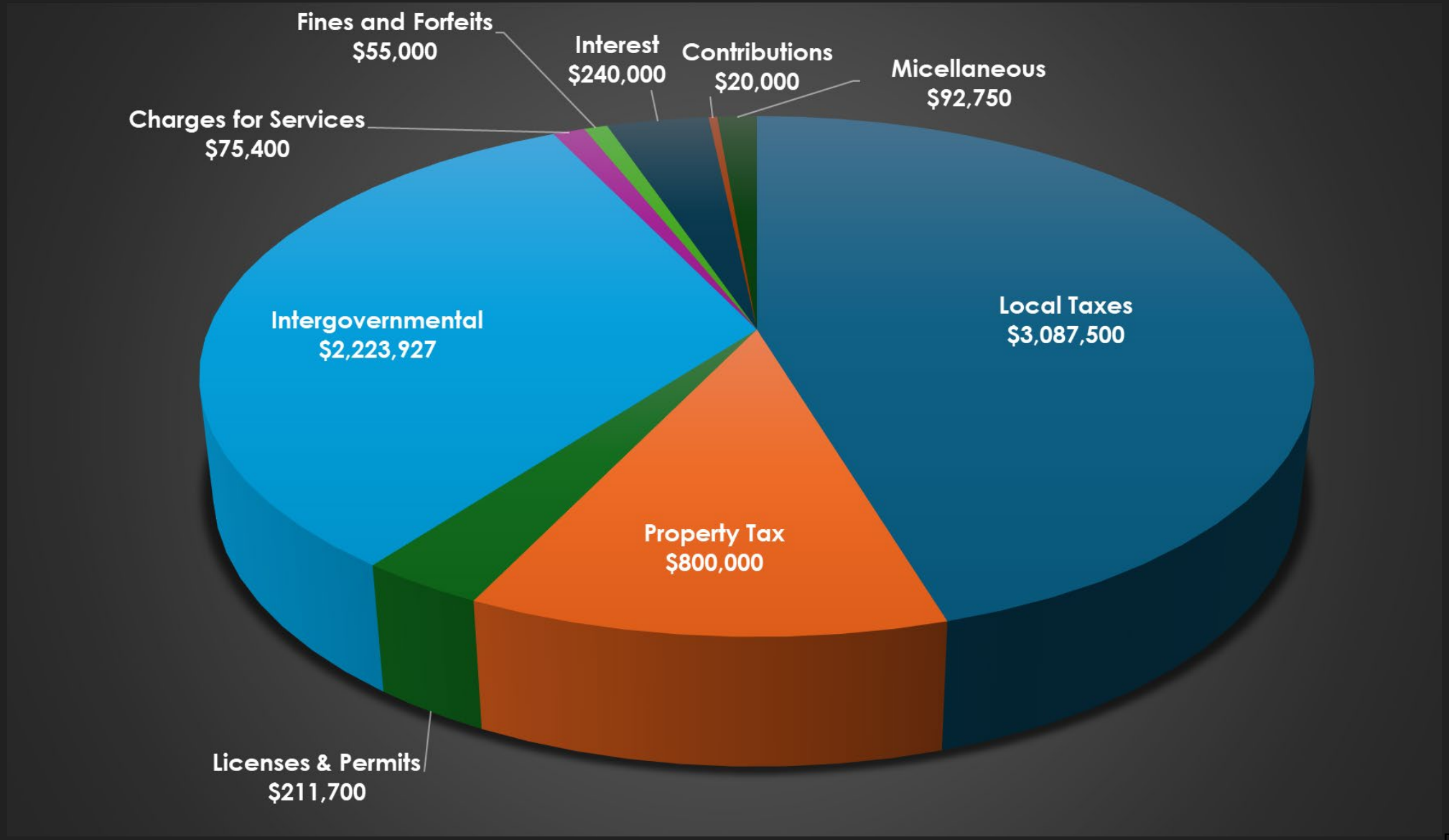


# Budget Assumptions & Highlights: Expenditures

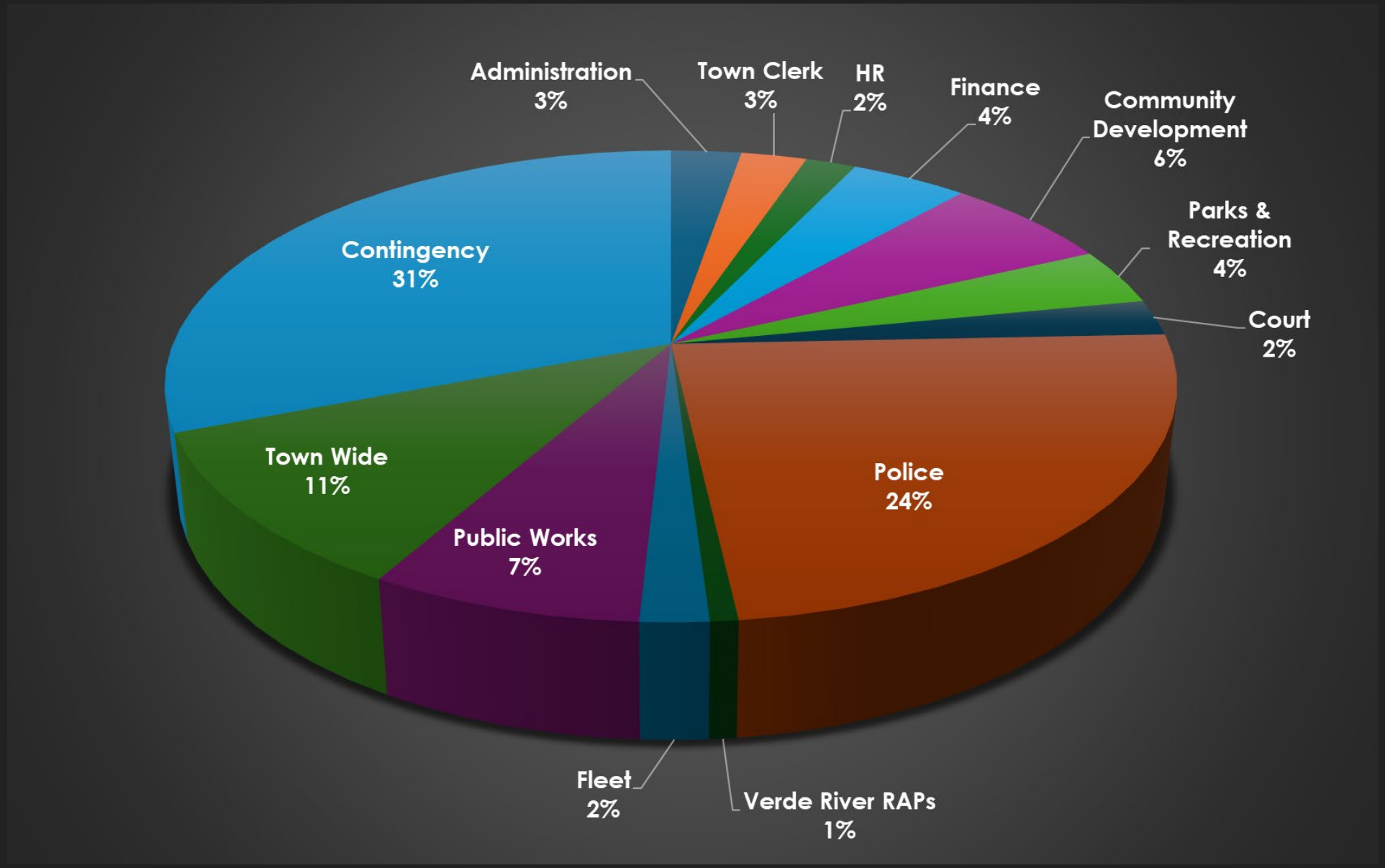
- Health and Dental Insurance increase of 10.5%.
- Property & Liability Insurance increase budgeted at 12% due to planned vehicle additions and premium increases.
- Pension Contributions:
  - ASRS: 11.98%, down from 12.00% in FY2026.
  - PSPRS: Tiers 1-2 rate 20.88%, down from 21.27% in FY2026.
- $39.66 million budgeted in Town Wide Capital Improvements ($1.80 million from existing general CIP fund balance, $32.98 million from grants, and $4.88 million from enterprise fund sources).

