



**NOTICE OF A REGULAR MEETING OF THE PLANNING COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, JULY 16, 2024 AT 4:30 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ

OR

Join Zoom Meeting

<https://zoom.us/j/9554994085>

Meeting ID: 955 499 4085

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

Town of Clarkdale Vision

The Town of Clarkdale connects our unique history, proximity to the Verde River, and small-town charm to a future with a vibrant economy.

We cultivate an environment where residents and businesses can thrive; providing services and jobs for our residents and capitalizing upon tourism.

We sustainably enhance our infrastructure, support the arts and education, and develop recreational opportunities to create a bright future for our entire community.

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN that the Planning Commission will hold a Regular Meeting open to the public on Tuesday, July 16, 2024, at 4:30 PM at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. A quorum of Town Council members may be present at this meeting; however, they will not deliberate or take action on any items. All members of the public are welcome to attend.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

The Planning Commission invites the public to provide comments at this time. Members of the Planning Commission 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 five minutes.

4. MINUTES

A. Approval of Minutes

Consider and act upon the draft minutes from the regular meeting held on April 16, 2024.

5. NEW BUSINESS

A. Public Hearing - Ordinance #427 - Updates to the Town of Clarkdale Zoning Code

The Planning Commission will hold a public hearing to take comments from the public regarding updates to the Town of Clarkdale Zoning Code by adding words and terms related to Chapter 2, Definitions, and adding Article 4-250 Flagpole Regulations, to Chapter 4, General Provisions.

B. Ordinance #427 - Updates to the Town of Clarkdale Zoning Code

Discuss, consider and act upon Ordinance #427, making updates to the Town of Clarkdale Zoning Code by adding words and terms related to Chapter 2, Definitions, and adding Article 4-250 Flagpole Regulations, to Chapter 4, General Provisions.

C. Public Hearing - Ordinance #428 - Text Amendments to the Town of Clarkdale Zoning Code

The Planning Commission will hold a Public Hearing to take comment on Ordinance #428, Text Amendments to the Zoning Code as follows: Section 2-010, Definitions, Chapter 5, Conditional Use Permit Table of Contents, Section 5-070, Term of a Conditional Use Permit, Section 5-090, Renewal of a Conditional Use Permit, Section 5-100, Abandonment of a Conditional Use Permit, Section 6-020, Standards for Planned Area Development, Section 11-050, Expiration of Design Review Approval, Section 11-140, Post Approval Activities, Section 11-180, Amendments to the Code, Chapter 12, Subdivision Regulations Table of Contents, Section 12-2-020, Words and Terms Defined, Section 12-3-050, Dedicated Access, Section 12-4-030, Stage II – Preliminary Plat, Section 12-4-050, Stage IV – Final Plat, Recording and Post Approval, and Section 12-5-060, Significance of Minor Subdivision Plat Approval.

D. Ordinance #428 - Text Amendments to the Town of Clarkdale Zoning Code

Discuss, consider and act upon Ordinance #428, making Text Amendments to the Zoning Code as follows: Section 2-010, Definitions, Chapter 5, Conditional Use Permit Table of Contents, Section 5-070, Term of a Conditional Use Permit, Section 5-090, Renewal of a Conditional Use Permit, Section 5-100, Abandonment of a Conditional Use Permit, Section 6-020, Standards for Planned Area Development, Section 11-050, Expiration of Design Review Approval, Section 11-140, Post Approval Activities, Section 11-180, Amendments to the Code, Chapter 12, Subdivision Regulations Table of Contents, Section 12-2-020, Words and Terms Defined, Section 12-3-050, Dedicated Access, Section 12-4-030, Stage II – Preliminary Plat, Section 12-4-050, Stage IV – Final Plat, Recording and Post Approval, and Section 12-5-060, Significance of Minor Subdivision Plat Approval.

E. Public Hearing - Ordinance #430 - 89A Corridor Commercial Overlay District

The Planning Commission will hold a Public Hearing to take comment on Ordinance #430, 89A Corridor Commercial Overlay District, amending Chapter 3, Zoning Districts, articles 3-100, Commercial (C), 3-110, Neighborhood Commercial, and 3-120 Highway Commercial, and Article 3-130, 89A Corridor Commercial Overlay District, by deleting the Section in its entirety.

F. Ordinance #430 - 89A Corridor Commercial Overlay District

Discuss, consider and act upon Ordinance #430, 89A Corridor Commercial Overlay District, amending Chapter 3, Zoning Districts, articles 3-100, Commercial (C), 3-110, Neighborhood

Commercial, and 3-120 Highway Commercial, and Article 3-130, 89A Corridor Commercial Overlay District, by deleting the Section in its entirety.

6. FUTURE AGENDA ITEMS

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

7. 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.



**SUMMARIZED MINUTES OF A REGULAR MEETING OF THE
PLANNING COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, APRIL 16, 2024, AT 4:30 PM**

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

Members Present: *Chair Ida de Blanc, Vice Chair Carol Johnson, Commissioners Allen Spence, Joe Conk, Andrew Kelly, and Advisory Member Amy Stein.*

Other municipal officials present: *Town Manager, Susan Guthrie; Community Development Technician, Guss Espolt; Town Clerk, Charity Brooks.*

Audience: *Approximately 10 members of the public present.*

Zoom: *Approximately three people were present on Zoom.*

- 1. CALL TO ORDER** - *Chair de Blanc called the meeting to order at 4:30 p.m.*
- 2. ROLL CALL** – *All members present.*
- 3. PUBLIC COMMENT** – *Terry Gibson acknowledged that a quorum of Historic Preservation Members were present at the meeting.*

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the regular meeting held on Feb. 20, 2024.

Motion: *Approve the meeting minutes from Feb. 20, 2024.*

First motion: *Commissioner Kelly* **Second:** *Vice Chair Johnson / with the correction from Vice Chair Johnson, that her vote was no, on items 5c and 5d.*

Approved 5-0

Board Member	Ayes/Nays
Chair de Blanc	Aye
Vice Chair Johnson	Aye
Commissioner Spence	Aye

Commissioner Conk	Aye
Commissioner Kelly	Aye

5. PUBLIC HEARING

A. Ordinance #424 - Making Amendments to Chapter 4, General Regulations; Adding Article 3-170, Historic Preservation Ordinance to the Town of Clarkdale Zoning Code

The Planning Commission will hold a public hearing to take comments on Ordinance #424, updating the Town of Clarkdale Zoning Code by adding definitions of words and terms related to historic preservation to Chapter 2 - Definitions; and adding Article 3-170 - Historic Preservation Ordinance to Chapter 3 - Zoning Districts.

Three opposed to Ordinance – Kent Fried, Daniel Adair, and Memi Perkins.

Two unopposed, want to table Ordinance – Amanda Arnold, and Karen McClenahan.

One in support of Ordinance – Terry Gibson.

6. NEW BUSINESS

A. Ordinance #424 - Making Amendments to Chapter 4, General Regulations; Adding Article 3-170, Historic Preservation Ordinance to the Town of Clarkdale Zoning Code

Discuss, consider and act upon Ordinance #424, updating the Town of Clarkdale Zoning Code by adding definitions of words and terms related to historic preservation to Chapter 2 - Definitions; and adding Article 3-170 - Historic Preservation Ordinance to Chapter 3 - Zoning Districts.

Motion: *Table item and send back to staff and H.P.C for revisions.*

First motion: *Commissioner Conk* **Second:** *Commissioner Spence*

Approved 5-0

Board Member	Ayes/Nays
Chair de Blanc	Aye
Vice Chair Johnson	Aye
Commissioner Spence	Aye
Commissioner Conk	Aye
Commissioner Kelly	Aye

7. FUTURE AGENDA ITEMS

Planning Commission did not propose items to be placed on a future agenda.

8. ADJOURNMENT - Chair Ida De Blanc adjourned the meeting without objection at 5:32 p.m.

Motion: *Motion to adjourn.*

First motion: *Commissioner Kelly* **Second:** *Vice Chair Johnson*

Approved 5-0

Board Member	Ayes/Nays
Chair de Blanc	Aye

Vice Chair Johnson	Aye
Commissioner Spence	Aye
Commissioner Conk	Aye
Commissioner Kelly	Aye

Ida Meri de Blanc, Chair

Ruth Mayday, Community Development Director



Staff Report

Item Number: 5.A.

Agenda Item: **Public Hearing - Ordinance #427 - Updates to the Town of Clarkdale Zoning Code**

The Planning Commission will hold a public hearing to take comments from the public regarding updates to the Town of Clarkdale Zoning Code by adding words and terms related to Chapter 2, Definitions, and adding Article 4-250 Flagpole Regulations, to Chapter 4, General Provisions.

Staff Contact: Britania Esparza, Associate Planner

Meeting Date: July 16, 2024

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

- Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.

Background: The need for this ordinance emerged in response to a growing trend of flagpole inquiries across commercial and residential areas. Due to the absence of guidance from our current Zoning Code, the creation of such regulations is needed to provide guidance for health, safety, and the welfare of residents as related to installing flagpoles. The absence of guidance from our Zoning Code has led to inconsistencies in aesthetics, safety concerns, and conflicts when trying to provide best practices for the Town's residents. Without clear guidelines, some flagpoles may exceed reasonable heights, obstruct views, or pose risks during inclement weather. Additionally, variations in lighting and maintenance have contributed to visual clutter and safety hazards, detracting from the overall character of neighborhoods.

On May 30, 2024, a neighborhood meeting was convened where no recommended changes to the ordinance were put forward by the public. The purpose of this Public Hearing is to take comment on the proposed Flagpole Regulations and related methods, means, and definitions. Ordinance #427 aims to regulate the installation and maintenance of flagpoles within commercial and residential zoning districts. It outlines specific guidelines and restrictions to ensure aesthetic harmony, public safety, and community cohesion. By establishing clear parameters for the height, size, placement, and lighting of flagpoles, the ordinance seeks to balance individual expression with collective interests.

Recognizing the need for comprehensive regulation, staff conducted research on existing flagpole ordinances in neighboring jurisdictions, State guidelines as well as industry best practices. The proposed ordinance incorporates best practices from similar regulations while accounting for local preferences and challenges.

Section 4-250-010 Purpose: This section states the purpose for adopting the ordinance and the rational for doing so.

Section 4-250-020 Permissible Locations: This section describes and informs appropriate and safe locations for flagpole installations.

Section 4-250-030 Constructions Standards: This section sets forth installation requirements.

Section 4-250-040 Permit Requirements: This section outlines the scope of permit requirements and provides specific details regarding their application and implementation.

Budget Impact: No budget impact.

Recommendation: Public hearing only. No recommendation.

ORDINANCE NO. 427

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE OF CLARKDALE, ARIZONA BY AMENDING ARTICLE 2-010 DEFINITIONS AND ADOPTING ARTICLE 4-250 FLAGPOLE REGULATIONS AND CHAPTER 4, GENERAL PROVISIONS, SECTION 4-250, AND DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH DEFINITIONS FOR COMMERCIAL AND RESIDENTIAL FLAGPOLES; ESTABLISHING REGULATIONS FOR COMMERCIAL AND RESIDENTIAL FLAGPOLES, AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 2, Definitions, and Chapter 4, General Provisions, Section 4-250, to clarify and establish standards for commercial and residential flagpoles within town limits;

WHEREAS the Town of Clarkdale seeks to protect public health, safety, and welfare by enacting said reasonable zoning regulations to clarify and establish standards for commercial and residential flagpoles within Town limits;

WHEREAS the Town Council has determined that the proposed amendments are in conformance with the General Plan.

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

The Zoning Code of Clarkdale, Arizona, is hereby amended by adding words and terms to Chapter 2, Definitions, Section 2-010 Definitions, to read as follows:

Flagpole: refers to a vertical structure specifically designed for displaying flags.

Residential Property: refers to any property designated for residential use within the jurisdiction.

Commercial Property: refers to any property designated for commercial use within the jurisdiction.

Owner: refers to the legal owner of the residential or commercial property.

Section I. General.

The Zoning Code of Clarkdale, Arizona, is hereby amended by adding Article 4-250, Commercial and Residential Flagpoles, to read as follows:

ARTICLE 4-250 FLAGPOLE REGULATIONS ORDINANCE

Section 4-250-010 Purpose and Intent

Section 4-250-020 Permissible Locations

Section 4-250-030 Construction Standards

Section 4-250-040 Permit Requirements

Clarkdale ZONING Code

Chapter, 4 General Provisions

Section 4-250, Commercial and Residential Flagpoles

Chapter 4, Section 4-250 is hereby amended in its entirety to read as follows:

Section 4-250 Commercial and Residential Flagpoles

Section 4-250-010 Purpose and Intent:

The purpose of this ordinance 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.

Section 4-250-020: Permissible Locations

- a) Flagpoles may be erected on residential properties subject to the following conditions:
 - i) The flagpole must be located within the boundaries of the residential property.
 - ii) The flagpole must not obstruct public rights-of-way, utility easements, or impede visibility for vehicular or pedestrian traffic.
 - iii) 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:
 - i) The flagpole must not obstruct public rights-of-way, utility easements, or impede visibility for vehicular or pedestrian traffic.
 - ii) For commercial properties, flagpoles may be positioned near property lines if they are engineered to collapse on themselves.

Section 4-250-030: Construction Standards

- a) Flagpoles must be constructed using durable and weather-resistant materials capable of withstanding environmental conditions and windspeeds of 80 miles per hour.
- b) 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.
- 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 the flagpole must comply with dark sky 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.

Section 4-250-040: Permit Requirements

- a) 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.
- 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 flag pole's location and its distance from property lines.

PASSED AND ADOPTED by the Town Council of _____ this ____ day of _____, 2024.

ATTEST:

TOWN OF _____, an
Arizona municipal corporation

“_____ Charity Brooks _____”
Town Clerk

“_____ Robin Prud’-homme-Bauer _____”
Mayor

APPROVED AS TO FORM:

“_____ Stephen Polk _____”
Town Attorney

I, _____, Town CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE Town OF
_____ ON THE ____ DAY OF _____, 202_, WAS POSTED IN
THREE PLACES ON THE ____ DAY OF _____, 202_.
_____, Town Clerk.



Staff Report

Item Number: 5.B.

Agenda Item:**Ordinance #427 - Updates to the Town of Clarkdale Zoning Code**

Discuss, consider and act upon Ordinance #427, making updates to the Town of Clarkdale Zoning Code by adding words and terms related to Chapter 2, Definitions, and adding Article 4-250 Flagpole Regulations, to Chapter 4, General Provisions.

Staff Contact:

Britania Esparza, Associate Planner

Meeting Date:

July 16, 2024

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.

Background:

The need for this ordinance emerged in response to a growing trend of flagpole inquiries across commercial and residential areas. Due to the absence of guidance from our current Zoning Code, the creation of such regulations is needed to provide guidance for health, safety, and the welfare of residents as related to installing flagpoles. The absence of guidance from our Zoning Code has led to inconsistencies in aesthetics, safety concerns, and conflicts when trying to provide best practices for the Town's residents. Without clear guidelines, some flagpoles may exceed reasonable heights, obstruct views, or pose risks during inclement weather. Additionally, variations in lighting and maintenance have contributed to visual clutter and safety hazards, detracting from the overall character of neighborhoods.

On May 30, 2024, a neighborhood meeting was convened where no recommended changes to the ordinance were put forward by the public. The purpose of this Public Hearing is to take comment on the proposed Flagpole Regulations and related methods, means, and definitions. Ordinance #427 aims to regulate the installation and maintenance of flagpoles within commercial and residential zoning districts. It outlines specific guidelines and restrictions to ensure aesthetic harmony, public safety, and community cohesion. By establishing clear parameters for the height, size, placement, and lighting of flagpoles, the ordinance seeks to balance individual expression with collective interests.

Recognizing the need for comprehensive regulation, staff conducted research on existing flagpole ordinances in neighboring jurisdictions, State guidelines as well as industry best practices. The proposed ordinance incorporates best practices from similar regulations while accounting for local preferences and challenges.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Planning Commission approve Ordinance #427, making updates to the Town of Clarkdale Zoning Code by adding words and terms related to Chapter 2, Definitions, and adding Article 4-250 Flagpole Regulations, to Chapter 4, General Provisions as written and forward to Town Council for the same.

ORDINANCE NO. 427

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE OF CLARKDALE, ARIZONA BY AMENDING ARTICLE 2-010 DEFINITIONS AND ADOPTING ARTICLE 4-250 FLAGPOLE REGULATIONS AND CHAPTER 4, GENERAL PROVISIONS, SECTION 4-250, AND DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH DEFINITIONS FOR COMMERCIAL AND RESIDENTIAL FLAGPOLES; ESTABLISHING REGULATIONS FOR COMMERCIAL AND RESIDENTIAL FLAGPOLES, AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 2, Definitions, and Chapter 4, General Provisions, Section 4-250, to clarify and establish standards for commercial and residential flagpoles within town limits;

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Owner: refers to the legal owner of the residential or commercial property.

Section I. General.

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ARTICLE 4-250 FLAGPOLE REGULATIONS ORDINANCE

Section 4-250-010 Purpose and Intent

Section 4-250-020 Permissible Locations

Section 4-250-030 Construction Standards

Section 4-250-040 Permit Requirements

Clarkdale ZONING Code

Chapter, 4 General Provisions

Section 4-250, Commercial and Residential Flagpoles

Chapter 4, Section 4-250 is hereby amended in its entirety to read as follows:

Section 4-250 Commercial and Residential Flagpoles

Section 4-250-010 Purpose and Intent:

The purpose of this ordinance 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.

