



**NOTICE OF A REGULAR MEETING OF THE PLANNING COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, NOVEMBER 19, 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, November 19, 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

Discuss, consider and act upon the draft minutes from the regular meeting held on Oct. 15, 2024.

5. NEW BUSINESS

A. PUBLIC HEARING - Ordinance #433 - Amending Town Code, Article 6-3: Livestock, Poultry and Fowl

The Planning Commission will hold a public hearing to take public comment on Ordinance #433, amending the Town Zoning Code by adding subletter 'g' to Subsection 1 of Section 4-010 Accessory Structures to Chapter 4, General Provisions.

B. Ordinance #433 - Amending Town Code, Article 6-3: Livestock, Poultry and Fowl

Discuss, consider and act upon Ordinance #433, amending Article 6 Animals, Section 6-1-1 Definitions, adding Section 6-3-1-e of the Town Code; and amending Chapter 4 General Provisions of the Town Zoning Code.

C. PUBLIC HEARING - Ordinance #435 - Amending Zoning Code Regarding Permitted Signs

The Commission will hold a public hearing to take public comment on Ordinance #435, amending Zoning Ordinance Section 7-080 of the Clarkdale Zoning Code regarding Permitted Signs.

D. Ordinance #435 - Amending Zoning Code Regarding Permitted Signs

Discuss, consider and act upon Ordinance #435, amending Zoning Ordinance Section 7-080 of the Clarkdale Zoning Code regarding permitted signs.

E. PUBLIC HEARING - Ordinance #436 - Amending Zoning Ordinance Regarding Accessory Dwelling Units

The Commission will hold a public hearing to take public comment on Ordinance #436, amending Zoning Ordinance Chapter 2 - Definitions, Chapter 3 - Zoning Districts, and Chapter 4 - General Provisions establishing provisions for Accessory Dwelling Units (ADUs) in zoning districts that allow residential uses.

F. Ordinance #436 - Amending Zoning Ordinance Regarding Accessory Dwelling Units

Discuss, consider and act upon Ordinance #436, amending Zoning Ordinance Chapter 2 - Definitions, Chapter 3 - Zoning Districts, and Chapter 4 - General Provisions establishing provisions for Accessory Dwelling Units (ADUs) in zoning districts that allow residential uses.

G. PUBLIC HEARING - Ordinance #437 - Amending Zoning Ordinance Procedures

The Commission will hold a public hearing to take public comment on Ordinance #437, amending the Zoning Ordinance Article 13 Enforcement, Amendments, and Penalties, Section 13-020 Procedure for Amendments.

H. Ordinance #437 - Amending Zoning Ordinance Procedures

Discuss, consider and act upon Ordinance #437, amending Zoning Ordinance amending Article 13 Enforcement, Amendments, and Penalties, Section 13-020 Procedure for Amendments.

I. PUBLIC HEARING - Ordinance #438 - Amending Zoning Ordinance Design Review

The Commission will hold a public hearing to take public comment on Ordinance #438,

amending Zoning Ordinance Chapter 4, General Provisions, Article 4-160 Sidewalk Café Permit; Chapter 7, Signs; Chapter 8, Outdoor Lighting Code; Chapter 9 Landscape Design Standards; Chapter 11, Design Review and Site Plan Review. Also amending Town Code Chapter 17, Boards and Commissions; Article 17-4, Design Review, and 17-5, Planning Commission.

J. Ordinance #438 - Amending Zoning Ordinance Regarding Design Review

Discuss, consider and act upon Ordinance #438, amending Zoning Ordinance Chapter 4, General Provisions, Article 4-160 Sidewalk Café Permit; Chapter 7, Signs; Chapter 8, Outdoor Lighting Code; Chapter 9 Landscape Design Standards; Chapter 11, Design Review and Site Plan Review. Also amending Town Code Chapter 17, Boards and Commissions; Article 17-4, Design Review, and 17-5, Planning Commission.

K. Ordinance #434 - Definitions of an Improved Lot or Parcel

This item has been withdrawn by recommendation of the Town Attorney and will not be discussed. No action required.

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, OCTOBER 15, 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 de Blanc, Vice Chair Johnson, Commissioner Spence, and Commissioner Conk.*

Members Absent: *Commissioner Kelly.*

Other municipal officials present: *Town Manager Susan Guthrie, Town Attorney Stephen Polk, Council member Laura Jones, Public Works Assistant Director Virginia Smith, Community Development Director & Assistant Town Manager, Ruth Mayday; Associate Planner, Britania Esparza; Community Development Technician, Guss Espolt.*

Audience: *Approximately twenty-two members of the public present.*

Zoom: *Approximately seven 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 – *4- Present, Chair de Blanc, Vice Chair Johnson, Commissioner Spence, and Commissioner Conk, 1- Absent, Commissioner Kelly.*

3. PUBLIC COMMENT
No public comment.

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the regular meeting held on July 16, 2024.