# General Fund

# General Fund Revenues



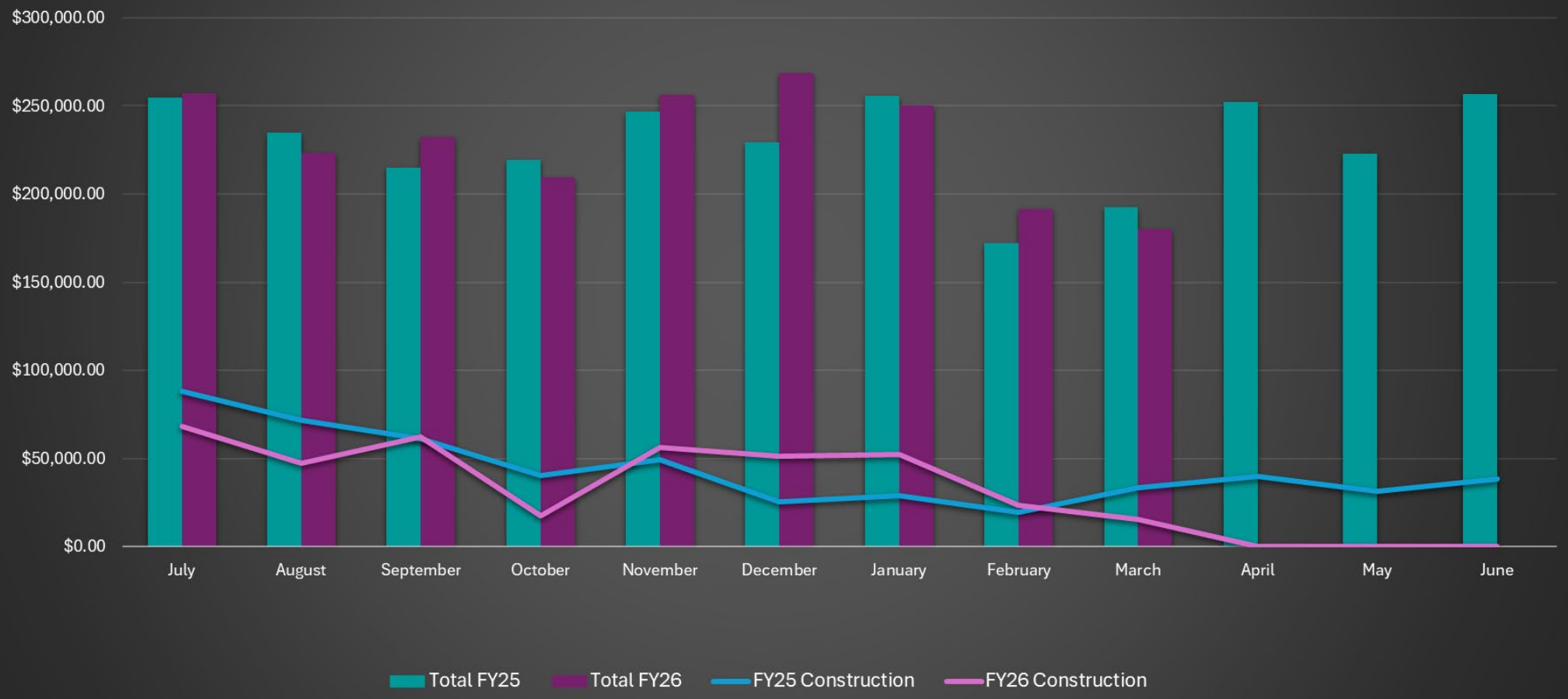
# General Fund Expenditures



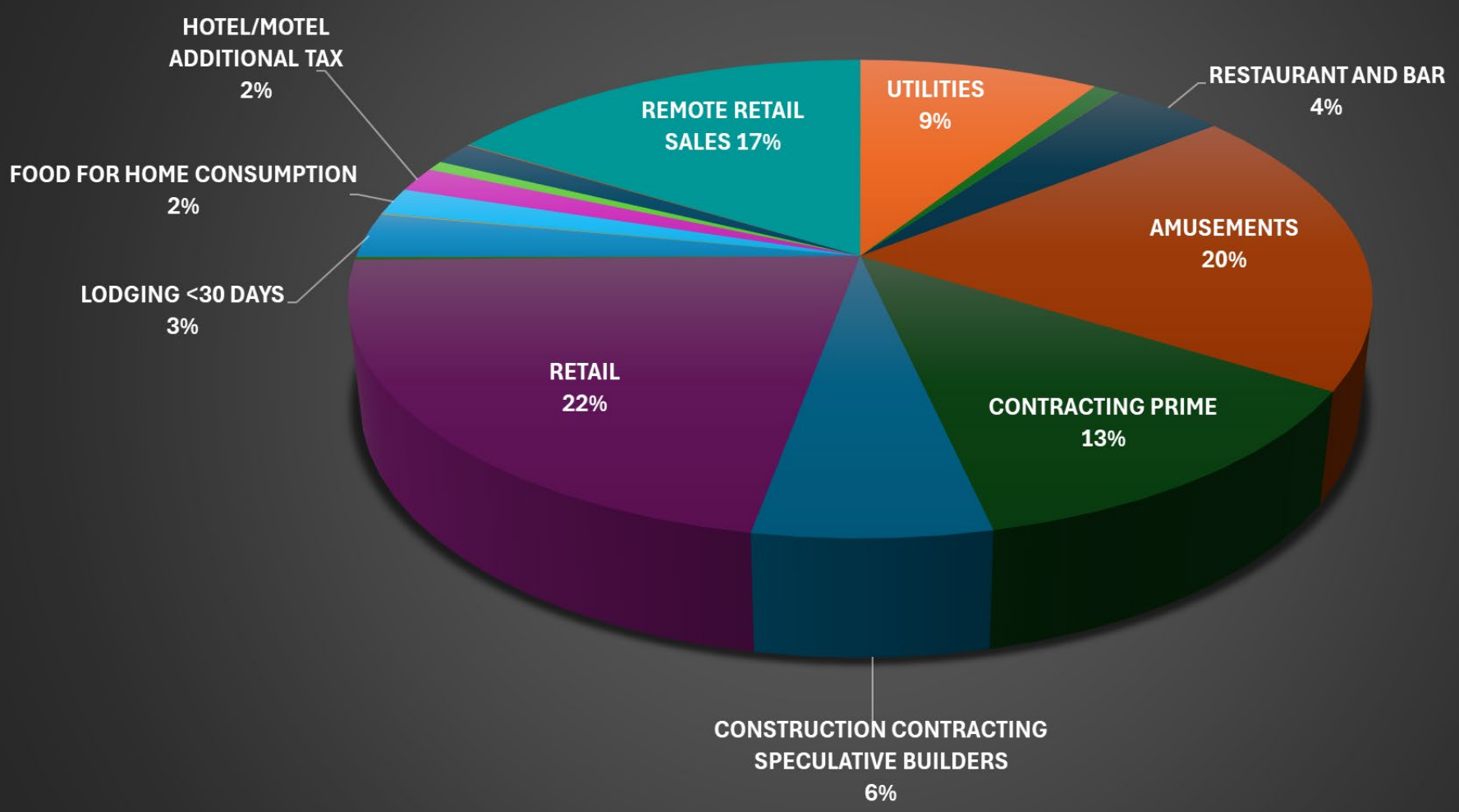
# Major General Fund Revenue Recap

| Description | 2021-2022 ACTUAL | 2022-2023 ACTUAL | 2023-2024 ACTUAL | 2024-2025 ACTUAL | 2025-2026 BUDGET | PROJECTED FYE TOTAL | 2026-2027 BUDGET |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| PROPERTY TAX | 591,344 | 617,022 | 656,173 | 657,787 | 728,000 | 700,400 | 800,000 |
| | | 4.34% | 6.35% | 0.25% | | 6.48% | 9.89% |
| | | | | | | | |
| LOCAL SALES TAX (EXCLUDING CONST) | 1,717,102 | 1,899,655 | 1,990,715 | 2,193,758 | 2,150,000 | 2,200,000 | 2,257,500 |
| CONSTRUCTION RELATED SALES TAX | 1,082,358 | 1,074,046 | 1,187,905 | 540,541 | 600,000 | 590,000 | 702,000 |