Section 4-250-020: Permissible Locations

- a) Flagpoles may be erected on residential properties subject to the following conditions:
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Section 4-250-030: Construction Standards

- a) Flagpoles must be constructed using durable and weather-resistant materials capable of withstanding environmental conditions and windspeeds of 80 miles per hour.
- b) 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.
- 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 the flagpole must comply with dark sky 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.

Section 4-250-040: Permit Requirements

- a) 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.
- 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 flag pole's location and its distance from property lines.

PASSED AND ADOPTED by the Town Council of _____ this ____ day of _____, 2024.

ATTEST:

TOWN OF _____, an
Arizona municipal corporation

“____ Charity Brooks _____”
Town Clerk

“____ Robin Prud’-homme-Bauer ____”
Mayor

APPROVED AS TO FORM:

“____ Stephen Polk _____”
Town Attorney

I, _____, Town CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE Town OF
_____ ON THE ____ DAY OF _____, 202_, WAS POSTED IN
THREE PLACES ON THE ____ DAY OF _____, 202_.
_____, Town Clerk.



Staff Report

Item Number: 5.C.

Agenda Item: **Public Hearing - Ordinance #428 - Text Amendments to the Town of Clarkdale Zoning Code**

The Planning Commission will hold a Public Hearing to take comment on Ordinance #428, Text Amendments to the Zoning Code as follows: Section 2-010, Definitions, Chapter 5, Conditional Use Permit Table of Contents, Section 5-070, Term of a Conditional Use Permit, Section 5-090, Renewal of a Conditional Use Permit, Section 5-100, Abandonment of a Conditional Use Permit, Section 6-020, Standards for Planned Area Development, Section 11-050, Expiration of Design Review Approval, Section 11-140, Post Approval Activities, Section 11-180, Amendments to the Code, Chapter 12, Subdivision Regulations Table of Contents, Section 12-2-020, Words and Terms Defined, Section 12-3-050, Dedicated Access, Section 12-4-030, Stage II – Preliminary Plat, Section 12-4-050, Stage IV – Final Plat, Recording and Post Approval, and Section 12-5-060, Significance of Minor Subdivision Plat Approval.

Staff Contact: Spencer Jones, Project Manager

Meeting Date: July 16, 2024

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

- Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.

Background: The proposed amendments to the zoning code within this staff report stem from four areas of concern.

1. Clarification of definitions and processes across the Zoning Code. In its current iteration, Section 2-010 (Definitions) consists of most words and phrases defined within the Zoning Code. However, within Ch.12 Subdivision Regulations, specifically Section 12-2-020 (Words and Terms Defined), there also exists secondary words and terms defined Subsection. Staff is proposing to remove all duplicate definitions also found within Section 2-010 (Definitions) from Section 12-2-020 (Words and Terms Defined), along with moving the remainder of those definitions to Section 2-010 (Definitions) so they can be used as a reference for the Zoning Code as a whole. In regard to duplicate words and terms found in both sections, the definition that provides the greater level of detail will be kept and the term with the lesser level of detail

will be removed.

In a similar vein, Staff is proposing amendments to two Subsections within section 11-140 (Post Approval Activities). Subsection F: proposed changes consist of removing the Design Review Board and Town Council from the site plan review process. Neither the Design Review Board nor Council are involved in the site plan review process, and as such this amendment will not have an effect on the manner in which the zoning code is administered. Additional amendments to this section also include clarifying what constitutes a substantial change, and the process for any change that does qualify as a substantial change. Proposed amendments to Subsection G of section 11-140 (Post Approval Activities) include the removal of the Planning and Zoning Committee (P&Z) from phased site approval. Similar to Subsection F, the site plan review process is managed by the Site Plan Committee. Thus, these amendments will not have an impact on the manner in which the code is implemented in practice. Additional detail is also provided on approvals pertaining to multiple phases.

Section 11-180 (Amendments to the Code), outlines a process by which to amend the code that differs from the standard cadence of: notice period, followed by neighborhood meeting, followed by Planning Commission Public Hearing, followed by Town Council Public Hearing. Staff recommends the removal of this code amendment process as it would differ from the aforementioned cadence. Specifically, in its current form, the code amendment process calls for a 14-day notification period during which at least two public postings in a newspaper of general circulation are required before a public hearing meeting is held with Town Council. Statutorily, notification of text amendments is required to be published one (1) time in a paper of general circulation at least fifteen (15) days in advance of the public hearing, rather than the fourteen (14) days set forth in the Code, which is contrary to state law. Removing this section of Code will bring the Town into compliance with the Arizona Revised Statutes.

Staff has also specified the Subsections of Ch.11 (Design Review and Site Plan Review) Zoning Code that the Design Review Board can initiate text amendments for. The reasoning for this clarification is that Ch.11 contains both design review code along with site plan review code. Specifically, text amendments for site plan review would fall outside the scope of the Design Review Board. Sections 11-010 (Purpose and Applicability of Design Review) to 11-080 (Severability) *do* apply to design review, and thus are called out as the sections to be eligible for the Design Review Board to initiate the text amendment process.

2. Expirations and timelines: removals and extensions. Staff recommends the *removal* of expirations and timelines pertaining to post-approval activities specifically for conditional use permits, Planned Area Developments (PADs), and site plan construction. Staff recommends *extending* design review approval, subdivision preliminary & final plat approval, and minor subdivision plat approval past the current one-year timeline. As stated previously, these

activities currently have a timeline of one year. However, in the current construction environment (post-covid), there are often delays due to supply chain issues and staffing issues. The current timelines are not reasonable given current market conditions.

3. Compliance with Title 9 Arizona Revised Statutes. Section 12-4-030, pertaining to stage II of preliminary platting procedures and requirements for subdivisions, states that a copy of the preliminary plat review should be distributed to the Planning Commissioners during this stage for review and comment. Staff are proposing the removal of this clause because the review and comment outside a public hearing is a violation of ARS 38-431.01. Specifically, it would allow the Planning Commission the opportunity to review and comment on this process as well as reach a decision well in advance of when the public would be given notice and when a public hearing would occur. The Planning Commission will still receive and have access to a copy of the preliminary plat for review as part of the notification period to the public, which will in turn then comply with ARS Title 9 statutes. A.R.S. § 38-431.01(A) states that "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." Similarly, A.R.S. § 38-431.09 states "It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided."

4. Miscellaneous Code corrections. Section 12-3-050, Dedicated Access, in its current iteration states that the minimum street grade shall be five percent for subdivision dedicated access roads, noting that 'five percent' equals '0.5%'. Five percent does not equal 0.5% (one-half of a percent). Furthermore, staff recommends removing the minimum street grade stipulation entirely and instead limiting the *maximum* street grade, not to exceed 12%.

A previous iteration of this ordinance was presented during a neighborhood meeting on May 30, 2024, with an opportunity for public comment. Since the initial neighborhood meeting, Staff has made edits to the following areas of this ordinance since the May 30 iteration:

1. Section 11-050, Expiration of Design Review Approval: Staff proposes extending Design Review approval expiration from one (1) year to three (3) years, with a total of three additional one (1) year extension options allowable upon approval. The prior iteration of this ordinance proposed removing this Section entirely.
 - a. Chapter 11 Table of Contents: Will remain unchanged as compared to the Code in its original state, as Section 11-050 is no longer recommended to be removed.
2. Section 11-140, Post Approval Activities
 - a. Subsection F, Minor Changes to Approved Plans: Removal of the second paragraph, pertaining to review and approval by the Design Review Board. Adding in its place clarification on what

constitutes a substantial change, and the process for when changes cross over the threshold into substantial changes.

- b. Subsection G, Updates/Phased Site Plans: removal of original text pertaining to erroneous inclusion of Planning & Zoning Committee approval. Replacement with clarification on approval for individual phases by Site Plan Committee.
3. Section 11-180, Amendments to the Code: Clarification of which specific sections the Design Review Board can initiate text amendments on (11-010 – 11-080).
4. Section 12-3-050, Dedicated Access: Replacement of original text specifying minimum street grade with specification for maximum street grade not to exceed 12%.
5. Section 12-4-030, Stage II – Preliminary Plat, Subsection L, Subsection 2: Staff recommends extending the valid approval period for a Preliminary Plat from one (1) year to two (2) years as opposed to removing this section entirely. Extensions to a Preliminary Plat may be granted by the Community Development Director as opposed to Town Council.
6. Section 12-4-050 Stage IV – Final Plat, Recording and Post Approval, Subsection 10, Subsection e: extension of one (1) year post approval period to three (3) years.
7. Section 12-5-060, Significance of Minor Subdivision Plat Approval, Subsection B: replacement of the current twelve (12) month approval period to three (3) years. The previous iteration proposed the removal of this Subsection entirely.

Budget Impact: No budget impact.

Recommendation: Public hearing only. No recommendation.

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Redline Text

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Chapter 2 Definitions – Redline

CHAPTER 5

CONDITIONAL USE PERMIT

Articles:

- 5-010 Purpose and Intent**
- 5-020 Authority**
- 5-030 Procedure**
- 5-040 Denial by the Commission**
- 5-050 Required Findings**
- 5-060 Required Conditions for a Use Permitted by Conditional Use Permit**
- 5-070 Term of a Conditional Use Permit**
- 5-080 Revocation of a Conditional Use Permit**
- 5-090 ~~Renewal~~ Expiration of a Conditional Use Permit**
- ~~5-100 Abandonment of a Conditional Use Permit~~**
- 5-110¹⁰⁰ Modification or Expansion of a Conditional Use Permit**

Section 5-070 Term 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 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 one or more of the following actions have occurred~~

- ~~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.~~
- ~~2. If a building permit is not necessary to implement the use permit, then the actual use shall commence within six (6) months of the effective date of the use permit.~~
- ~~3. Any use permit issued by the Town Council shall be considered null and void if construction does not conform to the originally approved site plan. (See Modification of a Conditional Use Permit.) (Prior code § 5-7)~~

Section 5-090 Renewal **Expiration of a Conditional Use Permit**

~~A. Upon a conditional use permit being granted, the permit will not expire and shall remain in effect unless the permit is revoked following the procedures outlined in section 5-080 of the Town of Clarkdale Zoning Code. All conditional use permits are granted in perpetuity and run with the land. In the event that the use for which a Conditional Use Permit was sought is not achieved within the aforementioned time frames, 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. 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 Common Council in accordance with the procedures outlined within Section [5-030](#), A1, a-d. of this section.~~

2. ~~A new application fee has been paid.~~

3. ~~One (1) extension for no more than one (1) year (365 days) may be granted by the 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)~~

Section 5-100 — Abandonment of a Conditional Use 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)~~

Chapter 6 Standards for Planned Unit Development and Planned Area Development – Redline

Section 6-020 Standards for Planned Area Development

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:

1. 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.

2. 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.

3. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district

~~b. Following approval of a final development plan, development shall commence, within two (2) years of the date upon which the final development was approved. Applications for approval of final plans shall be made in accordance with the development phasing schedule contained in the PAD Program.~~

~~c. Failure to commence development within the two (2) year time period shall cause the final development plan to become null and void, without further action by the Town Council.~~

~~d~~ **b.** As 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.

l. 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.

e 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. (Prior code § 6-2)

Chapter 11 Design Review and Site Plan Review - Redline

Section 11-050 Expiration of Design Review Approval

Design approval automatically expires if a building permit has not been issued within ~~one (1) year~~ **three (3) years** of the date of final approval. The Board may grant ~~an extension of approval~~ **a total of three (3) sequential one (1) year extensions provided the applicant files the initial extension request within the three-year period immediately following the final approval.** (Prior code § 11-5)

Section 11-140 Post Approval Activities

~~A. *Limitation of Approval.* Substantial construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Design Review Board. The Design Review Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension can be granted and any and all federal and state approvals and permits are current.~~

B 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 to address field conditions.

C B. *Improvement Guarantees.*

D C. *Submission of As-Built Plans.* Any project subject to 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 within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

~~E~~ **D. 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 along with printed drawings.

~~F~~ **E. Minor Changes to Approved Plans.** Minor changes in approved plans necessary to address field conditions may be approved by the Community Development Director provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal.

If the Community Development Director determines that changes in such plans, proposals, and supporting documents are substantial, defined here as a change in the size (square footage), structure location, structure height, and/or number of buildings exceeding 10% of the original submitted plan, then the site plan submission must go back through the site plan review process.

~~Any such plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval by the Design Review Board and the Council.~~

~~G~~ **F. Updates/Phased Site Plans.** Site Plans for projects that are approved to be developed in phases must receive P&Z approval initially for all phases of the project, or receive P&Z approval through the full SPR process for an updated Site Plan for each phase as it is proposed to be built. (Prior code § 11-14) If all phases are not approved at site plan review, then each phase must be approved individually by the site plan committee prior to issuance of a building permit.

Section 11-180 Amendments to the Code

~~Text~~ Amendments of this to the design review code may be initiated by the Design Review Board, or as specified in the Town Code, for Subsections 11-010 through 11-080 of the Town Code.

~~No proposed amendments to this ordinance shall be referred to the Town Council until a public hearing is held on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the Town at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.~~

The proposed amendments shall be adopted by a simple majority vote of the Town Council.
(Prior code § 11-18)

Chapter 12 Subdivision
Regulations
- Redline

CHAPTER 12

SUBDIVISION REGULATIONS

Articles:

12-1 General Provisions

12-2 Definitions

12-2-010 Usage

~~12-2-020 Words and Terms Defined~~

12-3 Subdivision Design Principles and Standards

Section 12-2-020 Words and Terms Defined

****This section will be moved in its entirety to Section 2-010, all duplicates struck through will be removed****

Alley: A public right-of-way used to provide secondary vehicular access to properties that abut it.

As-Built Plans: Construction/engineering plans prepared after the completion of construction by the engineer of record and in such a manner as to accurately identify and depict the location of in place improvements.

Collector Street: Provides for traffic movement between and within neighborhoods and between arterial and local streets and access to abutting property.

Density: A ratio expressing the number of dwelling units per acre.

Detention Basin: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Easement: A legal interest in land granted by the owner to another person or the general public, which allows that person, or the general public, the use of all or a portion of the owner's land, generally granted for a stated purpose including, but not limited to, access or utility placement.

Fill: A deposit of soil, rock or other material placed by a person.

Flag Lot: A lot with a developable area connected to a public road by a narrow strip of land wide enough for a driveway.

Frontage: That portion of a lot or parcel contiguous with a street or highway.

Grading: Any excavating, filling, or combination thereof that involves changing the natural drainage pattern.

Local Street: Provides for direct access to residential, commercial, industrial, or other abutting land and for local traffic movements and connects to collector and/or arterial streets.

Lot: A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for the purpose of sale, lease or separate use.

Lot Width: The width of a lot shall be:

A. If the side property lines are parallel, the shortest distance between these parallel lines.

B. If the side property lines are not parallel, the shortest distance between the side lot lines measured at the narrowest point between the required front or rear building setback line for the zoning district in which the lot is located.

Open Space: Any parcel or area of land or water unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of the public or the owners and occupants of land adjoining or neighboring such open space.

Private Street: A street or way owned and maintained by an individual or group of individuals providing the right to controlled access to one (1) or more lots, parcels, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the Town. The Town reserves the right to install, permit, maintain or permit to be installed and maintained, utilities in the right-of-way, including surface use for refuse collection and public safety services.

Public Open Space: An open space area conveyed or otherwise dedicated to a government agency or other public body for recreational, cultural or conservation uses. Public Open Space does not include right-of-ways.

Right-of-Way: (ROW) An area of land dedicated to the public and fee simple title conveyed to the Town for drainage, pedestrian, trail, bicycle, utility, street lighting, landscaping or roadway purposes.

Through Lot: A lot abutting two (2) streets that do not intersect while adjoining the lot.

Section 12-3-050 Dedicated Access

K. The minimum street grade shall be five ~~one-half~~ percent (0.5%). The maximum street grade is not to exceed 12%.

Section 12-4-030 Stage II - Preliminary Plat

F. PRELIMINARY PLAT REVIEW:

1. The Director of Community Development shall distribute copies of the plat to the following:

~~a. All Planning Commissioners.~~

~~b~~ a. The Town Manager, Town Engineer, Police Chief, Director of Public Works and/or Utilities Departments, Fire District Chief and Building Official for the overall review and recommendations.

~~c~~ b. The Yavapai County Flood Control District for review of flood control and drainage measures.

~~d~~ c. The Yavapai County Environmental Services Department for review of sewage disposal proposal.

e d. Representatives of local utilities for review.

f e. Where 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 Director of Community Development will then summarize the recommendations, prepare a report and present it to the Commission.

L. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL:

Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the engineering plans and specifications for public improvements. Preliminary approval 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 twelve (12) months from the date of Council action.~~

Approval is valid for a period of two (2) years from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the

original date of approval. Extensions of the Preliminary Plat approval may be granted by ~~the Council~~ **the Community Development Director** upon receipt of a letter from the subdivider before the expiration date.