Motion: *Approve the draft minutes from the regular meeting held on July 16, 2024.*

First motion: *Commissioner Kelly* **Second:** *Commissioner Spence*

Approved 4-0

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

5. NEW BUSINESS

A. Public Hearing - The Highlands at Clarkdale Preliminary Development Plan

Ann Klassen had questions about setbacks involving the tree line by the wash, lot size & density transfer, and possible compensation to the school.

Jon Lash mentioned that the project will be a nice addition to the Town.

B. The Highlands at Clarkdale Preliminary Development Plan

Discuss, consider and act upon application #230147, submitted by Jon Lash - Plateau Partners II, APN 400-05-010G, regarding the Highlands at Clarkdale, for approval of the Preliminary Plat, comprised of 48 single-family residential lots on approximately 18.56 acres of an approximately 23.84-acre vacant parcel of land generally located at the Northwest corner of SR89A, Cement Plant Road and Clarkdale Parkway.

Motion: *The Preliminary Plat for the Highlands at Clarkdale meets all requirements set forth in Zoning Code Chapter 12, Subdivision Regulations, Section 12-4-030 G, Responsibilities of the Commission, and recommend approval of the Preliminary Plat, and recommend that the application be forwarded to Town Council with a recommendation for approval.*

First motion: *Commissioner Johnson* **Second:** *Commissioner Spence*

Approved 4-0

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

6. FUTURE AGENDA ITEMS

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

7. ADJOURNMENT – *Chair de Blanc adjourned the meeting without objection at 5:10 p.m.*

Motion: *Motion to adjourn.*

First motion: *Commissioner Spence* **Second:** *Commissioner Johnson*

Approved 4-0

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

Ida Meri de Blanc, Chair

Ruth Mayday, Community Development Director



Staff Report

Item Number: 5.A.

<u>Agenda Item:</u>	PUBLIC HEARING - Ordinance #433 - Amending Town Code, Article 6-3: Livestock, Poultry and Fowl The Planning Commission will hold a public hearing to take public comment on Ordinance #433, amending the Town Zoning Code by adding subletter 'g' to Subsection 1 of Section 4-010 <u>Accessory Structures</u> to Chapter 4, <u>General Provisions</u> .
<u>Staff Contact:</u>	John Knight, Assistant Community Development Director
<u>Meeting Date:</u>	November 19, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Historically, Clarkdale's Town Code has addressed provisions related to animals, livestock, fowl, and poultry. To ensure consistency, simplicity and ease of access for residents, we have incorporated recent state regulations into the existing provisions, adding further guidance. However, due to the land use provisions of HB 2325 regarding backyard fowl, we are proposing a section directing residents searching in the Zoning Code to consult Article 6-3, Livestock, Poultry, and Fowl in the Town Code. In compliance with HB 2325 "Backyard fowl regulation; prohibition; exceptions; state preemption; definition" of the Fifty-sixth Legislature, Second Regular Session of 2024, municipalities are required to address backyard fowl. This ordinance establishes regulations for keeping backyard fowl on residential properties, primarily to ensure public health and safety while complying with state laws. This ordinance allows residents of single-family homes to keep fowl, provided they meet specific conditions such as maintaining enclosures in designated areas away from neighboring properties and adhering to standards for maintenance and care. By enforcing guidelines for proper enclosure dimensions, maintenance, and waste disposal, the ordinance seeks to promote responsible animal care, minimize potential nuisances, and enhance the overall quality of life in the community. Please note that the Commission's role in this ordinance is the inclusion of new subsection 'g' of the Zoning Ordinance that refers to the Town Code. Although the Commission does not have a formal role in updating or amending the Town Code, staff will forward any comments the Commission has related to the proposed amendments to the Town Code.

Budget Impact: No budget impact.

Recommendation: Public hearing only. No recommendation.

9-462.12. Backyard fowl regulation; prohibition; exceptions; state preemption; definition

A. A municipality may not adopt any law, ordinance or other regulation that prohibits a resident of a single-family detached residence on a lot that is one-half acre or less in size from keeping up to six fowl in the backyard of the property. A municipality may:

1. Prohibit a resident from keeping male fowl, including roosters.
2. Require fowl to be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet.
3. Require the enclosure to be maintained and manure picked up and disposed of or composted at least twice weekly.
4. Require that composted manure be kept in a way that prevents migration of insects.
5. Require water sources with adequate overflow drainage.
6. Require that feed be stored in insect-proof and rodent-proof containers.
7. Prohibit fowl from running at large.

B. Notwithstanding subsection A of this section, a municipality shall enact an ordinance that requires an enclosure located in a residential community on a lot less than one acre in size to be shorter than the fence line of the property.

C. An ordinance that is enacted after September 14, 2024 does not apply to an enclosure that was constructed on or before September 14, 2024.

D. The property rights of property owners in this state outlined in this section are of statewide concern. This section preempts all local laws, ordinances and charter provisions to the contrary.