| | 2,799,460 | 2,973,701 | 3,178,620 | 2,734,299 | 2,750,000 | 2,790,000 | 2,959,500 |
| | | 6.22% | 6.89% | -13.98% | | 2.04% | 6.08% |
| | | | | | | | |
| STATE SALES TAX | 626,124 | 685,150 | 733,049 | 752,801 | 756,000 | 764,100 | 744,247 |
| STATE REV SHARE (INCOME TAX) | 581,697 | 879,267 | 1,281,499 | 1,043,218 | 976,000 | 965,032 | 1,042,066 |
| STATE VEHICLE LIC TAX | 360,713 | 377,495 | 375,381 | 404,182 | 421,000 | 421,000 | 437,614 |
| | 1,568,534 | 1,941,911 | 2,389,929 | 2,200,201 | 2,153,000 | 2,150,132 | 2,223,927 |
| | | 23.80% | 23.07% | -7.94% | | -2.28% | 3.43% |
| | | | | | | | |
| TOTAL MAJOR REVENUES | 4,959,338 | 5,532,634 | 6,224,722 | 5,592,287 | 5,631,000 | 5,640,532 | 5,983,427 |
| | | | | | | | |
| Net Change From Prior Year | | 573,296 | 692,088 | (632,435) | | 48,245 | 342,895 |