3. Preliminary Plat approval, in itself 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. (Prior code § 12-4-3)

Section 12-4-050 Stage IV - Final Plat, Recording and Post Approval

10. Assurance of Construction:

e. In the event the subdivider defaults or fails or neglects to satisfactorily install the required improvements within **three (3) years** ~~one (1) year~~ from the date of recording, the Town Council 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.

Section 12-5-060 Significance of Minor Subdivision Plat Approval

Minor Subdivision Plat approval constitutes authorization for the subdivider 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 ~~twelve (12) months~~ **three (3) years** from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Minor Subdivision Plat approval

may be granted by the Council upon receipt of a letter from the subdivider before the expiration date.

C. Minor Subdivision Plat approval, in itself, 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.

D. Compliance with all requirements of the Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate. (Prior code § 12-5-6)

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Clean Text

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Chapter 2 Definitions Revised Text – Clean

CHAPTER 2

DEFINITIONS

Articles:

2-010 Definitions

Section 2-010 Definitions

Detention Pond/Basin: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Lot Width: The width of a lot shall be:

- A. If the side property lines are parallel, the shortest distance between these parallel lines.
- B. If the side property lines are not parallel, the shortest distance between the side lot lines measured at the narrowest point between the required front or rear building setback line for the zoning district in which the lot is located.

Street, Private: A street or way owned and maintained by an individual or group of individuals providing the right to controlled access to one (1) or more lots, parcels, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the town. The town reserves the right to install, permit, maintain or permit to be installed and maintained, utilities in the right-of-way, including surface use for refuse collection and public safety services.

Abandonment: When the Council by proper action and public hearings abrogates all rights to any lots, streets, public ways, easements, or right-of-ways.

Access, Legal: Means by which pedestrians and vehicles have ingress and egress, to and from, a lot or parcel, by way of either a dedicated public street or an easement granting ingress/egress to any lot or parcel.

ADEQ: The Arizona Department of Environmental Quality.

ADOT: The Arizona Department of Transportation.

ADT: Average Daily Traffic. The average number of motor vehicles per day that pass over a given point.

Air Rights: A free interest in a three-dimensional air space in relation to a specified surface property.

Arterial Route: Provides for through traffic with limited access to abutting properties and includes major streets or highways having regional continuity.

Assurance: A guarantee that the specific improvements and services will be accomplished. This must be in the form of irrevocable letter of credit, a certificate of deposit or a certified check for construction of improvements. Utility service assurances may be provided by letter from water, electric, gas, communication and other appropriate utility companies to guarantee improvements.

Bicycle Lane: A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

Block: A piece or parcel of land or group of lots entirely surrounded by public right-of-way, streams, railroads or parks, or combination thereof.

Cartway: The total surface area (either paved or graveled) within the easement of right-of-way for vehicular traffic and/or parking.

Certificate: A formal written statement intended as an authentication of the fact(s) asserted and set forth, under seal of a notary or registered professional.

Channel: The bed and banks of a natural or man-made stream which convey the constant or intermittent flow of the stream.

Circulation Plan: That portion of the General Plan designating and describing the existing and future street system of the Town.

Commission: Town of Clarkdale Planning Commission is the advisory agency of the Council, has the full power and authority to investigate any and all matters pertaining to a proposed subdivision, to make findings of fact in relation thereto and as defined in Section [17-1-5](#) of the Town Code of Clarkdale.

Common Open Space: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements. Common Open Space does not include right-of-ways.

Conditional Approval: An affirmative action by the Commission and/or Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Condominium: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, commercial or industrial complex located on such real property. This condominium may include cluster housing or semi-detached housing. In addition, a condominium may include separate interest in other portions of such real property.

Construction Plans: Plans, profiles, cross-sections, and other required details for the construction of improvements, prepared by an engineer, registered in the State of Arizona, in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council. Engineering plans.

Corner Lot: A lot abutting on two (2) or more intersecting streets.

Council: The Common Council of the Town of Clarkdale.

County: Yavapai County, Arizona.

Cul-de-sac Street: A local street having one end permanently terminated in a vehicular turnaround.

Dead-end Street: A street with one (1) outlet but without a permanent provision for turning around, and which may be further extended into adjoining property.

Dedication: An offer of real property by its owner(s) to the Town of Clarkdale for any general or public use.

Deed Restrictions and Protective Covenants: A written contractual agreement between two (2) or more individuals or parties setting forth rules, regulations and expectations surrounding the use of subdivided or unsubdivided property.

Design Storm: The rainfall event of specific frequency and duration which produces the design flow.

Development: The utilization of land for public or private purpose involving property improvement or the change of land use.

Director: The Director of Community Development or person designated by the Town Manager who is responsible for planning functions.

Driveway: A vehicle access, paved or unpaved, that allows vehicle access from a street to a structure or other facility.

Engineer of Record: A professional engineer registered in the State of Arizona and employed by the owner or developer to design and/or inspect improvements.

Engineering Plans: Plans, profiles, cross-sections, and other required details for the construction of public improvements, prepared by an engineer, registered in the State of

Arizona, in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council. Construction plans.

Exception: Any parcel of land which is within the boundaries of the subdivision but which is not owned by the subdivider.

Final Approval: Approval of the Final Plat by the Council, as evidenced by certification on the plat by the Town Engineer and signed by the Mayor of the Town of Clarkdale attested by the Town Clerk which constitutes authorization to record a plat when improvement plans have been approved and an adequate assurance has been posted to guarantee the installation of the improvements.

Final Plat: A map of all or part of a subdivision providing substantial conformance to an approved Preliminary Plat, prepared by a registered professional engineer or a registered land surveyor in accordance with Section [12-3-050](#)-D of these Regulations, as applicable, which is presented for final approval.

Flood Plain, Delineated: That area delineated and mapped as a flood plain, as approved by Council and as shown on the National Flood Insurance Program, flood insurance maps and Yavapai County flood maps.

General Plan: The Clarkdale General Plan or parts thereof, providing for the future growth and improvement of the Town and for the general location and coordination of streets and highways, schools, parks, recreation sites, sewers, and other public facilities.

Half Width Street: A half (1/2) width street constructed with one (1) edge coincident with a tract boundary which will be the future centerline of the street.

Improvements: Such street work, flood and drainage work, utilities, sewers, and other desirable facilities to be installed by the subdivider on the land for public or private streets, highways, bicycle ways, pedestrian ways, trails and easements for the general use.

Interior Lot: A lot having but one (1) side abutting on a street.

Landlocked: A lot or parcel of land with no platted public or private road frontage or no easement(s) for vehicle access and utilities.

Land Split: The division of improved or unimproved land, two and one-half (2 ½) acres or less in area that does not include a new street, into two (2) or three (3) parcels of land, for the purpose of sale or lease. A Minor Land Division.

Land Surveyor: A professional individual registered with the State of Arizona in the field of land surveying.

Minor Land Division: The division of improved or unimproved land that does not include a new street, into two (2) or three (3) parcels of land, for the purpose of sale or lease. A land split.

Minor Subdivisions: Improved or unimproved land or lands which cannot be split in accordance with the Minor Land Division Section of the Town of Clarkdale Subdivision Regulations, that is divided for the purpose of financing, sale or lease, whether immediate or future into between four (4) and ten (10) lots, tracts or parcels of land, or the division of land that already has boundaries fixed by a recorded plat, which cannot be split in accordance with the Minor Land Division Section of the Town of Clarkdale Subdivision Regulations, and which is divided into between two (2) and ten (10) parts. Minor Subdivision also includes any

condominium, cooperative, community apartment, townhouse or similar project containing between four (4) and ten (10) parcels, in which an unsubdivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon and which cannot be split in accordance with the Minor Land Division Process that is a part of the Town of Clarkdale Subdivision Regulations.

Neighborhood Plan: A sketch plan designed by the Town to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, coordinate street patterns, and achieve the best possible land use relationships.

Owner: Any legal entity holding title by deed to the land, or holding title as vendees under land contract or holding any other title of record.

Parcel: Real property with a separate and distinct number or other designation shown on a plan recorded in the office of the County Recorder, or real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder and abutting at least one (1) public right-of-way or easement determined by the Director or the Commission to be adequate for the purpose of access.

Park: An area dedicated to recreation and/or cultural and artistic opportunities, active and/or passive, as defined by the Clarkdale Town Council on February 14, 2012 and is designed to serve the residents and visitors of a neighborhood or the Town.

Pedestrian/Bicycle Way: A public walk and bicycle path dedicated entirely through a block from a street and or providing access to a school, park, recreation area or shopping center.

Planned Area Development: (PAD) An area of minimum size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one (1) or more

structures to accommodate commercial, industrial, office or residential uses or combination thereof, and appurtenant common areas and other uses incidental to the predominant uses. See Zoning Code for complete definition.

Plat: A map or maps of a subdivision.

Pre-Application Conference: An initial meeting between subdividers and municipal representatives which affords subdividers the opportunity to present their proposals informally. (See Section [12-4-020](#) of these Regulations, as applicable.)

Preliminary Approval: Approval of the Preliminary Plat by the Commission and Council, as evidenced in their meeting minutes and noted upon prints of the plat, constitutes authorization to proceed with engineering plans and Final Plat preparation.

Preliminary Plat: A tentative map or maps, including supporting data, indicating a proposed subdivision development, prepared in accordance with Section [12-4-030](#) of these Regulations, presented for preliminary approval.

Private Access Way: A common driveway providing immediate access from a public right-of-way or private street to a residence or small group of residences, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the Town.

Public Improvement Standards: A set of regulations or standards, adopted by the Town, setting forth the details, specifications, instructions and procedures to be followed in planning, design and construction of certain public improvements in the Town.

Recorded Plat: A Final Plat bearing all of the certificates of approval required of Section [12-4-050](#) D of these Regulations, as applicable, and duly recorded in the Yavapai County Recorder's Office.

Regulations: The Town of Clarkdale Subdivision Regulations as contained herein.

Re-subdivision: The changing of design, subdivision name, lot lines, size of lots, or road alignment of any recorded or approved subdivision in the Town.

Retaining Wall: A wall or terraced combination of walls used solely to retain more than eighteen inches (18") of earth, but not to support or to provide footing for a structure.

Sanitary Engineer: A professional engineer registered in the State of Arizona to practice in the branch of sanitary engineering.

Sketch Plan: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Statutory Dedication: The dedication of land for general or public use to the Town as required by these Subdivision Regulations as a condition for acceptance of a subdivision plat for filing.

Street: Any street, avenue, boulevard, road, lane, parkway, place, viaduct, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the County Recorder's Office. A street includes the land between the right-of-

way lines, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, drainage apparatuses, or other improvements.

Subdivider: A subdivider shall be deemed to be the individual, firm, corporation, partnership association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of these Regulations and said subdivider need not be the owner of the land.

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or the division of land that already has boundaries fixed by a recorded plat, which is divided into two or more parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“Subdivision” does not include the following:

- A. The sale or exchange of parcels of land to or between adjoining property owners if the sale or exchange does not create additional lots.
- B. The partitioning of land in accordance with other statutes regulating the partitioning 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. Subdivision Committee: A committee established to minor subdivisions applications, to provide guidance to the subdivider, and to perform other duties as the Council and Commission may require (see Section [12-1-160](#)).

Subdivision Design: Street alignment, grades and widths, alignment and widths of easements and right-of-way for drainage, sanitary sewers and public utilities, streets, roads, pedestrian

ways, the arrangement and orientation of lots and locations of buildings, if required, together with refuse collection and maintenance easements in condominium developments.

Technical Review: The detailed review by the Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending that the subdivider proceeds with Final Plat procedures.

Town: The Town of Clarkdale, Arizona.

Utilities: Installations or facilities, underground or overhead, furnished for the use of the public; electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm corporation, municipal department, or board, duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.

Utility Easement, Public: An easement granted to a utility company or governmental agency to be used for the public placement of utilities.

Vicinity Map: A map, chart or diagram showing the geographical location of a proposed development in relationship to the surrounding region as indicated by various physical features.

Zoning: Restrictions on the use of land as regulated in the Town Zoning Code. (Prior code § 12-2-2)

CHAPTER 5

CONDITIONAL USE PERMIT

Articles:

5-010	Purpose and Intent
5-020	Authority
5-030	Procedure
5-040	Denial by the Commission
5-050	Required Findings
5-060	Required Conditions for a Use Permitted by Conditional Use Permit
5-070	Term of a Conditional Use Permit
5-080	Revocation of a Conditional Use Permit
5-090	Expiration of a Conditional Use Permit
5-100	Modification or Expansion of a Conditional Use Permit

Section 5-070 Term of a Conditional Use Permit

It is the intent of this section that a Conditional Use Permit, once it is granted and meets all of 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.

Any use permit issued by the Town Council shall be considered null and void if construction does not conform to the originally approved site plan. (See Modification of a Conditional Use Permit.) (Prior code § 5-7)

Section 5-090 Expiration of a Conditional Use Permit

Upon a conditional use permit being granted, the permit will not expire and shall remain in effect unless the permit is revoked following the procedures outlined in section 5-080 of the Town of Clarkdale Zoning Code. All conditional use permits are granted in perpetuity and run with the land.

Chapter 6 Standards for Planned Unit
Development and Planned Area
Development
Revised Text – Clean

Section 6-020 Standards for Planned Area Development

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:

1. 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.

2. 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.

3. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district

b. As 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.

l. 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. (Prior code §6-2)

Chapter 11 Design Review and
Site Plan Review
Revised Text – Clean

Section 11-050 Expiration of Design Review Approval

Design approval automatically expires if a building permit has not been issued within three (3) years of the date of final approval. The Board may grant a total of three (3) sequential one (1) year extensions provided the applicant files the initial extension request within the three-year period immediately following the final approval. (Prior code § 11-5)

Section 11-140 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 to address field conditions.

B. *Improvement Guarantees.*

C. *Submission of As-Built Plans.* Any project subject to 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 within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

D. *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 along with printed drawings.

E. *Changes to Approved Plans.* Minor changes in approved plans necessary to address field conditions may be approved by the Community Development Director provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal.

If the community development director determines that changes in such plans, proposals, and supporting documents are substantial, defined here as a change in the size (square footage), structure location, structure height, and/or number of buildings exceeding 10% of the original submitted plan, then the site plan submission must go back through the site plan review process.

F. *Updates/Phased Site Plans.* If all phases are not approved at site plan review, then each phase must be approved individually by the site plan committee prior to issuance of a building permit.

Section 11-180 Amendments to the Code

Text amendments to the design review code may be initiated by the design review board, or as specified in the town code, for Subsections 11-010 through 11-080 of the town code.

Chapter 12 Subdivision
Regulations
Revised Text – Clean

CHAPTER 12

SUBDIVISION REGULATIONS

Articles:

12-1 General Provisions

12-2 Definitions

12-2-010 Usage

12-3 Subdivision Design Principles and Standards

Section 12-3-050 Dedicated Access

K. The maximum street grade is not to exceed 12%.

Section 12-4-030 Stage II - Preliminary Plat

F. PRELIMINARY PLAT REVIEW:

1. The Director of Community Development shall distribute copies of the plat to the following:
 - a. The Town Manager, Town Engineer, Police Chief, Director of Public Works and/or Utilities Departments, Fire District Chief and Building Official for the 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. Where 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 Director of Community Development will then summarize the recommendations, prepare a report and present it to the Commission.

L. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL:

Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the engineering plans and specifications for public improvements. Preliminary approval 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 (2) years from the date of council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Preliminary Plat approval may be granted by the community development director upon receipt of a letter from the subdivider before the expiration date.
3. Preliminary Plat approval, in itself 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. (Prior code § 12-4-3)

Section 12-4-050 Stage IV - Final Plat, Recording and Post Approval

10. Assurance of Construction:

- e. In the event the subdivider defaults or fails or neglects to satisfactorily install the required improvements within three (3) years from the date of recording, the Town Council 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.

Section 12-5-060 Significance of Minor Subdivision Plat Approval

Minor Subdivision Plat approval constitutes authorization for the subdivider 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 (3) years from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Minor Subdivision Plat approval may be granted by the Council upon receipt of a letter from the subdivider before the expiration date.
- C. Minor Subdivision Plat approval, in itself, 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.
- D. Compliance with all requirements of the Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate. (Prior code § 12-5-6)



Staff Report

Item Number: 5.D.