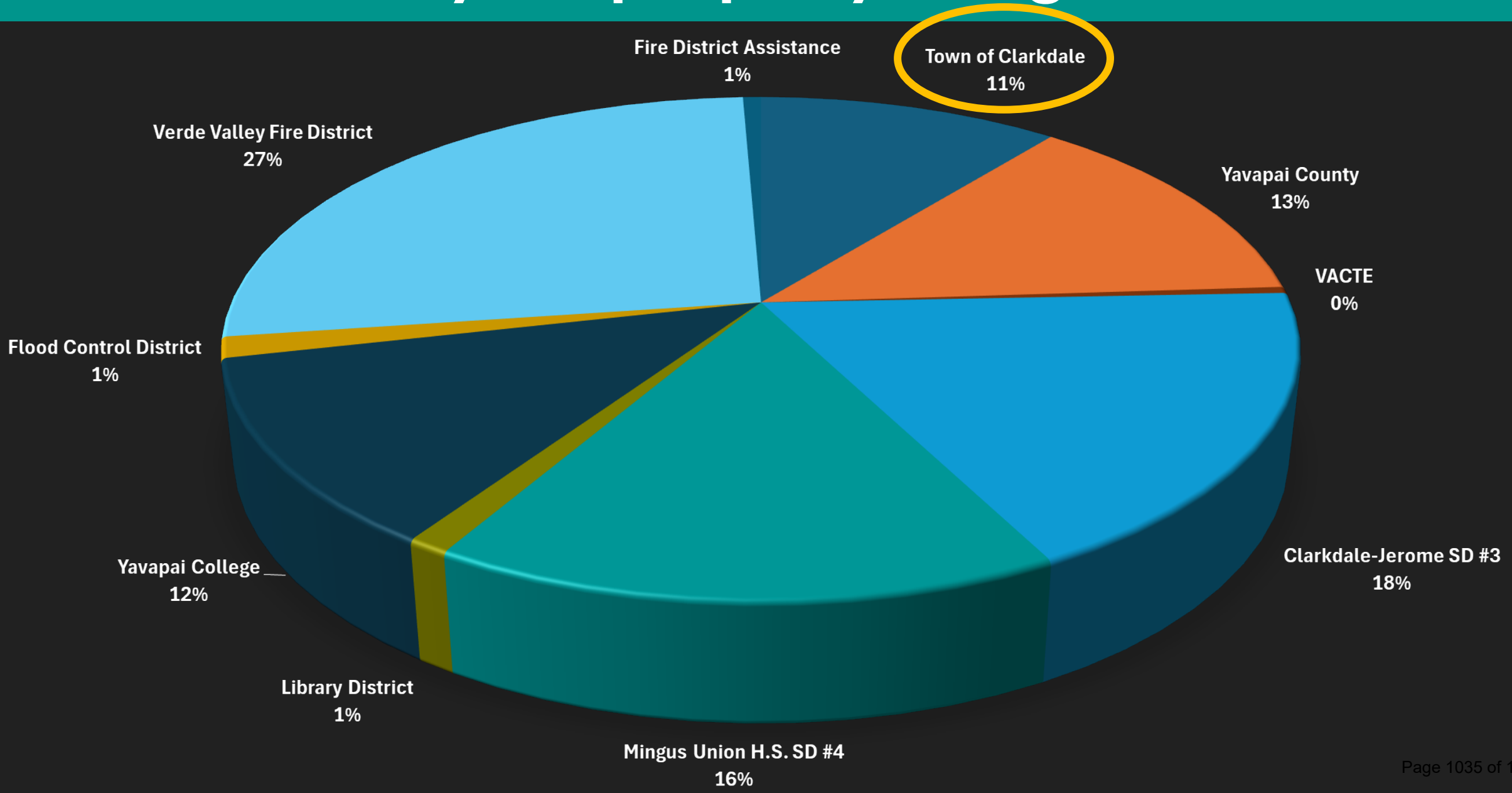
# Total Sales Tax Revenue



# Total Sales Tax by Activity



# Where does your property tax go? Only 11% goes to the Town.



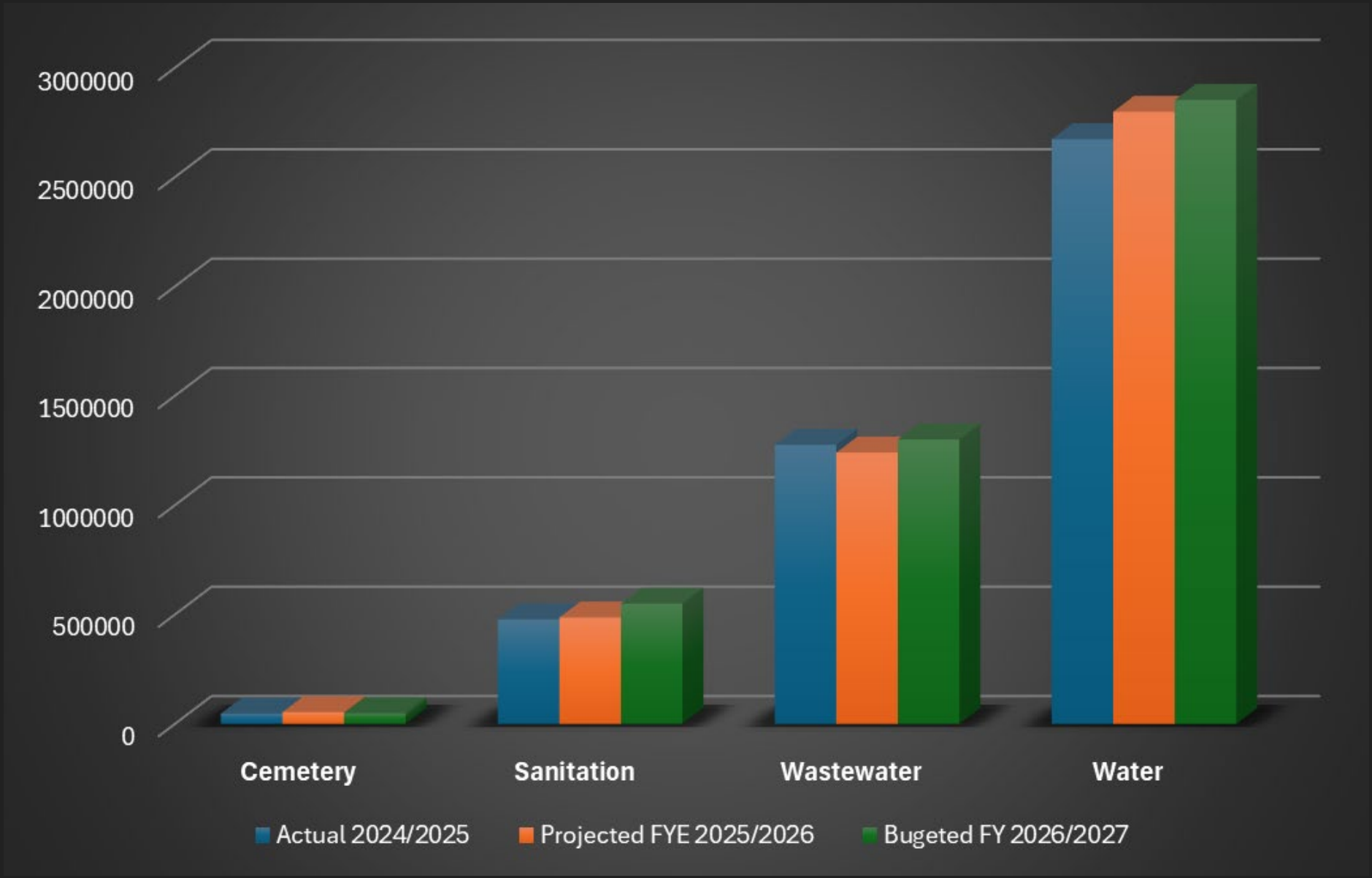
# General Fund Budget

- **Increase in Fund Balance Appropriation to fund 6-month operating expense contingency.**
- **3% State Shared Revenue increase based on League estimates.**
- ***5%* COLA/market adjustment included.**
- **Decrease in base personnel costs in several departments/funds due to wage savings from recent retirements and organizational restructuring.**
- **Increase in Town Wide and Community Development department budges for legally mandated supplemental expenses.**
- **Increase in Fleet budget reflect actual expenses.**