<u>Agenda Item:</u>	Ordinance #428 - Text Amendments to the Town of Clarkdale Zoning Code Discuss, consider and act upon Ordinance #428, making Text Amendments to the Zoning Code as follows: Section 2-010, <u>Definitions</u> , Chapter 5, <u>Conditional Use Permit</u> Table of Contents, Section 5-070, <u>Term of a Conditional Use Permit</u> , Section 5-090, <u>Renewal of a Conditional Use Permit</u> , Section 5-100, <u>Abandonment of a Conditional Use Permit</u> , Section 6-020, <u>Standards for Planned Area Development</u> , Section 11-050, <u>Expiration of Design Review Approval</u> , Section 11-140, <u>Post Approval Activities</u> , Section 11-180, <u>Amendments to the Code</u> , Chapter 12, <u>Subdivision Regulations</u> Table of Contents, Section 12-2-020, <u>Words and Terms Defined</u> , Section 12-3-050, <u>Dedicated Access</u> , Section 12-4-030, <u>Stage II – Preliminary Plat</u> , Section 12-4-050, <u>Stage IV – Final Plat</u> , <u>Recording and Post Approval</u> , and Section 12-5-060, <u>Significance of Minor Subdivision Plat Approval</u> .
<u>Staff Contact:</u>	Spencer Jones, Project Manager
<u>Meeting Date:</u>	July 16, 2024
<u>Strategic Goal:</u>	This agenda item supports the following Clarkdale Strategic Goal Area: • Goal Area 2 - Enhance the quality of life for residents, businesses and visitors to Clarkdale.
<u>Background:</u>	The proposed amendments to the zoning code within this staff report stem from four areas of concern. 1. Clarification of definitions and processes across the Zoning Code. In its current iteration, Section 2-010 (Definitions) consists of most words and phrases defined within the Zoning Code. However, within Ch.12 Subdivision Regulations, specifically Section 12-2-020 (Words and Terms Defined), there also exists secondary words and terms defined Subsection. Staff is proposing to remove all duplicate definitions also found within Section 2-010 (Definitions) from Section 12-2-020 (Words and Terms Defined), along with moving the remainder of those definitions to Section 2-010 (Definitions) so they can be used as a reference for the Zoning Code as a whole. In regard to duplicate words and terms found in both sections, the definition that provides the greater level of detail will be kept and the term with the lesser level of detail

will be removed.

In a similar vein, Staff is proposing amendments to two Subsections within section 11-140 (Post Approval Activities). Subsection F: proposed changes consist of removing the Design Review Board and Town Council from the site plan review process. Neither the Design Review Board nor Council are involved in the site plan review process, and as such this amendment will not have an effect on the manner in which the zoning code is administered. Additional amendments to this section also include clarifying what constitutes a substantial change, and the process for any change that does qualify as a substantial change. Proposed amendments to Subsection G of section 11-140 (Post Approval Activities) include the removal of the Planning and Zoning Committee (P&Z) from phased site approval. Similar to Subsection F, the site plan review process is managed by the Site Plan Committee. Thus, these amendments will not have an impact on the manner in which the code is implemented in practice. Additional detail is also provided on approvals pertaining to multiple phases.

Section 11-180 (Amendments to the Code), outlines a process by which to amend the code that differs from the standard cadence of: notice period, followed by neighborhood meeting, followed by Planning Commission Public Hearing, followed by Town Council Public Hearing. Staff recommends the removal of this code amendment process as it would differ from the aforementioned cadence. Specifically, in its current form, the code amendment process calls for a 14-day notification period during which at least two public postings in a newspaper of general circulation are required before a public hearing meeting is held with Town Council. Statutorily, notification of text amendments is required to be published one (1) time in a paper of general circulation at least fifteen (15) days in advance of the public hearing, rather than the fourteen (14) days set forth in the Code, which is contrary to state law. Removing this section of Code will bring the Town into compliance with the Arizona Revised Statutes.

Staff has also specified the Subsections of Ch.11 (Design Review and Site Plan Review) Zoning Code that the Design Review Board can initiate text amendments for. The reasoning for this clarification is that Ch.11 contains both design review code along with site plan review code. Specifically, text amendments for site plan review would fall outside the scope of the Design Review Board. Sections 11-010 (Purpose and Applicability of Design Review) to 11-080 (Severability) *do* apply to design review, and thus are called out as the sections to be eligible for the Design Review Board to initiate the text amendment process.

2. Expirations and timelines: removals and extensions. Staff recommends the *removal* of expirations and timelines pertaining to post-approval activities specifically for conditional use permits, Planned Area Developments (PADs), and site plan construction. Staff recommends *extending* design review approval, subdivision preliminary & final plat approval, and minor subdivision plat approval past the current one-year timeline. As stated previously, these

activities currently have a timeline of one year. However, in the current construction environment (post-covid), there are often delays due to supply chain issues and staffing issues. The current timelines are not reasonable given current market conditions.

3. Compliance with Title 9 Arizona Revised Statutes. Section 12-4-030, pertaining to stage II of preliminary plating procedures and requirements for subdivisions, states that a copy of the preliminary plat review should be distributed to the Planning Commissioners during this stage for review and comment. Staff are proposing the removal of this clause because the review and comment outside a public hearing is a violation of ARS 38-431.01. Specifically, it would allow the Planning Commission the opportunity to review and comment on this process as well as reach a decision well in advance of when the public would be given notice and when a public hearing would occur. The Planning Commission will still receive and have access to a copy of the preliminary plat for review as part of the notification period to the public, which will in turn then comply with ARS Title 9 statutes. A.R.S. § 38-431.01(A) states that "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." Similarly, A.R.S. § 38-431.09 states "It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided."

4. Miscellaneous Code corrections. Section 12-3-050, Dedicated Access, in its current iteration states that the minimum street grade shall be five percent for subdivision dedicated access roads, noting that 'five percent' equals '0.5%'. Five percent does not equal 0.5% (one-half of a percent). Furthermore, staff recommends removing the minimum street grade stipulation entirely and instead limiting the *maximum* street grade, not to exceed 12%.

A previous iteration of this ordinance was presented during a neighborhood meeting on May 30, 2024, with an opportunity for public comment. Since the initial neighborhood meeting, Staff has made edits to the following areas of this ordinance since the May 30 iteration:

1. Section 11-050, Expiration of Design Review Approval: Staff proposes extending Design Review approval expiration from one (1) year to three (3) years, with a total of three additional one (1) year extension options allowable upon approval. The prior iteration of this ordinance proposed removing this Section entirely.
 - a. Chapter 11 Table of Contents: Will remain unchanged as compared to the Code in its original state, as Section 11-050 is no longer recommended to be removed.
2. Section 11-140, Post Approval Activities
 - a. Subsection F, Minor Changes to Approved Plans: Removal of the second paragraph, pertaining to review and approval by the Design Review Board. Adding in its place clarification on what

- constitutes a substantial change, and the process for when changes cross over the threshold into substantial changes.
- b. Subsection G, Updates/Phased Site Plans: removal of original text pertaining to erroneous inclusion of Planning & Zoning Committee approval. Replacement with clarification on approval for individual phases by Site Plan Committee.
 3. Section 11-180, Amendments to the Code: Clarification of which specific sections the Design Review Board can initiate text amendments on (11-010 – 11-080).
 4. Section 12-3-050, Dedicated Access: Replacement of original text specifying minimum street grade with specification for maximum street grade not to exceed 12%.
 5. Section 12-4-030, Stage II – Preliminary Plat, Subsection L, Subsection 2: Staff recommends extending the valid approval period for a Preliminary Plat from one (1) year to two (2) years as opposed to removing this section entirely. Extensions to a Preliminary Plat may be granted by the Community Development Director as opposed to Town Council.
 6. Section 12-4-050 Stage IV – Final Plat, Recording and Post Approval, Subsection 10, Subsection e: extension of one (1) year post approval period to three (3) years.
 7. Section 12-5-060, Significance of Minor Subdivision Plat Approval, Subsection B: replacement of the current twelve (12) month approval period to three (3) years. The previous iteration proposed the removal of this Subsection entirely.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Planning Commission approve Ordinance #428, making Text Amendments to the Zoning Code as follows: Section 2-010, Definitions, Chapter 5, Conditional Use Permit Table of Contents, Section 5-070, Term of a Conditional Use Permit, Section 5-090, Renewal of a Conditional Use Permit, Section 5-100, Abandonment of a Conditional Use Permit, Section 6-020, Standards for Planned Area Development, Section 11-050, Expiration of Design Review Approval, Section 11-140, Post Approval Activities, Section 11-180, Amendments to the Code, Chapter 12, Subdivision Regulations Table of Contents, Section 12-2-020, Words and Terms Defined, Section 12-3-050, Dedicated Access, Section 12-4-030, Stage II – Preliminary Plat, Section 12-4-050, Stage IV – Final Plat, Recording and Post Approval, and Section 12-5-060, Significance of Minor Subdivision Plat Approval and forward to the Town Council for the same.

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Chapter 2 Definitions – Redline

CHAPTER 5

CONDITIONAL USE PERMIT

Articles:

- 5-010 Purpose and Intent
- 5-020 Authority
- 5-030 Procedure
- 5-040 Denial by the Commission
- 5-050 Required Findings
- 5-060 Required Conditions for a Use Permitted by Conditional Use Permit
- 5-070 Term of a Conditional Use Permit
- 5-080 Revocation of a Conditional Use Permit
- 5-090 ~~Renewal~~ **Expiration** of a Conditional Use Permit
- ~~5-100~~ ~~Abandonment of a Conditional Use Permit~~
- 5-110**100** Modification or Expansion of a Conditional Use Permit

Section 5-070 Term 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 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 one or more of the following actions have occurred~~

- ~~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.~~
- ~~2.— If a building permit is not necessary to implement the use permit, then the actual use shall commence within six (6) months of the effective date of the use permit.~~
- ~~3.— Any use permit issued by the Town Council shall be considered null and void if construction does not conform to the originally approved site plan. (See Modification of a Conditional Use Permit.) (Prior code § 5-7)~~

Section 5-090 Renewal **Expiration of a Conditional Use Permit**

~~A.— Upon a conditional use permit being granted, the permit will not expire and shall remain in effect unless the permit is revoked following the procedures outlined in section 5-080 of the Town of Clarkdale Zoning Code. All conditional use permits are granted in perpetuity and run with the land. In the event that the use for which a Conditional Use Permit was sought is not achieved within the aforementioned time frames, 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.— 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 Common Council in accordance with the procedures outlined within Section [5-030](#), A1, a-d. of this section.~~

2. ~~A new application fee has been paid.~~

3. ~~One (1) extension for no more than one (1) year (365 days) may be granted by the 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)~~

~~Section 5-100 — Abandonment of a Conditional Use 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)~~

Chapter 6 Standards for Planned Unit Development and Planned Area Development – Redline

Section 6-020 Standards for Planned Area Development

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:

1. 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.

2. 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.

3. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district

~~b. Following approval of a final development plan, development shall commence, within two (2) years of the date upon which the final development was approved. Applications for approval of final plans shall be made in accordance with the development phasing schedule contained in the PAD Program.~~

~~c. Failure to commence development within the two (2) year time period shall cause the final development plan to become null and void, without further action by the Town Council.~~

~~d~~ **b.** As 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.

l. 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.

e 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. (Prior code § 6-2)

Chapter 11 Design Review and Site Plan Review - Redline

Section 11-050 Expiration of Design Review Approval

Design approval automatically expires if a building permit has not been issued within ~~one (1)~~ year **three (3) years** of the date of final approval. The Board may grant ~~an extension of approval~~ provided the applicant files for an extension within the ~~one (1) year approval period~~ **a total of three (3) sequential one (1) year extensions provided the applicant files the initial extension request within the three-year period immediately following the final approval.** (Prior code § 11-5)

Section 11-140 Post Approval Activities

~~A. *Limitation of Approval.* Substantial construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Design Review Board. The Design Review Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension can be granted and any and all federal and state approvals and permits are current.~~

B 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 to address field conditions.

C B. *Improvement Guarantees.*

~~D~~ **C.** *Submission of As-Built Plans.* Any project subject to 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 within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

~~E~~ **D. 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 along with printed drawings.

~~F~~ **E. Minor Changes to Approved Plans.** Minor changes in approved plans necessary to address field conditions may be approved by the Community Development Director provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal.

If the Community Development Director determines that changes in such plans, proposals, and supporting documents are substantial, defined here as a change in the size (square footage), structure location, structure height, and/or number of buildings exceeding 10% of the original submitted plan, then the site plan submission must go back through the site plan review process.

~~Any such plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval by the Design Review Board and the Council.~~

~~G~~ **F. Updates/Phased Site Plans.** Site Plans for projects that are approved to be developed in phases must receive P&Z approval initially for all phases of the project, or receive P&Z approval through the full SPR process for an updated Site Plan for each phase as it is proposed to be built. (Prior code § 11-14) If all phases are not approved at site plan review, then each phase must be approved individually by the site plan committee prior to issuance of a building permit.

Section 11-180 Amendments to the Code

~~Text~~ Amendments of this to the design review code may be initiated by the Design Review Board, or as specified in the Town Code, for Subsections 11-010 through 11-080 of the Town Code.

~~No proposed amendments to this ordinance shall be referred to the Town Council until a public hearing is held on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the Town at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.~~

The proposed amendments shall be adopted by a simple majority vote of the Town Council.
(Prior code § 11-18)

Chapter 12 Subdivision
Regulations
- Redline

CHAPTER 12

SUBDIVISION REGULATIONS

Articles:

12-1 General Provisions

12-2 Definitions

12-2-010 Usage

~~12-2-020 Words and Terms Defined~~

12-3 Subdivision Design Principles and Standards

Section 12-2-020 Words and Terms Defined

****This section will be moved in its entirety to Section 2-010, all duplicates struck through will be removed****

Alley: A public right-of-way used to provide secondary vehicular access to properties that abut it.

As-Built Plans: Construction/engineering plans prepared after the completion of construction by the engineer of record and in such a manner as to accurately identify and depict the location of in place improvements.

Collector Street: Provides for traffic movement between and within neighborhoods and between arterial and local streets and access to abutting property.

Density: A ratio expressing the number of dwelling units per acre.

Detention Basin: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Easement: A legal interest in land granted by the owner to another person or the general public, which allows that person, or the general public, the use of all or a portion of the owner's land, generally granted for a stated purpose including, but not limited to, access or utility placement.

Fill: A deposit of soil, rock or other material placed by a person.

Flag Lot: A lot with a developable area connected to a public road by a narrow strip of land wide enough for a driveway.

Frontage: That portion of a lot or parcel contiguous with a street or highway.

Grading: Any excavating, filling, or combination thereof that involves changing the natural drainage pattern.

Local Street: Provides for direct access to residential, commercial, industrial, or other abutting land and for local traffic movements and connects to collector and/or arterial streets.

Lot: A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for the purpose of sale, lease or separate use.

Lot Width: The width of a lot shall be:

A. If the side property lines are parallel, the shortest distance between these parallel lines.

B. If the side property lines are not parallel, the shortest distance between the side lot lines measured at the narrowest point between the required front or rear building setback line for the zoning district in which the lot is located.

Open Space: Any parcel or area of land or water unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of the public or the owners and occupants of land adjoining or neighboring such open space.

Private Street: A street or way owned and maintained by an individual or group of individuals providing the right to controlled access to one (1) or more lots, parcels, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the Town. The Town reserves the right to install, permit, maintain or permit to be installed and maintained, utilities in the right-of-way, including surface use for refuse collection and public safety services.

Public Open Space: An open space area conveyed or otherwise dedicated to a government agency or other public body for recreational, cultural or conservation uses. Public Open Space does not include right-of-ways.

Right-of-Way: (ROW) An area of land dedicated to the public and fee simple title conveyed to the Town for drainage, pedestrian, trail, bicycle, utility, street lighting, landscaping or roadway purposes.

Through Lot: A lot abutting two (2) streets that do not intersect while adjoining the lot.

Section 12-3-050 Dedicated Access

K. The minimum street grade shall be five ~~one-half~~ percent (0.5%). The maximum street grade is not to exceed 12%.

Section 12-4-030 Stage II - Preliminary Plat

F. PRELIMINARY PLAT REVIEW:

1. The Director of Community Development shall distribute copies of the plat to the following:

~~a. All Planning Commissioners.~~

~~b~~ **a.** The Town Manager, Town Engineer, Police Chief, Director of Public Works and/or Utilities Departments, Fire District Chief and Building Official for the overall review and recommendations.

~~c~~ **b.** The Yavapai County Flood Control District for review of flood control and drainage measures.

~~d~~ **c.** The Yavapai County Environmental Services Department for review of sewage disposal proposal.

d. Representatives of local utilities for review.

e. Where 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 Director of Community Development will then summarize the recommendations, prepare a report and present it to the Commission.

L. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL:

Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the engineering plans and specifications for public improvements. Preliminary approval 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 twelve (12) months from the date of Council action.~~

Approval is valid for a period of two (2) years from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the

original date of approval. Extensions of the Preliminary Plat approval may be granted by ~~the Council~~ **the Community Development Director** upon receipt of a letter from the subdivider before the expiration date.

3. Preliminary Plat approval, in itself 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. (Prior code § 12-4-3)

Section 12-4-050 Stage IV - Final Plat, Recording and Post Approval

10. Assurance of Construction:

e. In the event the subdivider defaults or fails or neglects to satisfactorily install the required improvements within **three (3) years** ~~one (1) year~~ from the date of recording, the Town Council 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.

Section 12-5-060 Significance of Minor Subdivision Plat Approval

Minor Subdivision Plat approval constitutes authorization for the subdivider 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 ~~twelve (12) months~~ **three (3) years** from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Minor Subdivision Plat approval

may be granted by the Council upon receipt of a letter from the subdivider before the expiration date.

C. Minor Subdivision Plat approval, in itself, 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.

D. Compliance with all requirements of the Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate. (Prior code § 12-5-6)

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Clean Text

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Chapter 2 Definitions Revised Text – Clean

CHAPTER 2

DEFINITIONS

Articles:

2-010 Definitions

Section 2-010 Definitions

Detention Pond/Basin: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Lot Width: The width of a lot shall be:

- A. If the side property lines are parallel, the shortest distance between these parallel lines.
- B. If the side property lines are not parallel, the shortest distance between the side lot lines measured at the narrowest point between the required front or rear building setback line for the zoning district in which the lot is located.

Street, Private: A street or way owned and maintained by an individual or group of individuals providing the right to controlled access to one (1) or more lots, parcels, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the town. The town reserves the right to install, permit, maintain or permit to be installed and maintained, utilities in the right-of-way, including surface use for refuse collection and public safety services.

Abandonment: When the Council by proper action and public hearings abrogates all rights to any lots, streets, public ways, easements, or right-of-ways.

Access, Legal: Means by which pedestrians and vehicles have ingress and egress, to and from, a lot or parcel, by way of either a dedicated public street or an easement granting ingress/egress to any lot or parcel.

ADEQ: The Arizona Department of Environmental Quality.

ADOT: The Arizona Department of Transportation.

ADT: Average Daily Traffic. The average number of motor vehicles per day that pass over a given point.

Air Rights: A free interest in a three-dimensional air space in relation to a specified surface property.

Arterial Route: Provides for through traffic with limited access to abutting properties and includes major streets or highways having regional continuity.

Assurance: A guarantee that the specific improvements and services will be accomplished. This must be in the form of irrevocable letter of credit, a certificate of deposit or a certified check for construction of improvements. Utility service assurances may be provided by letter from water, electric, gas, communication and other appropriate utility companies to guarantee improvements.

Bicycle Lane: A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

Block: A piece or parcel of land or group of lots entirely surrounded by public right-of-way, streams, railroads or parks, or combination thereof.

Cartway: The total surface area (either paved or graveled) within the easement of right-of-way for vehicular traffic and/or parking.

Certificate: A formal written statement intended as an authentication of the fact(s) asserted and set forth, under seal of a notary or registered professional.

Channel: The bed and banks of a natural or man-made stream which convey the constant or intermittent flow of the stream.

Circulation Plan: That portion of the General Plan designating and describing the existing and future street system of the Town.

Commission: Town of Clarkdale Planning Commission is the advisory agency of the Council, has the full power and authority to investigate any and all matters pertaining to a proposed subdivision, to make findings of fact in relation thereto and as defined in Section [17-1-5](#) of the Town Code of Clarkdale.

Common Open Space: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements. Common Open Space does not include right-of-ways.

Conditional Approval: An affirmative action by the Commission and/or Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Condominium: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, commercial or industrial complex located on such real property. This condominium may include cluster housing or semi-detached housing. In addition, a condominium may include separate interest in other portions of such real property.

Construction Plans: Plans, profiles, cross-sections, and other required details for the construction of improvements, prepared by an engineer, registered in the State of Arizona, in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council. Engineering plans.

Corner Lot: A lot abutting on two (2) or more intersecting streets.

Council: The Common Council of the Town of Clarkdale.

County: Yavapai County, Arizona.

Cul-de-sac Street: A local street having one end permanently terminated in a vehicular turnaround.

Dead-end Street: A street with one (1) outlet but without a permanent provision for turning around, and which may be further extended into adjoining property.

Dedication: An offer of real property by its owner(s) to the Town of Clarkdale for any general or public use.

Deed Restrictions and Protective Covenants: A written contractual agreement between two (2) or more individuals or parties setting forth rules, regulations and expectations surrounding the use of subdivided or unsubdivided property.

Design Storm: The rainfall event of specific frequency and duration which produces the design flow.

Development: The utilization of land for public or private purpose involving property improvement or the change of land use.

Director: The Director of Community Development or person designated by the Town Manager who is responsible for planning functions.

Driveway: A vehicle access, paved or unpaved, that allows vehicle access from a street to a structure or other facility.

Engineer of Record: A professional engineer registered in the State of Arizona and employed by the owner or developer to design and/or inspect improvements.

Engineering Plans: Plans, profiles, cross-sections, and other required details for the construction of public improvements, prepared by an engineer, registered in the State of

Arizona, in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council. Construction plans.

Exception: Any parcel of land which is within the boundaries of the subdivision but which is not owned by the subdivider.

Final Approval: Approval of the Final Plat by the Council, as evidenced by certification on the plat by the Town Engineer and signed by the Mayor of the Town of Clarkdale attested by the Town Clerk which constitutes authorization to record a plat when improvement plans have been approved and an adequate assurance has been posted to guarantee the installation of the improvements.

Final Plat: A map of all or part of a subdivision providing substantial conformance to an approved Preliminary Plat, prepared by a registered professional engineer or a registered land surveyor in accordance with Section [12-3-050](#)-D of these Regulations, as applicable, which is presented for final approval.

Flood Plain, Delineated: That area delineated and mapped as a flood plain, as approved by Council and as shown on the National Flood Insurance Program, flood insurance maps and Yavapai County flood maps.

General Plan: The Clarkdale General Plan or parts thereof, providing for the future growth and improvement of the Town and for the general location and coordination of streets and highways, schools, parks, recreation sites, sewers, and other public facilities.

Half Width Street: A half (1/2) width street constructed with one (1) edge coincident with a tract boundary which will be the future centerline of the street.

Improvements: Such street work, flood and drainage work, utilities, sewers, and other desirable facilities to be installed by the subdivider on the land for public or private streets, highways, bicycle ways, pedestrian ways, trails and easements for the general use.

Interior Lot: A lot having but one (1) side abutting on a street.

Landlocked: A lot or parcel of land with no platted public or private road frontage or no easement(s) for vehicle access and utilities.

Land Split: The division of improved or unimproved land, two and one-half (2 ½) acres or less in area that does not include a new street, into two (2) or three (3) parcels of land, for the purpose of sale or lease. A Minor Land Division.

Land Surveyor: A professional individual registered with the State of Arizona in the field of land surveying.

Minor Land Division: The division of improved or unimproved land that does not include a new street, into two (2) or three (3) parcels of land, for the purpose of sale or lease. A land split.

Minor Subdivisions: Improved or unimproved land or lands which cannot be split in accordance with the Minor Land Division Section of the Town of Clarkdale Subdivision Regulations, that is divided for the purpose of financing, sale or lease, whether immediate or future into between four (4) and ten (10) lots, tracts or parcels of land, or the division of land that already has boundaries fixed by a recorded plat, which cannot be split in accordance with the Minor Land Division Section of the Town of Clarkdale Subdivision Regulations, and which is divided into between two (2) and ten (10) parts. Minor Subdivision also includes any

condominium, cooperative, community apartment, townhouse or similar project containing between four (4) and ten (10) parcels, in which an unsubdivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon and which cannot be split in accordance with the Minor Land Division Process that is a part of the Town of Clarkdale Subdivision Regulations.

Neighborhood Plan: A sketch plan designed by the Town to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, coordinate street patterns, and achieve the best possible land use relationships.

Owner: Any legal entity holding title by deed to the land, or holding title as vendees under land contract or holding any other title of record.

Parcel: Real property with a separate and distinct number or other designation shown on a plan recorded in the office of the County Recorder, or real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder and abutting at least one (1) public right-of-way or easement determined by the Director or the Commission to be adequate for the purpose of access.

Park: An area dedicated to recreation and/or cultural and artistic opportunities, active and/or passive, as defined by the Clarkdale Town Council on February 14, 2012 and is designed to serve the residents and visitors of a neighborhood or the Town.

Pedestrian/Bicycle Way: A public walk and bicycle path dedicated entirely through a block from a street and or providing access to a school, park, recreation area or shopping center.

Planned Area Development: (PAD) An area of minimum size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one (1) or more

structures to accommodate commercial, industrial, office or residential uses or combination thereof, and appurtenant common areas and other uses incidental to the predominant uses. See Zoning Code for complete definition.

Plat: A map or maps of a subdivision.

Pre-Application Conference: An initial meeting between subdividers and municipal representatives which affords subdividers the opportunity to present their proposals informally. (See Section [12-4-020](#) of these Regulations, as applicable.)

Preliminary Approval: Approval of the Preliminary Plat by the Commission and Council, as evidenced in their meeting minutes and noted upon prints of the plat, constitutes authorization to proceed with engineering plans and Final Plat preparation.

Preliminary Plat: A tentative map or maps, including supporting data, indicating a proposed subdivision development, prepared in accordance with Section [12-4-030](#) of these Regulations, presented for preliminary approval.

Private Access Way: A common driveway providing immediate access from a public right-of-way or private street to a residence or small group of residences, or divided interests in air rights exempt from management, maintenance and liability responsibilities on the part of the Town.

Public Improvement Standards: A set of regulations or standards, adopted by the Town, setting forth the details, specifications, instructions and procedures to be followed in planning, design and construction of certain public improvements in the Town.

Recorded Plat: A Final Plat bearing all of the certificates of approval required of Section [12-4-050](#) D of these Regulations, as applicable, and duly recorded in the Yavapai County Recorder's Office.

Regulations: The Town of Clarkdale Subdivision Regulations as contained herein.

Re-subdivision: The changing of design, subdivision name, lot lines, size of lots, or road alignment of any recorded or approved subdivision in the Town.

Retaining Wall: A wall or terraced combination of walls used solely to retain more than eighteen inches (18") of earth, but not to support or to provide footing for a structure.

Sanitary Engineer: A professional engineer registered in the State of Arizona to practice in the branch of sanitary engineering.

Sketch Plan: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Statutory Dedication: The dedication of land for general or public use to the Town as required by these Subdivision Regulations as a condition for acceptance of a subdivision plat for filing.

Street: Any street, avenue, boulevard, road, lane, parkway, place, viaduct, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the County Recorder's Office. A street includes the land between the right-of-

way lines, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, drainage apparatuses, or other improvements.

Subdivider: A subdivider shall be deemed to be the individual, firm, corporation, partnership association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of these Regulations and said subdivider need not be the owner of the land.

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or the division of land that already has boundaries fixed by a recorded plat, which is divided into two or more parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“Subdivision” does not include the following:

- A. The sale or exchange of parcels of land to or between adjoining property owners if the sale or exchange does not create additional lots.
 - B. The partitioning of land in accordance with other statutes regulating the partitioning 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.
- Subdivision Committee: A committee established to minor subdivisions applications, to provide guidance to the subdivider, and to perform other duties as the Council and Commission may require (see Section [12-1-160](#)).

Subdivision Design: Street alignment, grades and widths, alignment and widths of easements and right-of-way for drainage, sanitary sewers and public utilities, streets, roads, pedestrian

ways, the arrangement and orientation of lots and locations of buildings, if required, together with refuse collection and maintenance easements in condominium developments.

Technical Review: The detailed review by the Town Engineer to approve all details of the engineering plans and specifications for public improvements before recommending that the subdivider proceeds with Final Plat procedures.

Town: The Town of Clarkdale, Arizona.

Utilities: Installations or facilities, underground or overhead, furnished for the use of the public; electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm corporation, municipal department, or board, duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.

Utility Easement, Public: An easement granted to a utility company or governmental agency to be used for the public placement of utilities.

Vicinity Map: A map, chart or diagram showing the geographical location of a proposed development in relationship to the surrounding region as indicated by various physical features.

Zoning: Restrictions on the use of land as regulated in the Town Zoning Code. (Prior code § 12-2-2)

CHAPTER 5

CONDITIONAL USE PERMIT

Articles:

5-010	Purpose and Intent
5-020	Authority
5-030	Procedure
5-040	Denial by the Commission
5-050	Required Findings
5-060	Required Conditions for a Use Permitted by Conditional Use Permit
5-070	Term of a Conditional Use Permit
5-080	Revocation of a Conditional Use Permit
5-090	Expiration of a Conditional Use Permit
5-100	Modification or Expansion of a Conditional Use Permit

Section 5-070 Term of a Conditional Use Permit

It is the intent of this section that a Conditional Use Permit, once it is granted and meets all of 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.

Any use permit issued by the Town Council shall be considered null and void if construction does not conform to the originally approved site plan. (See Modification of a Conditional Use Permit.) (Prior code § 5-7)

Section 5-090 Expiration of a Conditional Use Permit

Upon a conditional use permit being granted, the permit will not expire and shall remain in effect unless the permit is revoked following the procedures outlined in section 5-080 of the Town of Clarkdale Zoning Code. All conditional use permits are granted in perpetuity and run with the land.

Chapter 6 Standards for Planned Unit
Development and Planned Area
Development
Revised Text – Clean

Section 6-020 Standards for Planned Area Development

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:

1. 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.

2. 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.

3. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district

b. As 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.

l. 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. (Prior code §6-2)

Chapter 11 Design Review and
Site Plan Review
Revised Text – Clean

Section 11-050 Expiration of Design Review Approval

Design approval automatically expires if a building permit has not been issued within three (3) years of the date of final approval. The Board may grant a total of three (3) sequential one (1) year extensions provided the applicant files the initial extension request within the three-year period immediately following the final approval. (Prior code § 11-5)

Section 11-140 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 to address field conditions.

B. *Improvement Guarantees.*

C. *Submission of As-Built Plans.* Any project subject to 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 within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

D. *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 along with printed drawings.

E. *Changes to Approved Plans.* Minor changes in approved plans necessary to address field conditions may be approved by the Community Development Director provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal.

If the community development director determines that changes in such plans, proposals, and supporting documents are substantial, defined here as a change in the size (square footage), structure location, structure height, and/or number of buildings exceeding 10% of the original submitted plan, then the site plan submission must go back through the site plan review process.

F. *Updates/Phased Site Plans.* If all phases are not approved at site plan review, then each phase must be approved individually by the site plan committee prior to issuance of a building permit.

Section 11-180 Amendments to the Code

Text amendments to the design review code may be initiated by the design review board, or as specified in the town code, for Subsections 11-010 through 11-080 of the town code.

Chapter 12 Subdivision
Regulations
Revised Text – Clean

CHAPTER 12

SUBDIVISION REGULATIONS

Articles:

12-1 General Provisions

12-2 Definitions

12-2-010 Usage

12-3 Subdivision Design Principles and Standards

Section 12-3-050 Dedicated Access

K. The maximum street grade is not to exceed 12%.

Section 12-4-030 Stage II - Preliminary Plat

F. PRELIMINARY PLAT REVIEW:

1. The Director of Community Development shall distribute copies of the plat to the following:
 - a. The Town Manager, Town Engineer, Police Chief, Director of Public Works and/or Utilities Departments, Fire District Chief and Building Official for the 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. Where 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 Director of Community Development will then summarize the recommendations, prepare a report and present it to the Commission.

L. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL:

Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the engineering plans and specifications for public improvements. Preliminary approval 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 (2) years from the date of council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Preliminary Plat approval may be granted by the community development director upon receipt of a letter from the subdivider before the expiration date.
3. Preliminary Plat approval, in itself 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. (Prior code § 12-4-3)

Section 12-4-050 Stage IV - Final Plat, Recording and Post Approval

10. Assurance of Construction:

- e. In the event the subdivider defaults or fails or neglects to satisfactorily install the required improvements within three (3) years from the date of recording, the Town Council 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.

Section 12-5-060 Significance of Minor Subdivision Plat Approval

Minor Subdivision Plat approval constitutes authorization for the subdivider 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 (3) years from the date of Council action. Requests can be made for one (1) year extensions up to a total of not more than three (3) years from the original date of approval. Extensions of the Minor Subdivision Plat approval may be granted by the Council upon receipt of a letter from the subdivider before the expiration date.
- C. Minor Subdivision Plat approval, in itself, 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.
- D. Compliance with all requirements of the Arizona Revised Statutes and compliance with all requirements of the Arizona Department of Real Estate. (Prior code § 12-5-6)



Staff Report

Item Number: 5.E.

Agenda Item:**Public Hearing - Ordinance #430 - 89A Corridor Commercial Overlay District**

The Planning Commission will hold a Public Hearing to take comment on Ordinance #430, 89A Corridor Commercial Overlay District, amending Chapter 3, Zoning Districts, articles 3-100, Commercial (C), 3-110, Neighborhood Commercial, and 3-120 Highway Commercial, and Article 3-130, 89A Corridor Commercial Overlay District, by deleting the Section in its entirety.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

July 16, 2024

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 4 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

Background:

Staff has reviewed this Article of the Zoning Code to ensure that it is not creating barriers to commercial development in Clarkdale and found that there are better ways to manage development in the corridor than through this overlay district.

This Ordinance was previously presented on May 30, 2024, with opportunity for public comment. No major objections nor opposition were expressed.

The 89A Corridor Commercial Overlay District was implemented upon the adoption of Ordinance No. 294 on Sept. 12, 2006, by the Clarkdale Town Council. The district encompasses State Route 89A from the roundabout at Clarkdale Parkway to the Town boundary just south of the El Toreo restaurant, extending 500 feet from the centerline of the highway northeast and southwest.

As part of the Strategic Plan strategy to grow retail development, in 2023, Council directed the Town Manager to enter into an agreement with Retail Strategies to conduct a market assessment and assist with marketing

Clarkdale to retailers. Additionally, the Town brought together a group of stakeholders to better understand the issues preventing development of this corridor. The 89A Working Group met several times to discuss the impact of each element of the Commercial Overlay and its impact on development as well as how many of the elements of the overlay are addressed as part of other zoning regulations. Below is a detailed summary of the Overlay regulations and discussion of their purpose and impact.