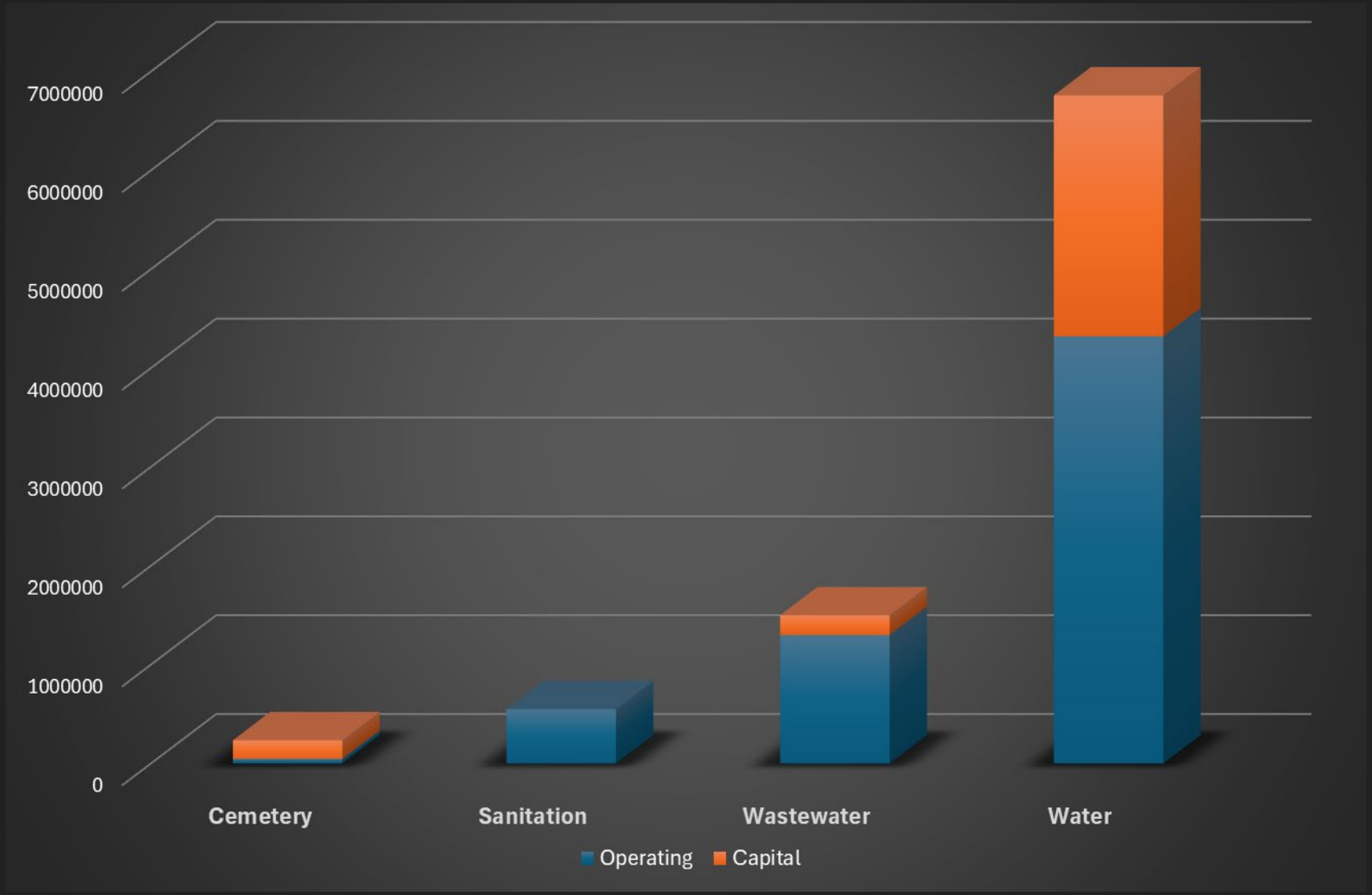
| | FY 2026 Budget | FY 2026 Projected Actual | FY 2027 Proposed Budget | $ Change | % Change |
|---|---|---|---|---|---|
| **Revenue** | | | | | |
| Local Revenue + Property Tax | $ 4,525,200 | $ 4,481,308 | $ 4,890,011 | $ 364,811 | 8% |
| State Revenue | $ 2,153,000 | $ 2,150,132 | $ 2,223,927 | $ 70,927 | 3% |
| Fund Balance Appropriation | $ 1,506,500 | $ - | $ 2,102,554 | $ 596,054 | 40% |
| **Total Revenue** | **$ 8,184,700** | **$ 6,631,440** | **$ 9,216,492** | **$ 1,031,792** | **51%** |
| | | | | | |
| **Expenditures** | | | | | |
| Administration | $ 235,300 | $ 232,302 | 228,412 | $ (6,888) | -3% |
| Town Clerk | $ 195,400 | $ 188,282 | 213,491 | $ 18,091 | 9% |
| Human Resources | $ 160,900 | $ 162,237 | 164,181 | $ 3,281 | 2% |
| Finance | $ 348,800 | $ 302,241 | 379,993 | $ 31,193 | 9% |
| Community Development | $ 475,200 | $ 506,145 | 555,290 | $ 80,090 | 17% |
| Parks & Recreation | $ 335,800 | $ 260,770 | 332,284 | $ (3,516) | -1% |
| Court | $ 205,500 | $ 191,377 | 209,495 | $ 3,995 | 2% |
| Police | $ 1,908,200 | $ 1,853,449 | 2,158,100 | $ 249,900 | 13% |
| Verde River RAPs | $ 66,500 | $ 59,670 | 64,845 | $ (1,655) | -2% |
| Fleet | $ 110,200 | $ 125,906 | 159,207 | $ 49,007 | 44% |
| Public Works | $ 613,000 | $ 598,204 | 633,169 | $ 20,169 | 3% |
| Town Wide | $ 857,900 | $ 816,817 | 930,125 | $ 72,225 | 8% |
| Contingency | $ 2,672,000 | $ 672,000 | 3,187,900 | $ 515,900 | 19% |
| **Total Expenditures** | **$ 8,184,700** | **$ 5,969,400** | **$ 9,216,492** | **$ 1,031,792** | **13%** |

# Enterprise Funds (non tax supported)

# Enterprise Fund Revenues



# Enterprise Fund Expenditures



# Capital Projects

# Capital Projects: Goal Area 1

**Enhance the quality of life for residents, businesses and visitors to Clarkdale.**

- Infrastructure Improvement Plan - $50,000
- Tasers and Body Cams - $23,910
- Library/Town Hall Building Improvements - $800,000 *(Donation Funds)*
- IT Infrastructure - $110,000
- Police Dept Window/Door Replacement - $277,000 *(CIP and Grant Funds)*
- Auditorium Ceiling - $75,000
- Implement Income Aligned Housing Plan

# Capital Projects: Goal Area 2

**Enhance the quality and availability of parks, recreation and cultural opportunities.**

- Centerville Park Safety and ADA Improvements - $312,472 *(CDBG Grant Funds)*
- Park Playground Replacement Program - $25,000
- Trails Planning and Development - $45,000 *(CIP and Donation Funds)*

# Capital Projects: Goal Area 3

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

- Continued funding of tourism marketing program using hotel tax revenue; also continued funding community events through operating budget.
- Continued funding of Retail Strategies contract in General Fund Townwide operations.
- Continued funding of online permit software in Community Development budget.
- Bitter Creek Bridge Design/Construction – *(Grant/HURF/GF Funding)*
- Luke Lane Road Design/Improvements– *(Grant Funding)*

# Capital Projects: Goal Area 4

**Plan for the maintenance and growth of quality infrastructure that is sustainable and resilient.**

- Pavement Management Program - $213,088
- Bitter Creek Bridge Design/Construction *(Grant/HURF/GF Funding)*
- Clarkdale Parkway Sidewalk - $5,000,000 *(Grant Funding)*
- Cement Plant Road Improvements Construction- $8,200,000 *(Grant Funding)*
- Broadway Drainage Improvements- $80,000 *(CIP/Grant Funding)*
- Upper Centerville Connector - $100,000