Business	Year of Construction
#1 Food Store	1981
Baptist Church	1981
Tumbleweed	1989
Tumbleweed Expansion	2022
Olsen's Feed	2000
Dollar General	2015
Bodega Pierce	1987
El Torero	1998

Cumulatively, these regulations restrict the ability of sites along SR 89A to develop. Since their adoption in 2006, only two (2) new structures have been added to the corridor – Dollar General in 2015, and the expansion of Tumbleweed in 2022. To date, only seven (7) of the 34 available parcels in the corridor have been developed, or 20%. Further, the developable area loss with the 50-foot front setback is approximately 14 acres (13.85) rather than the 5.54 acres with a 20-foot setback.

The original purpose of the SR 89A Overlay district is set forth in Section 3-130 (A) of the Town Zoning Code:

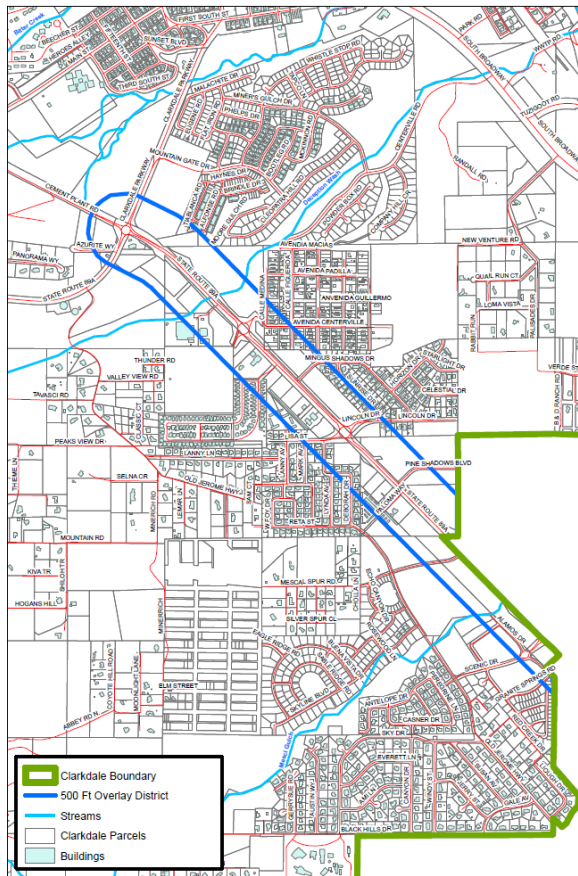
Section 3-130 89A Corridor Commercial Overlay District

A. Intent and Purpose:

The purpose and intent of the 89A Corridor Overlay Zone is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment while accommodating the automobile and providing for efficient traffic movement. This is to be accomplished by providing for the sensitive placement of open spaces in relationship to building masses, shared use pathways, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones.

Additional current regulations are found in Section 3-130 D (8):

Lot coverage allowed for building, parking, driveways, and accessory buildings is 50%, with 50% of the parcel's gross area maintained as permanent undisturbed desert.



Construction envelope setbacks shall be 50 feet in the front yard. Side and rear yard setbacks for the overall master planned limited commercial node shall be limited to the exterior boundary of the master-planned area. This shall be a minimum of 50 feet. Side and rear yard setbacks for interior parcels may be zero so that building development may occur in clusters. The Community Development Department shall base the placement of the construction/building envelope on the results of the site analysis and a determination of the location of any significant vegetation, specimen vegetation and/or topographical features such as washes.

Parking areas for commercial development shall be landscaped with landscape materials from the Town of Clarkdale Plant List and shall have 25% landscape area over the parking area, including drive aisles. A minimum of 50% of the required landscaped area is to be living vegetation. This plant material shall be maintained in a healthy condition. Parking shall not comprise more than 40% of the front yard behind the required landscaped setback.

Signage shall be minimal and shall consist of either wall signs or monument signs. Wall signs shall not exceed eight feet in height and monument signs no greater than four feet in height.

At the time of adoption, the corridor included properties zoned Commercial, Neighborhood Commercial, and Highway Commercial. Over time, those properties have all been rezoned to Commercial.

In 2006, staff identified the 89A Commercial Overlay Zone as having a unique environment and expressed concerns for the potential impact development of the area could have on the community. In addition to increased setbacks, the regulations also dictate 50% lot coverage, with the undeveloped portion preserved as open desert, limits on the development of parking, and increased landscaping requirements for parking areas and landscape strips.

It should be noted that commercial development has changed dramatically since 2006. Post-COVID, a sizeable segment of the population now works from home rather than in an office building. While there will likely always be a need for in-person meetings (e.g., doctors, dentists), remote work is here to stay. This decrease in demand for office space is reflected in the significant decrease in the valuation of commercial office space across the United States.

Similarly, the advent of Amazon and other online retailers has changed the nature of retail significantly. Brick and mortar stores are no longer the norm; almost anything you can imagine can be purchased online. Fry's, Safeway, Walmart, and other retailers offer online grocery shopping with delivery to your car in the parking lot or directly to your home.

Figure 1 50' Setback at Dollar General



Section 3-130 D sets forth the design guidelines for development in the overlay district. The guidelines set forth in this section are really site plan review requirements as they dictate requirements for submittals rather than the design of the structures as outlined below.

D. Design Guidelines:

1. Commercial development shall use the site analysis and landscape inventory to determine the building/construction envelope for the building, parking area, driveway, and all accessory buildings. Areas outside the building/construction envelope shall remain permanent undisturbed desert.

All commercial projects undergo site analysis as part of the design of the site and is included in the site plan required in Chapter 11, Design Review and Site Plan Review.

2. A site analysis shall be required with any development plan. The site analysis is a tool to assist in determining areas to be retained in a natural undisturbed state and areas that may most easily be developed, which include areas with minimal vegetation or previously graded areas. Areas proposed for development by the applicant are to be identified in the plans through the use of concept diagrams. *As indicated above, site analyses are undertaken as part of the pre-application review and site plan review processes.*

Similarly, areas to be maintained in an undisturbed state are also to be identified on all plans. This also is identified on the site plan that is reviewed

and approved by staff.

1. Land contours at two-foot intervals or smallest interval available. This is a standard requirement for site plan submittals as two-foot (2') intervals are readily available on Yavapai County GIS.
2. Wash corridors and preliminary hydrological information (cfs flows, onsite and off-site, and velocity). This information is required for site plan review as well as preliminary and final plats.
3. Identify specimen plants and significant stands of vegetation. This information is included in the site plan as part of the landscape plan requirements.
4. Identify potential view corridors. This is not required for site plan review; however, the definition of view corridor is vague.
5. Identify potential development areas. This is required for site plan review as well as preliminary and final plats.
6. Identify potential street alignments. This is required for site plan review as well as preliminary and final plats.
7. Identify the 100 year floodplain boundary as defined by the Federal Emergency Management Act (FEMA) and 100-year 24-hour flow boundaries for washes not addressed by FEMA. This information is required for the pre-application review meeting that precedes submittal of commercial plans. It is also required as part of the engineered drainage and grading plans and the drainage and grading report.
8. Identify and coordinate trail locations with the City using the City's recreational trails plan. This is required as part of the site plan review and any development agreement.

Lot coverage allowed for building, parking, driveways, and accessory buildings is 50%, with 50% of the parcel's gross area maintained as permanent undisturbed desert. *This is a design standard that significantly exceeds the lot coverage requirement of the underlying Commercial (C) zoning district; there is no lot coverage restriction in the C zoning district.*

Construction envelope setbacks shall be 50 feet in the front yard. Side and rear yard setbacks for the overall master planned limited commercial node shall be limited to the exterior boundary of the master-planned area. This shall be a minimum of 50 feet. Side and rear yard setbacks for interior parcels may be zero, so that building development may occur in clusters. The Community Development Department shall base the placement of the construction/building envelope on the results of the site analysis and a determination of the location of any significant vegetation, specimen vegetation and/or topographical features such as washes. *This section presupposes development in the corridor will be under a master-plan or commercial subdivision rather than single-lot development. The average parcel width in the overlay is 326 feet; requiring 50 foot side setbacks for a master planned area could reduce the buildable area by 100 feet.*

Parking areas for commercial development shall be landscaped with landscape

materials from the Town of Clarkdale Plant List and shall have 25% landscape area over the parking area, including drive aisles. A minimum of 50% of the required landscaped area is to be living vegetation. This plant material shall be maintained in a healthy condition. Parking shall not comprise more than 40% of the front yard behind the required landscaped setback. *The landscape requirement for the underlying C zoning district is 10% rather than 25% required in the overlay district. The 40% area limit on parking in front of the building further restricts the availability of parking for customers.*

Signage shall be minimal and shall consist of either wall signs or monument signs. Wall signs shall not exceed eight feet in height and monument signs no greater than four feet in height. *The ability to have signage that is readily visible to drivers is critical in a high traffic corridor with posted speed of 45 miles per hour. Limiting signage to either wall or monument signs eliminates the use of on-site directional signage which helps direct traffic through the site and customers locate the business they seek. Further, "minimal" is arbitrary - the underlying zoning district ties signage to street frontage of a parcel.*

Wash corridors containing regional, primary, or secondary washes shall be maintained as permanent undisturbed open space and incorporated into the site design, except at wash crossings which must be restored as closely as possible to a natural appearing state, both upstream and down, in accordance with plans approved by the Community Development Department. *Any modification of FEMA floodways and flood plains requires special permitting through FEMA and the Army Corps of Engineers; therefore, filling these drainage features is highly unlikely.*

Intent and Purpose

This section of the current Ordinance sets forth the purpose and intent of the regulations. In this case, the following purposes are identified:

1. Achieving a sense of place.
2. Fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment.
3. Accommodating the automobile and providing efficient traffic movement.
4. Providing for the sensitive placement of open spaces in relationship to building masses.
5. Shared use pathways.
6. Use of street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones.

1) Achieving a sense of place: In 2020, the Town and a number of stakeholders worked with the Sustainable Communities program at Arizona State University to develop guidelines and recommendations for the

development of the 89A corridor. The resulting report, Activating Historic Clarkdale Through Sustainable Design and Policy, provides guidance on developing the corridor in a manner that acknowledges the history of the town without mimicking the historic architecture found in the downtown historic district. It also encourages mixed-use, medium to high density residential, and cluster development in the corridor. These design elements and building configurations are recommended by staff when projects are proposed by landowners and developers. The regulations set forth in Section 3-130 D (8) do not support this purpose, and in fact, are counterproductive. They restrict the buildable area of the lots with 50 foot setbacks for the front and limit lot coverage to 50% and leaving 50% as undisturbed desert. These factors are regularly reviewed by staff as part of a site plan; the standards set forth in the overlay district are by and large included in the standards for the Design Review Board.

2) Fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment. Encouraging a pedestrian-friendly environment generally relies on siting buildings and structures close to pedestrian walkways and clustering buildings in close proximity to each other; in the case of this overlay district, the buildings are required to be set back 50 feet from the property line, which is approximately 80 feet behind the sidewalk along SR 89A; including curb and sidewalk, the total distance from the travel lane is approximately 130 feet. This does not encourage pedestrian activity but rather increases reliance on automobiles. While infill development in the corridor will help, setting buildings back an additional 50 feet behind the ADOT right-of-way only serves to create a greater sense of separation rather than cohesiveness. Additionally, the front setback cannot be developed as parking, further restricting the configuration of a given property and essentially rendering the first 50 feet of a parcel unusable as it can only be developed as a landscape strip rather than serve a useful purpose on already shallow parcels. The average depth of the parcels is 300 feet, and the width is 350 feet; the average parcel loses approximately 16,300 square feet or 3/10ths of an acre. Eliminating the first 50 feet of a parcel reduces the depth of the lot to 300 feet; requiring 50-foot side setbacks for cluster development reduces the width of a project by 100 feet and increases the separation between clusters by at least 100 feet.

3) Accommodating the automobile and providing for efficient traffic movement. While the current zoning overlay is most definitely accommodating automobile traffic, ensuring efficient traffic movement on site and between sites is a challenge. Location of parking should be convenient for users. However, eliminating parking in the first 50 feet of the parcel and limiting parking to 40% of the area between the street and the façade of a building forces site designs that move it on the side of or behind buildings. Cluster development does not lend itself to this type of parking configuration as customers are forced to walk around groups of buildings or siting of buildings will require separation between structures to allow customers convenient access from the parking areas to the fronts of the commercial/mixed use development.

Access points (curb cuts) are limited in number and location throughout the corridor, further limiting development on intervening parcels. Because SR 89A is a State highway, the Arizona Department of Transportation (ADOT) controls access to it; the typical separation between access points is 700 feet. Facilitating the use of limited access will require interconnected parking lots at minimum, with wide perimeter drive lanes to move traffic throughout a cluster/mixed use development; this aspect is not addressed in the existing text.

4) Providing for the sensitive placement of open spaces in relationship to building masses. Staff regularly reviews submittals for adherence to open space requirements as part of site plan review.

5) Shared use pathways: The Town has recently completed a Trails Master Plan that provides clear direction for the location and connectivity of trails throughout Clarkdale. The inclusion of multi-use paths in the plan allows for shared use.

6) Use of street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones. The use of street furniture, landscaping, and parking standards in this context increases the requirements for these elements greater than properties similarly zoned that are not within the boundaries of the 89A corridor. For instance, in the Commercial (C) zoning district, the standard requirement is a 15-foot wide landscape buffer; in the overlay district, it is 50 feet, or three (3) times the depth of the underlying zoning district. Similarly, 10% of parking areas in the "C" zoning district are required to be landscaped, while 25%, or 2½ times the area is required to be landscaped in the overlay district. While this section refers to the use of street furniture, there are no standards governing what is required.

Almost all the review requirements set forth in the overlay district are already addressed in the Site Plan Review process.

The SR89A Overlay Workgroup and Staff agree that the overlay district is discouraging development. Staff discussed the development of several parcels with potential developers, only to be told that the setbacks render the sites unbuildable for retail purposes.

Language addressing interconnection between parcels with no direct access to 89A and reduction of front setback to 20 feet would be added to the Commercial, Neighborhood Commercial, and Highway Commercial zoning districts.

Removing the 89A Overlay will result in the possibility for commercial development to be further away from the residential neighborhoods.

Budget Impact: No budget impact.

Recommendation: Public hearing. No recommendation.

ORDINANCE NO. 430

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE CHAPTER 3, ZONING DISTRICTS, SECTION 3-100 COMMERCIAL, SECTION 3-110, NEIGHBORHOOD COMMERCIAL, AND SECTION 3-120, HIGHWAY COMMERCIAL, AND DELETING SECTION 3-130, 89A CORRIDOR COMMERCIAL OVERLAY DISTRICT.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 3, Zoning Districts, Section 3-100 Commercial (C), Section 3-110, Neighborhood Commercial (NC), and Section 3-120 Highway Commercial (HC), and deleting Section 3-130 89A Corridor Overlay District in its entirety; and

WHEREAS, the Town of Clarkdale wishes to support economic development opportunities in commercial corridors throughout Clarkdale and in particular State Route 80A; and

WHEREAS, the Town Council finds that the proposed amendments will facilitate commercial development throughout Clarkdale; and

WHEREAS, the Town Council also finds that the proposed amendments are in conformance with the General Plan Chapter 5, Growth Area Element, and Chapter 9, Economic Development Element; and

WHEREAS, the Town Council also find that the proposed amendments support the Town of Clarkdale Strategic Plan 2024-2026, Goal Area 4: Strengthen and diversify our economy through cultivating a business friendly climate for business attraction and strategically capitalizing upon tourism;

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

Section 3-100 Commercial (C)

D. DEVELOPMENT STANDARDS FOR COMMERCIAL

- ~~D.~~ 1. Maximum Building Height: 50 feet.
- ~~E.~~ 2. Minimum Lot Size: 24,000 sq. ft.
- ~~F.~~ 3. Minimum Lot Frontage: 200 feet.

G. 4. Minimum Lot Width: 100 feet.

H. 5. Minimum Yards Required:

a. Front-~~20~~30 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 ONSITE CIRCULATION WITH ADJACENT PARCELS.

Section 3-110 Neighborhood Commercial

D. Development Standards for the Neighborhood Commercial District

1. Maximum Building Height: 35 feet

2. Minimum Lot Size: 6000 square feet

3. Minimum Lot Frontage: 50 feet

4. Minimum Lot Depth 120 feet

5. Minimum Yard Setbacks:

a. Front-~~20~~ 30 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 ONSITE CIRCULATION WITH ADJACENT PARCELS.

Section 3-120 Highway Commercial

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~~ 30 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 ONSITE CIRCULATION WITH ADJACENT PARCELS.

~~Section 3-130 89A Corridor Commercial Overlay District~~

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~A. Intent and Purpose:~~

~~The purpose and intent of the 89A Corridor Overlay Zone is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment while accommodating the automobile and providing for efficient traffic movement. This is to be accomplished by providing for the sensitive placement of open spaces in relationship to building masses, shared use pathways, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones.~~

~~B. Overlay Designation:~~

~~The 89A Corridor Overlay District shall be created which will encompass an area five hundred feet either side of the center line of Highway 89A from the Clarkdale Parkway intersection to the Town of Clarkdale boundary.~~

~~C. Viewshed Definition:~~

~~A viewshed is an area of land, water, and other environmental element that is visible from a fixed vantage point. The term is used widely in such areas as urban planning, archaeology, and military science. In urban planning, for example, viewsheds tend to be areas of particular scenic~~

or historic value that are deemed worthy of preservation against development or other change. The preservation of viewsheds is a goal in the designation of open space areas, green belts, and community separators.