# Capital Projects: Goal Area 5

**Strategically invest in organizational development to enhance efficiency and service delivery and to attract and retain an exemplary workforce.**

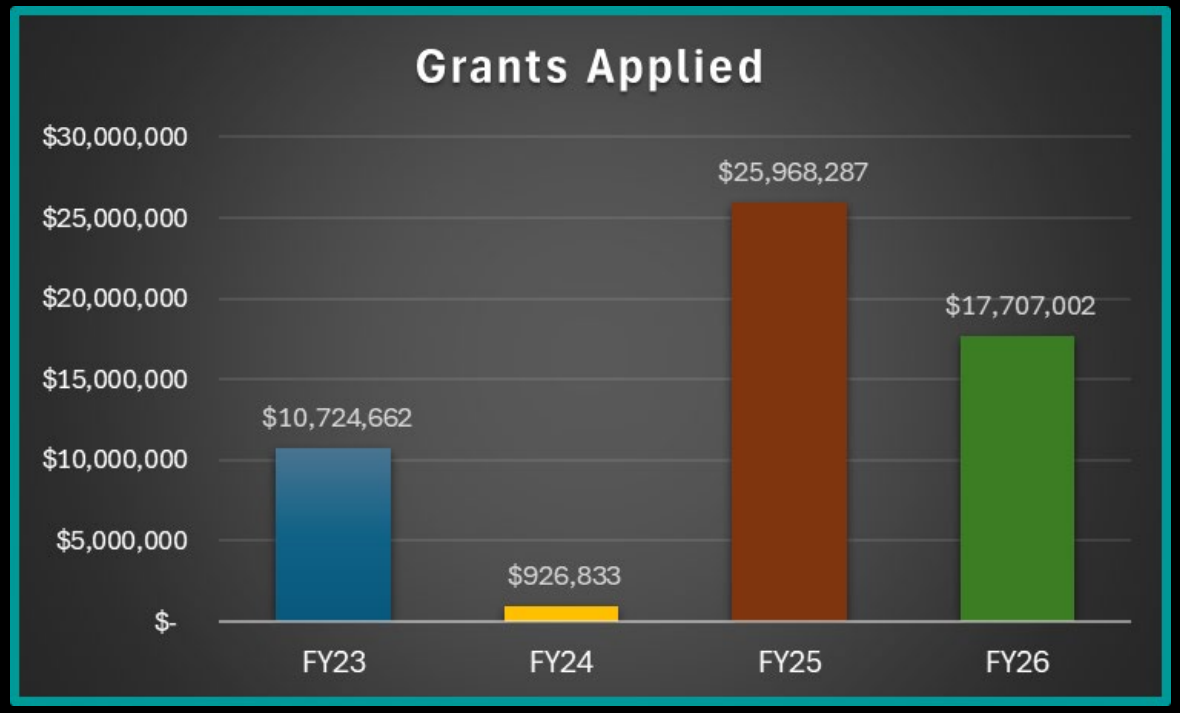
- Continued funding of COLAs, succession planning, training/education, career ladders and employee retention in operating funds.
- Adding Short-Term Disability benefits for full-time employees.
- Continue outsourcing of Wastewater Treatment, Town Engineering and Solid Waste.
- Fleet Replacement - $224,000
  - Enterprise Vehicle
  - General Government Vehicle
  - Public Safety Vehicle

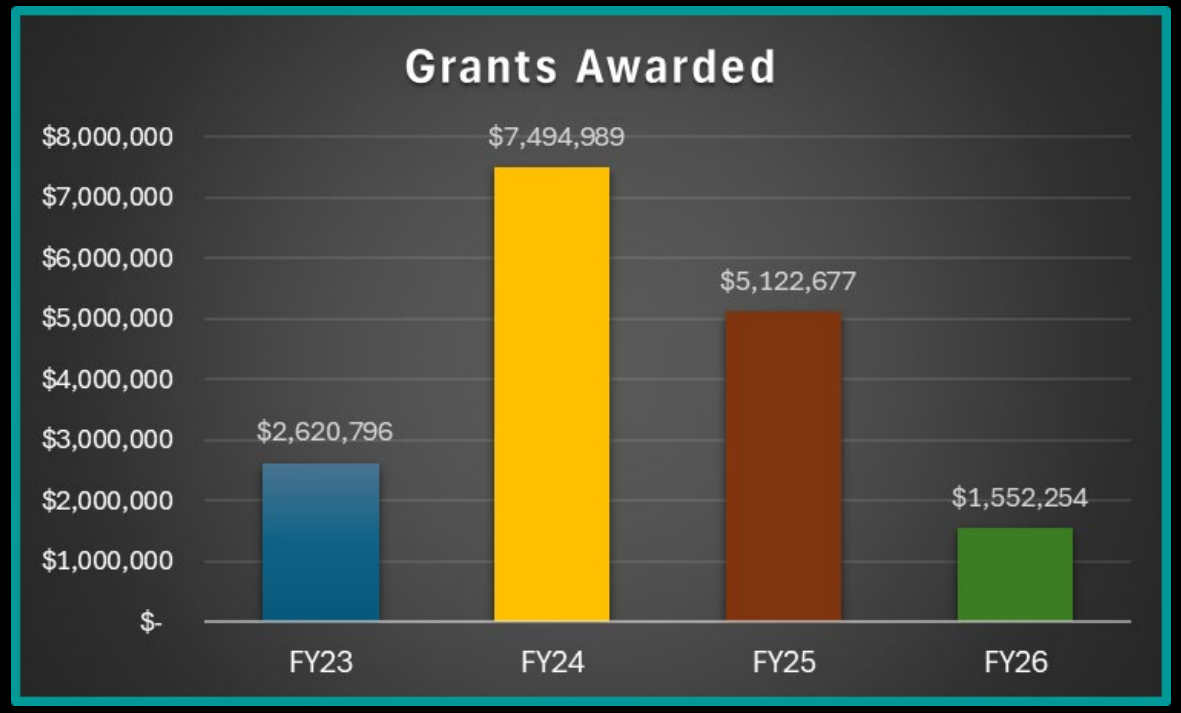
# Capital Projects: Goal Area 6

**Adopt water conservation strategies that result in no drawdown in the aquifer and no degradation of Verde River flows.**