D. Design Guidelines:

Commercial development shall use the site analysis and landscape inventory to determine the building/construction envelope for the building, parking area, driveway, and all accessory buildings. Areas outside of the building/construction envelope shall remain permanent undisturbed desert.

A site analysis shall be required with any development plan. The site analysis is a tool to assist in determining areas to be retained in a natural undisturbed state and areas that may most easily be developed, which include areas with minimal vegetation or previously graded areas. Areas proposed for development by the applicant are to be identified on the plans through use of concept diagrams.

Similarly, areas to be maintained in an undisturbed state are also to be identified on all plans.

1. Land contours at two-foot intervals or smallest interval available.
2. Wash corridors and preliminary hydrological information (cfs flows, onsite and off-site, and velocity).
3. Identify specimen plants and significant stands of vegetation.
4. Identify potential view corridors.
5. Identify potential development areas.
6. Identify potential street alignments.
7. Identify the one hundred year floodplain boundary as defined by the Federal Emergency Management Act (FEMA) and one hundred year twenty-four hour flow boundaries for washes not addressed by FEMA.
8. Identify and coordinate trail locations with the City using the City's recreational trails plan.

Lot coverage allowed for building, parking, driveways, and accessory buildings is fifty percent, with fifty percent of the parcel's gross area maintained as permanent undisturbed desert.

Construction envelope setbacks shall be fifty feet in the front yard. Side and rear yard setbacks for the overall master planned limited commercial node shall be limited to the exterior boundary of the master planned area. This shall be a minimum of fifty feet. Side and rear yard setbacks for interior parcels may be zero so that building development may occur in clusters. The Community

~~Development Department shall base placement of the construction/building envelope on the results of the site analysis and a determination of the location of any significant vegetation, specimen vegetation and/or topographical features such as washes.~~

~~Parking areas for commercial development shall be landscaped with landscape material from the Town of Clarkdale Plant List and shall have twenty-five percent landscape area over the parking area, including drive aisles. A minimum of fifty percent of the required landscaped area is to be living vegetation. This plant material shall be maintained in a healthy condition. Parking shall not comprise more than forty percent of the front yard behind the required landscaped setback.~~

~~Signage shall be minimal and shall consist of either wall signs or monument signs. Wall signs shall not exceed eight feet in height and monument signs no greater than four feet in height.~~

~~Wash corridors containing regional, primary, or secondary washes shall be maintained as permanent undisturbed open space and incorporated into the site design, except at wash crossings which must be restored as closely as possible to a natural appearing state, both upstream and down, in accordance with plans approved by the Community Development Department.~~

~~1. Regional wash corridors: Flows of seven hundred fifty cfs or greater during the one hundred-year storm. Characterized as large and picturesque. The area within this boundary is to be maintained as permanent undisturbed open space with the exception of wash crossings.~~

~~2. Primary washes: Flows of fifty cfs or greater during the one hundred-year storm. The area within this boundary is to be maintained as permanent undisturbed open space with the exception of wash crossings.~~

~~3. Secondary washes: Flows from ten cfs to fifty cfs during the one hundred-year storm event. Setbacks for any structures, fences or walls shall be no less than an average of twenty-five feet with a minimum of ten feet from the wash top of the uppermost bank hinge. A secondary wash is to be maintained undisturbed and incorporated into the site design as an amenity.~~

~~4. Minor washes: Flows less than ten cfs during the one hundred-year storm event. Washes this size, not supporting any significantly thriving vegetation as determined by the Community Development Department may be incorporated into the parcel drainage plan. Where significant vegetation does exist, washes shall be maintained in existing condition or flows may be accommodated in another acceptable way as determined by the Community Development Department. Setbacks for any structures, fences or walls shall be a minimum of ten feet.~~

~~Street patterns and lot design shall allow direct access to washes or open space areas for maintenance of annual and non-native vegetation to prevent fire hazards and allow fire department access in case of fire.~~

~~Any development occurring in the 89A Corridor District shall be required to participate in the Town of Clarkdale Trails Plan by providing appropriately designed pathways that meet the Town of Clarkdale hardscape design standards.~~

~~1. Clearly defined pedestrian connections shall be provided~~

~~-Between a public right-of-way and building entrance~~

~~-Between parking lot or structure and building entrances~~

~~-Between adjacent properties~~

~~2. Pedestrian connections shall not be less than 5 feet wide~~

~~3. Pedestrian connections should be clearly defined by textured paving across vehicular lanes and pedestrian scale lighting, bollard lighting, accent lighting or a combination~~

~~E. Permitted Land Uses:~~

~~The range of land uses permitted with the 89A Corridor Commercial Overlay District shall be those afforded by the underlying zoning districts as established by the Town of Clarkdale Zoning Ordinance and the Official Zoning Map.~~

~~F. Variation of Conventional Standards:~~

~~Cluster development is encouraged to provide for flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands.~~

~~Design in the 89A Corridor is intended to reflect Contemporary Clarkdale: An area in which architectural features shall include traditional textures and colors in harmony with more contemporary materials, textures and colors. (Prior code § 3-13)~~

PASSED AND ADOPTED by the Town Council of _____ this ____ day of _____, 2024.

ATTEST:

TOWN OF _____, an
Arizona municipal corporation

“ _____ Charity Brooks _____ ”
Town Clerk

“ _____ Robin Prud’-homme-Bauer _____ ”
Mayor

APPROVED AS TO FORM:

“ _____ Stephen Polk _____ ”
Town Attorney

I, _____, Town CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE Town OF
_____ ON THE _____ DAY OF _____, 202_, WAS POSTED IN
THREE PLACES ON THE _____ DAY OF _____, 202_.
_____, Town Clerk.

ORDINANCE NO. 430

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE CHAPTER 3, ZONING DISTRICTS, SECTION 3-100 COMMERCIAL, SECTION 3-110, NEIGHBORHOOD COMMERCIAL, AND SECTION 3-120, HIGHWAY COMMERCIAL, AND DELETING SECTION 3-130, 89A CORRIDOR COMMERCIAL OVERLAY DISTRICT.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 3, Zoning Districts, Section 3-100 Commercial (C), Section 3-110, Neighborhood Commercial (NC), and Section 3-120 Highway Commercial (HC), and deleting Section 3-130 89A Corridor Overlay District in its entirety; and

WHEREAS, the Town of Clarkdale wishes to support economic development opportunities in commercial corridors throughout Clarkdale and in particular State Route 80A; and

WHEREAS, the Town Council finds that the proposed amendments will facilitate commercial development throughout Clarkdale; and

WHEREAS, the Town Council also finds that the proposed amendments are in conformance with the General Plan Chapter 5, Growth Area Element, and Chapter 9, Economic Development Element; and

WHEREAS, the Town Council also find that the proposed amendments support the Town of Clarkdale Strategic Plan 2024-2026, Goal Area 4: Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism;

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

Section 3-100 Commercial (C)

D. DEVELOPMENT STANDARDS FOR COMMERCIAL

- . 1. Maximum Building Height: 50 feet.
2. Minimum Lot Size: 24,000 sq. ft.
3. Minimum Lot Frontage: 200 feet.

4. Minimum Lot Width: 100 feet.

5. Minimum Yards Required:

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 onsite circulation with adjacent parcels.

Section 3-110 Neighborhood Commercial

D. Development Standards for the Neighborhood Commercial District

1. Maximum Building Height: 35 feet

2. Minimum Lot Size: 6000 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

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 onsite circulation with adjacent parcels.

Section 3-120 Highway Commercial

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 onsite circulation with adjacent parcels.



Staff Report

Item Number: 5.F.

Agenda Item:**Ordinance #430 - 89A Corridor Commercial Overlay District**

Discuss, consider and act upon Ordinance #430, 89A Corridor Commercial Overlay District, amending Chapter 3, Zoning Districts, articles 3-100, Commercial (C), 3-110, Neighborhood Commercial, and 3-120 Highway Commercial, and Article 3-130, 89A Corridor Commercial Overlay District, by deleting the Section in its entirety.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

July 16, 2024

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

- Goal Area 2 - Enhance the quality of life for residents, businesses, and visitors to Clarkdale.
- Goal Area 4 - Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism.

Background:

Staff has reviewed this Article of the Zoning Code to ensure that it is not creating barriers to commercial development in Clarkdale and found that there are better ways to manage development in the corridor than through this overlay district.

This Ordinance was previously presented on May 30, 2024, with an opportunity for public comment. No major objections nor opposition were expressed.

The 89A Corridor Commercial Overlay District was implemented upon the adoption of Ordinance No. 294 on Sept. 12, 2006, by the Clarkdale Town Council. The district encompasses State Route 89A from the roundabout at Clarkdale Parkway to the Town boundary just south of the El Torero restaurant, extending 500 feet from the centerline of the highway northeast and southwest.

As part of the Strategic Plan strategy to grow retail development, in 2023, Council directed the Town Manager to enter into an agreement with Retail Strategies to conduct a market assessment and assist with marketing

Clarkdale to retailers. Additionally, the Town brought together a group of stakeholders to better understand the issues preventing development of this corridor. The 89A Working Group met several times to discuss the impact of each element of the Commercial Overlay and its impact on development as well as how many of the elements of the overlay are addressed as part of other zoning regulations. Below is a detailed summary of the Overlay regulations and discussion of their purpose and impact.

Business	Year of Construction
#1 Food Store	1981
Baptist Church	1981
Tumbleweed	1989
Tumbleweed Expansion	2022
Olsen's Feed	2000
Dollar General	2015
Bodega Pierce	1987
El Torero	1998

Cumulatively, these regulations restrict the ability of sites along SR 89A to develop. Since their adoption in 2006, only two (2) new structures have been added to the corridor – Dollar General in 2015, and the expansion of Tumbleweed in 2022. To date, only seven (7) of the 34 available parcels in the corridor have been developed, or 20%. Further, the developable area loss with the 50-foot front setback is approximately 14 acres (13.85) rather than the 5.54 acres with a 20-foot setback.

The original purpose of the SR 89A Overlay district is set forth in Section 3-130 (A) of the Town Zoning Code:

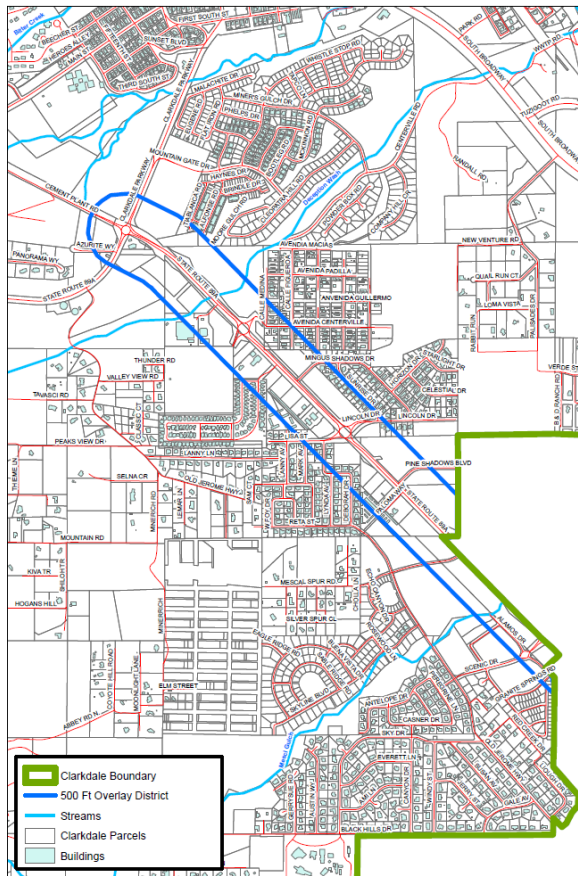
Section 3-130 89A Corridor Commercial Overlay District

A. Intent and Purpose:

The purpose and intent of the 89A Corridor Overlay Zone is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment while accommodating the automobile and providing for efficient traffic movement. This is to be accomplished by providing for the sensitive placement of open spaces in relationship to building masses, shared use pathways, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones.

Additional current regulations are found in Section 3-130 D (8):

Lot coverage allowed for building, parking, driveways, and accessory buildings is 50%, with 50% of the parcel's gross area maintained as permanent undisturbed desert.



Construction envelope setbacks shall be 50 feet in the front yard. Side and rear yard setbacks for the overall master planned limited commercial node shall be limited to the exterior boundary of the master-planned area. This shall be a minimum of 50 feet. Side and rear yard setbacks for interior parcels may be zero so that building development may occur in clusters. The Community Development Department shall base the placement of the construction/building envelope on the results of the site analysis and a determination of the location of any significant vegetation, specimen vegetation and/or topographical features such as washes.

Parking areas for commercial development shall be landscaped with landscape materials from the Town of Clarkdale Plant List and shall have 25% landscape area over the parking area, including drive aisles. A minimum of 50% of the required landscaped area is to be living vegetation. This plant material shall be maintained in a healthy condition. Parking shall not comprise more than 40% of the front yard behind the required landscaped setback.

Signage shall be minimal and shall consist of either wall signs or monument signs. Wall signs shall not exceed eight feet in height and monument signs no greater than four feet in height.

At the time of adoption, the corridor included properties zoned Commercial, Neighborhood Commercial, and Highway Commercial. Over time, those properties have all been rezoned to Commercial.

In 2006, staff identified the 89A Commercial Overlay Zone as having a unique environment and expressed concerns for the potential impact development of the area could have on the community. In addition to increased setbacks, the regulations also dictate 50% lot coverage, with the undeveloped portion preserved as open desert, limits on the development of parking, and increased landscaping requirements for parking areas and landscape strips.

It should be noted that commercial development has changed dramatically since 2006. Post-COVID, a sizeable segment of the population now works from home rather than in an office building. While there will likely always be a need for in-person meetings (e.g., doctors, dentists), remote work is here to stay. This decrease in demand for office space is reflected in the significant decrease in the valuation of commercial office space across the United States.

Similarly, the advent of Amazon and other online retailers has changed the nature of retail significantly. Brick and mortar stores are no longer the norm; almost anything you can imagine can be purchased online. Fry's, Safeway, Walmart, and other retailers offer online grocery shopping with delivery to your car in the parking lot or directly to your home.

Figure 1 50' Setback at Dollar General



Section 3-130 D sets forth the design guidelines for development in the overlay district. The guidelines set forth in this section are really site plan review requirements as they dictate requirements for submittals rather than the design of the structures as outlined below.

D. Design Guidelines:

1. Commercial development shall use the site analysis and landscape inventory to determine the building/construction envelope for the building, parking area, driveway, and all accessory buildings. Areas outside the building/construction envelope shall remain permanent undisturbed desert. All commercial projects undergo site analysis as part of the design of the site and is included in the site plan required in Chapter 11, Design Review and Site Plan Review.

2. A site analysis shall be required with any development plan. The site analysis is a tool to assist in determining areas to be retained in a natural undisturbed state and areas that may most easily be developed, which include areas with minimal vegetation or previously graded areas. Areas proposed for development by the applicant are to be identified in the plans through the use of concept diagrams. As indicated above, site analyses are undertaken as part of the pre-application review and site plan review processes.

Similarly, areas to be maintained in an undisturbed state are also to be identified on all plans. This also is identified on the site plan that is reviewed

and approved by staff.

1. Land contours at two-foot intervals or smallest interval available. This is a standard requirement for site plan submittals as two-foot (2') intervals are readily available on Yavapai County GIS.
2. Wash corridors and preliminary hydrological information (cfs flows, onsite and off-site, and velocity). This information is required for site plan review as well as preliminary and final plats.
3. Identify specimen plants and significant stands of vegetation. This information is included in the site plan as part of the landscape plan requirements.
4. Identify potential view corridors. This is not required for site plan review; however, the definition of view corridor is vague.
5. Identify potential development areas. This is required for site plan review as well as preliminary and final plats.
6. Identify potential street alignments. This is required for site plan review as well as preliminary and final plats.
7. Identify the 100 year floodplain boundary as defined by the Federal Emergency Management Act (FEMA) and 100-year 24-hour flow boundaries for washes not addressed by FEMA. This information is required for the pre-application review meeting that precedes submittal of commercial plans. It is also required as part of the engineered drainage and grading plans and the drainage and grading report.
8. Identify and coordinate trail locations with the City using the City's recreational trails plan. This is required as part of the site plan review and any development agreement.

Lot coverage allowed for building, parking, driveways, and accessory buildings is 50%, with 50% of the parcel's gross area maintained as permanent undisturbed desert. *This is a design standard that significantly exceeds the lot coverage requirement of the underlying Commercial (C) zoning district; there is no lot coverage restriction in the C zoning district.*

Construction envelope setbacks shall be 50 feet in the front yard. Side and rear yard setbacks for the overall master-planned limited commercial node shall be limited to the exterior boundary of the master-planned area. This shall be a minimum of 50 feet. Side and rear yard setbacks for interior parcels may be zero, so that building development may occur in clusters. The Community Development Department shall base the placement of the construction/building envelope on the results of the site analysis and a determination of the location of any significant vegetation, specimen vegetation and/or topographical features such as washes. *This section presupposes development in the corridor will be under a master-plan or commercial subdivision rather than single-lot development. The average parcel width in the overlay is 326 feet; requiring 50 foot side setbacks for a master planned area could reduce the buildable area by 100 feet.*

Parking areas for commercial development shall be landscaped with landscape

materials from the Town of Clarkdale Plant List and shall have 25% landscape area over the parking area, including drive aisles. A minimum of 50% of the required landscaped area is to be living vegetation. This plant material shall be maintained in a healthy condition. Parking shall not comprise more than 40% of the front yard behind the required landscaped setback. *The landscape requirement for the underlying C zoning district is 10% rather than 25% required in the overlay district. The 40% area limit on parking in front of the building further restricts the availability of parking for customers.*

Signage shall be minimal and shall consist of either wall signs or monument signs. Wall signs shall not exceed eight feet in height and monument signs no greater than four feet in height. *The ability to have signage that is readily visible to drivers is critical in a high traffic corridor with posted speed of 45 miles per hour. Limiting signage to either wall or monument signs eliminates the use of on-site directional signage which helps direct traffic through the site and customers locate the business they seek. Further, "minimal" is arbitrary - the underlying zoning district ties signage to street frontage of a parcel.*

Wash corridors containing regional, primary, or secondary washes shall be maintained as permanent undisturbed open space and incorporated into the site design, except at wash crossings which must be restored as closely as possible to a natural appearing state, both upstream and down, in accordance with plans approved by the Community Development Department. *Any modification of FEMA floodways and flood plains requires special permitting through FEMA and the Army Corps of Engineers; therefore, filling these drainage features is highly unlikely.*

Intent and Purpose

This section of the current Ordinance sets forth the purpose and intent of the regulations. In this case, the following purposes are identified:

1. Achieving a sense of place.
2. Fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment.
3. Accommodating the automobile and providing efficient traffic movement.
4. Providing for the sensitive placement of open spaces in relationship to building masses.
5. Shared use pathways.
6. Use of street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones.

1) Achieving a sense of place: In 2020, the Town and a number of stakeholders worked with the Sustainable Communities program at Arizona State University to develop guidelines and recommendations for the

development of the 89A corridor. The resulting report, Activating Historic Clarkdale Through Sustainable Design and Policy, provides guidance on developing the corridor in a manner that acknowledges the history of the town without mimicking the historic architecture found in the downtown historic district. It also encourages mixed-use, medium to high density residential, and cluster development in the corridor. These design elements and building configurations are recommended by staff when projects are proposed by landowners and developers. The regulations set forth in Section 3-130 D (8) do not support this purpose, and in fact, are counterproductive. They restrict the buildable area of the lots with 50 foot setbacks for the front and limit lot coverage to 50% and leaving 50% as undisturbed desert. These factors are regularly reviewed by staff as part of a site plan; the standards set forth in the overlay district are by and large included in the standards for the Design Review Board.

2) Fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment. Encouraging a pedestrian-friendly environment generally relies on siting buildings and structures close to pedestrian walkways and clustering buildings in close proximity to each other; in the case of this overlay district, the buildings are required to be set back 50 feet from the property line, which is approximately 80 feet behind the sidewalk along SR 89A; including curb and sidewalk, the total distance from the travel lane is approximately 130 feet. This does not encourage pedestrian activity but rather increases reliance on automobiles. While infill development in the corridor will help, setting buildings back an additional 50 feet behind the ADOT right-of-way only serves to create a greater sense of separation rather than cohesiveness. Additionally, the front setback cannot be developed as parking, further restricting the configuration of a given property and essentially rendering the first 50 feet of a parcel unusable as it can only be developed as a landscape strip rather than serve a useful purpose on already shallow parcels. The average depth of the parcels is 300 feet, and the width is 350 feet; the average parcel loses approximately 16,300 square feet or 3/10ths of an acre. Eliminating the first 50 feet of a parcel reduces the depth of the lot to 300 feet; requiring 50-foot side setbacks for cluster development reduces the width of a project by 100 feet and increases the separation between clusters by at least 100 feet.

3) Accommodating the automobile and providing for efficient traffic movement. While the current zoning overlay is most definitely accommodating automobile traffic, ensuring efficient traffic movement on site and between sites is a challenge. Location of parking should be convenient for users. However, eliminating parking in the first 50 feet of the parcel and limiting parking to 40% of the area between the street and the façade of a building forces site designs that move it on the side of or behind buildings. Cluster development does not lend itself to this type of parking configuration as customers are forced to walk around groups of buildings or siting of buildings will require separation between structures to allow customers convenient access from the parking areas to the fronts of the commercial/mixed use development.

Access points (curb cuts) are limited in number and location throughout the corridor, further limiting development on intervening parcels. Because SR 89A is a State highway, the Arizona Department of Transportation (ADOT) controls access to it; the typical separation between access points is 700 feet. Facilitating the use of limited access will require interconnected parking lots at minimum, with wide perimeter drive lanes to move traffic throughout a cluster/mixed use development; this aspect is not addressed in the existing text.

4) Providing for the sensitive placement of open spaces in relationship to building masses. Staff regularly reviews submittals for adherence to open space requirements as part of site plan review.

5) Shared use pathways: The Town has recently completed a Trails Master Plan that provides clear direction for the location and connectivity of trails throughout Clarkdale. The inclusion of multi-use paths in the plan allows for shared use.

6) Use of street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones. The use of street furniture, landscaping, and parking standards in this context increases the requirements for these elements greater than properties similarly zoned that are not within the boundaries of the 89A corridor. For instance, in the Commercial (C) zoning district, the standard requirement is a 15-foot wide landscape buffer; in the overlay district, it is 50 feet, or three (3) times the depth of the underlying zoning district. Similarly, 10% of parking areas in the "C" zoning district are required to be landscaped, while 25%, or 2½ times the area is required to be landscaped in the overlay district. While this section refers to the use of street furniture, there are no standards governing what is required.

Almost all the review requirements set forth in the overlay district are already addressed in the Site Plan Review process.

The SR89A Overlay Workgroup and Staff agree that the overlay district is discouraging development. Staff discussed the development of several parcels with potential developers, only to be told that the setbacks render the sites unbuildable for retail purposes.

Language addressing interconnection between parcels with no direct access to 89A and reduction of front setback to 20 feet would be added to the Commercial, Neighborhood Commercial, and Highway Commercial zoning districts.

Removing the 89A Overlay will result in the possibility for commercial development to be further away from the residential neighborhoods.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Planning Commission approve Ordinance #430, 89A Corridor Commercial Overlay District, amending Chapter 3, Zoning Districts, articles 3-100, Commercial (C), 3-110, Neighborhood Commercial, and 3-120 Highway Commercial, and Article 3-130, 89A Corridor Commercial Overlay District, by deleting the Section in its entirety and forward to the Town Council for the same.

ORDINANCE NO. 430

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE CHAPTER 3, ZONING DISTRICTS, SECTION 3-100 COMMERCIAL, SECTION 3-110, NEIGHBORHOOD COMMERCIAL, AND SECTION 3-120, HIGHWAY COMMERCIAL, AND DELETING SECTION 3-130, 89A CORRIDOR COMMERCIAL OVERLAY DISTRICT.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 3, Zoning Districts, Section 3-100 Commercial (C), Section 3-110, Neighborhood Commercial (NC), and Section 3-120 Highway Commercial (HC), and deleting Section 3-130 89A Corridor Overlay District in its entirety; and

WHEREAS, the Town of Clarkdale wishes to support economic development opportunities in commercial corridors throughout Clarkdale and in particular State Route 80A; and

WHEREAS, the Town Council finds that the proposed amendments will facilitate commercial development throughout Clarkdale; and

WHEREAS, the Town Council also finds that the proposed amendments are in conformance with the General Plan Chapter 5, Growth Area Element, and Chapter 9, Economic Development Element; and

WHEREAS, the Town Council also find that the proposed amendments support the Town of Clarkdale Strategic Plan 2024-2026, Goal Area 4: Strengthen and diversify our economy through cultivating a business friendly climate for business attraction and strategically capitalizing upon tourism;

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

Section 3-100 Commercial (C)

D. DEVELOPMENT STANDARDS FOR COMMERCIAL

- ~~D.~~ 1. Maximum Building Height: 50 feet.
- ~~E.~~ 2. Minimum Lot Size: 24,000 sq. ft.
- ~~F.~~ 3. Minimum Lot Frontage: 200 feet.

G. 4. Minimum Lot Width: 100 feet.

H. 5. Minimum Yards Required:

a. Front-~~20~~30 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 ONSITE CIRCULATION WITH ADJACENT PARCELS.

Section 3-110 Neighborhood Commercial

D. Development Standards for the Neighborhood Commercial District

1. Maximum Building Height: 35 feet

2. Minimum Lot Size: 6000 square feet

3. Minimum Lot Frontage: 50 feet

4. Minimum Lot Depth 120 feet

5. Minimum Yard Setbacks:

a. Front-~~20~~ 30 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 ONSITE CIRCULATION WITH ADJACENT PARCELS.

Section 3-120 Highway Commercial

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~~ 30 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 ONSITE CIRCULATION WITH ADJACENT PARCELS.

~~Section 3-130 89A Corridor Commercial Overlay District~~

~~(Revised by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)~~

~~A. Intent and Purpose:~~

~~The purpose and intent of the 89A Corridor Overlay Zone is to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment while accommodating the automobile and providing for efficient traffic movement. This is to be accomplished by providing for the sensitive placement of open spaces in relationship to building masses, shared use pathways, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the underlying zones.~~

~~B. Overlay Designation:~~

~~The 89A Corridor Overlay District shall be created which will encompass an area five hundred feet either side of the center line of Highway 89A from the Clarkdale Parkway intersection to the Town of Clarkdale boundary.~~

~~C. Viewshed Definition:~~

~~A viewshed is an area of land, water, and other environmental element that is visible from a fixed vantage point. The term is used widely in such areas as urban planning, archaeology, and military science. In urban planning, for example, viewsheds tend to be areas of particular scenic~~

or historic value that are deemed worthy of preservation against development or other change. The preservation of viewsheds is a goal in the designation of open space areas, green belts, and community separators.

D. Design Guidelines:

Commercial development shall use the site analysis and landscape inventory to determine the building/construction envelope for the building, parking area, driveway, and all accessory buildings. Areas outside of the building/construction envelope shall remain permanent undisturbed desert.

A site analysis shall be required with any development plan. The site analysis is a tool to assist in determining areas to be retained in a natural undisturbed state and areas that may most easily be developed, which include areas with minimal vegetation or previously graded areas. Areas proposed for development by the applicant are to be identified on the plans through use of concept diagrams.

Similarly, areas to be maintained in an undisturbed state are also to be identified on all plans.

1. Land contours at two-foot intervals or smallest interval available.
2. Wash corridors and preliminary hydrological information (cfs flows, onsite and off-site, and velocity).
3. Identify specimen plants and significant stands of vegetation.
4. Identify potential view corridors.
5. Identify potential development areas.
6. Identify potential street alignments.
7. Identify the one hundred year floodplain boundary as defined by the Federal Emergency Management Act (FEMA) and one hundred year twenty-four hour flow boundaries for washes not addressed by FEMA.
8. Identify and coordinate trail locations with the City using the City's recreational trails plan.

Lot coverage allowed for building, parking, driveways, and accessory buildings is fifty percent, with fifty percent of the parcel's gross area maintained as permanent undisturbed desert.

Construction envelope setbacks shall be fifty feet in the front yard. Side and rear yard setbacks for the overall master planned limited commercial node shall be limited to the exterior boundary of the master planned area. This shall be a minimum of fifty feet. Side and rear yard setbacks for interior parcels may be zero so that building development may occur in clusters. The Community

Development Department shall base placement of the construction/building envelope on the results of the site analysis and a determination of the location of any significant vegetation, specimen vegetation and/or topographical features such as washes.

Parking areas for commercial development shall be landscaped with landscape material from the Town of Clarkdale Plant List and shall have twenty-five percent landscape area over the parking area, including drive aisles. A minimum of fifty percent of the required landscaped area is to be living vegetation. This plant material shall be maintained in a healthy condition. Parking shall not comprise more than forty percent of the front yard behind the required landscaped setback.

Signage shall be minimal and shall consist of either wall signs or monument signs. Wall signs shall not exceed eight feet in height and monument signs no greater than four feet in height.

Wash corridors containing regional, primary, or secondary washes shall be maintained as permanent undisturbed open space and incorporated into the site design, except at wash crossings which must be restored as closely as possible to a natural appearing state, both upstream and down, in accordance with plans approved by the Community Development Department.

1. Regional wash corridors: Flows of seven hundred fifty cfs or greater during the one hundred-year storm. Characterized as large and picturesque. The area within this boundary is to be maintained as permanent undisturbed open space with the exception of wash crossings.

2. Primary washes: Flows of fifty cfs or greater during the one hundred-year storm. The area within this boundary is to be maintained as permanent undisturbed open space with the exception of wash crossings.

3. Secondary washes: Flows from ten cfs to fifty cfs during the one hundred-year storm event. Setbacks for any structures, fences or walls shall be no less than an average of twenty-five feet with a minimum of ten feet from the wash top of the uppermost bank hinge. A secondary wash is to be maintained undisturbed and incorporated into the site design as an amenity.

4. Minor washes: Flows less than ten cfs during the one hundred-year storm event. Washes this size, not supporting any significantly thriving vegetation as determined by the Community Development Department may be incorporated into the parcel drainage plan. Where significant vegetation does exist, washes shall be maintained in existing condition or flows may be accommodated in another acceptable way as determined by the Community Development Department. Setbacks for any structures, fences or walls shall be a minimum of ten feet.

Street patterns and lot design shall allow direct access to washes or open space areas for maintenance of annual and non-native vegetation to prevent fire hazards and allow fire department access in case of fire.

~~Any development occurring in the 89A Corridor District shall be required to participate in the Town of Clarkdale Trails Plan by providing appropriately designed pathways that meet the Town of Clarkdale hardscape design standards.~~

~~1. Clearly defined pedestrian connections shall be provided~~

~~-Between a public right-of-way and building entrance~~

~~-Between parking lot or structure and building entrances~~

~~-Between adjacent properties~~

~~2. Pedestrian connections shall not be less than 5 feet wide~~

~~3. Pedestrian connections should be clearly defined by textured paving across vehicular lanes and pedestrian scale lighting, bollard lighting, accent lighting or a combination~~

~~E. Permitted Land Uses:~~

~~The range of land uses permitted with the 89A Corridor Commercial Overlay District shall be those afforded by the underlying zoning districts as established by the Town of Clarkdale Zoning Ordinance and the Official Zoning Map.~~

~~F. Variation of Conventional Standards:~~

~~Cluster development is encouraged to provide for flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands.~~

~~Design in the 89A Corridor is intended to reflect Contemporary Clarkdale: An area in which architectural features shall include traditional textures and colors in harmony with more contemporary materials, textures and colors. (Prior code § 3-13)~~

PASSED AND ADOPTED by the Town Council of _____ this ____ day of _____, 2024.

ATTEST:

TOWN OF _____, an
Arizona municipal corporation

“ _____ Charity Brooks _____ ”
Town Clerk

“ _____ Robin Prud’-homme-Bauer _____ ”
Mayor

APPROVED AS TO FORM:

“ _____ Stephen Polk _____ ”
Town Attorney

I, _____, Town CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE Town OF
_____ ON THE _____ DAY OF _____, 202_, WAS POSTED IN
THREE PLACES ON THE _____ DAY OF _____, 202_.
_____, Town Clerk.

ORDINANCE NO. 430

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE CHAPTER 3, ZONING DISTRICTS, SECTION 3-100 COMMERCIAL, SECTION 3-110, NEIGHBORHOOD COMMERCIAL, AND SECTION 3-120, HIGHWAY COMMERCIAL, AND DELETING SECTION 3-130, 89A CORRIDOR COMMERCIAL OVERLAY DISTRICT.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 3, Zoning Districts, Section 3-100 Commercial (C), Section 3-110, Neighborhood Commercial (NC), and Section 3-120 Highway Commercial (HC), and deleting Section 3-130 89A Corridor Overlay District in its entirety; and

WHEREAS, the Town of Clarkdale wishes to support economic development opportunities in commercial corridors throughout Clarkdale and in particular State Route 80A; and

WHEREAS, the Town Council finds that the proposed amendments will facilitate commercial development throughout Clarkdale; and

WHEREAS, the Town Council also finds that the proposed amendments are in conformance with the General Plan Chapter 5, Growth Area Element, and Chapter 9, Economic Development Element; and

WHEREAS, the Town Council also find that the proposed amendments support the Town of Clarkdale Strategic Plan 2024-2026, Goal Area 4: Strengthen and diversify our economy through cultivating a business-friendly climate for business attraction and strategically capitalizing upon tourism;

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

Section 3-100 Commercial (C)

D. DEVELOPMENT STANDARDS FOR COMMERCIAL

- . 1. Maximum Building Height: 50 feet.
2. Minimum Lot Size: 24,000 sq. ft.
3. Minimum Lot Frontage: 200 feet.

4. Minimum Lot Width: 100 feet.

5. Minimum Yards Required:

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 onsite circulation with adjacent parcels.

Section 3-110 Neighborhood Commercial

D. Development Standards for the Neighborhood Commercial District

1. Maximum Building Height: 35 feet

2. Minimum Lot Size: 6000 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

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 onsite circulation with adjacent parcels.

Section 3-120 Highway Commercial

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 onsite circulation with adjacent parcels.