- Alamos Lift Station Wet Well - $200,000
- Valley View PRV - $200,000
- Haskell Springs South Tank Rehab - $400,000
- EPA Groundwater & Well Treatment - $512,000 (Grant Funding)
- Mid Zone PRV Distribution - $367,000
- Haskell Springs Well Improvements - $160,000
- Fire Hydrant Replacements - $70,000
- Calle Figueroa Water Main Replacement - $200,000
- Crossroads Water Line Replacement - $130,000
- EPA Lead and Copper Rule - $100,000
- 89A Well Replacement - $853,000

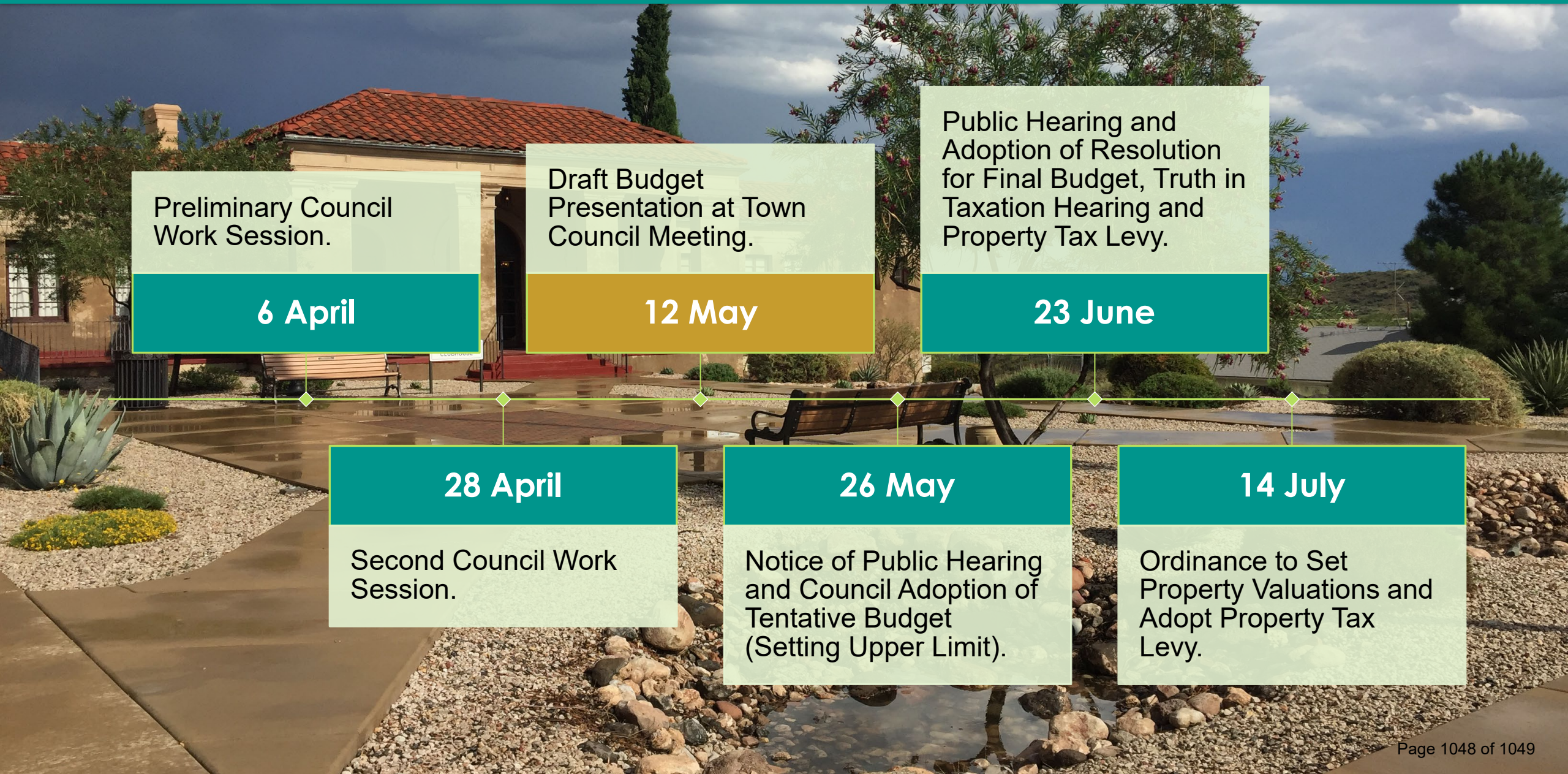
# Grants




| | | | |
|---|---|---|---|
| Total Grants Applied | $56,779,381 | Total Grants Awarded | $17,176,119 |

# Key Dates



**6 April**

Preliminary Council Work Session.

**28 April**

Second Council Work Session.

**12 May**

Draft Budget Presentation at Town Council Meeting.

**26 May**

Notice of Public Hearing and Council Adoption of Tentative Budget (Setting Upper Limit).

**23 June**

Public Hearing and Adoption of Resolution for Final Budget, Truth in Taxation Hearing and Property Tax Levy.

**14 July**

Ordinance to Set Property Valuations and Adopt Property Tax Levy.

# Questions?

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