E. For the purposes of this section, "fowl" means a cock or hen of the domestic chicken.

9-462.12. Backyard fowl regulation; prohibition; exceptions; state preemption; definition

A. A municipality may not adopt any law, ordinance or other regulation that prohibits a resident of a single-family detached residence on a lot that is one-half acre or less in size from keeping up to six fowl in the backyard of the property. A municipality may:

1. Prohibit a resident from keeping male fowl, including roosters.
2. Require fowl to be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet.
3. Require the enclosure to be maintained and manure picked up and disposed of or composted at least twice weekly.
4. Require that composted manure be kept in a way that prevents migration of insects.
5. Require water sources with adequate overflow drainage.
6. Require that feed be stored in insect-proof and rodent-proof containers.
7. Prohibit fowl from running at large.

B. Notwithstanding subsection A of this section, a municipality shall enact an ordinance that requires an enclosure located in a residential community on a lot less than one acre in size to be shorter than the fence line of the property.

C. An ordinance that is enacted after September 14, 2024 does not apply to an enclosure that was constructed on or before September 14, 2024.

D. The property rights of property owners in this state outlined in this section are of statewide concern. This section preempts all local laws, ordinances and charter provisions to the contrary.

E. For the purposes of this section, "fowl" means a cock or hen of the domestic chicken.



Staff Report

Item Number: 5.B.

<u>Agenda Item:</u>	Ordinance #433 - Amending Town Code, Article 6-3: Livestock, Poultry and Fowl Discuss, consider and act upon Ordinance #433, amending Article 6 <u>Animals</u> , Section 6-1-1 <u>Definitions</u> , adding Section 6-3-1-e of the Town Code; and amending Chapter 4 <u>General Provisions</u> of the Town Zoning Code.
<u>Staff Contact:</u>	Ruth Mayday, Community Development Director
<u>Meeting Date:</u>	November 19, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Historically, Clarkdale's Town Code has addressed provisions related to animals, livestock, fowl, and poultry. To ensure consistency, simplicity and ease of access for residents, we have incorporated recent state regulations into the existing provisions, adding further guidance. However, due to the land use provisions of HB 2325 regarding backyard fowl, we are proposing a section directing residents searching in the Zoning Code to consult Article 6-3, Livestock, Poultry, and Fowl in the Town Code. In compliance with HB 2325 "Backyard fowl regulation; prohibition; exceptions; state preemption; definition" of the Fifty-sixth Legislature, Second Regular Session of 2024, municipalities are required to address backyard fowl. This ordinance establishes regulations for keeping backyard fowl on residential properties, primarily to ensure public health and safety while complying with state laws. This ordinance allows residents of single-family homes to keep fowl, provided they meet specific conditions such as maintaining enclosures in designated areas away from neighboring properties and adhering to standards for maintenance and care. By enforcing guidelines for proper enclosure dimensions, maintenance, and waste disposal, the ordinance seeks to promote responsible animal care, minimize potential nuisances, and enhance the overall quality of life in the community. Please note that the Commission's role in this ordinance is the inclusion of new subsection 'g' of the Zoning Ordinance that refers to the Town Code. Although the Commission does not have a formal role in updating or amending the Town Code, staff will forward any comments the Commission has related to the proposed amendments to the Town Code.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Planning Commission approve Ordinance #433, amending Article 6 Animals, Section 6-1-1 Definitions, adding Section 6-3-1-e of the Town Code; and amending Chapter 4 General Provisions of the Town Zoning Code and forward the item to Town Council with a recommendation for the same.

9-462.12. Backyard fowl regulation; prohibition; exceptions; state preemption; definition

A. A municipality may not adopt any law, ordinance or other regulation that prohibits a resident of a single-family detached residence on a lot that is one-half acre or less in size from keeping up to six fowl in the backyard of the property. A municipality may:

1. Prohibit a resident from keeping male fowl, including roosters.
2. Require fowl to be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet.
3. Require the enclosure to be maintained and manure picked up and disposed of or composted at least twice weekly.
4. Require that composted manure be kept in a way that prevents migration of insects.
5. Require water sources with adequate overflow drainage.
6. Require that feed be stored in insect-proof and rodent-proof containers.
7. Prohibit fowl from running at large.

B. Notwithstanding subsection A of this section, a municipality shall enact an ordinance that requires an enclosure located in a residential community on a lot less than one acre in size to be shorter than the fence line of the property.

C. An ordinance that is enacted after September 14, 2024 does not apply to an enclosure that was constructed on or before September 14, 2024.

D. The property rights of property owners in this state outlined in this section are of statewide concern. This section preempts all local laws, ordinances and charter provisions to the contrary.

E. For the purposes of this section, "fowl" means a cock or hen of the domestic chicken.

ORDINANCE NO. 433
AMENDING ARTICLE 6 ANIMALS SECTION 6-1-1 DEFINITIONS ADDING SECTION
6-3-1-E OF THE TOWN CODE; AND AMENDING CHAPTER 4 GENERAL
PROVISIONS OF THE TOWN ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE TOWN CODE OF CLARKDALE, ARIZONA BY AMENDING ARTICLE 6, ANIMALS SECTION 6-1-1 DEFINITIONS ADDING SECTION 6-3-1-E OF THE TOWN CODE; AND AMENDING THE TOWN ZONING CODE CHAPTER 4 GENERAL PROVISIONS; DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH DEFINITIONS FOR BACKYARD FOWL; ESTABLISHING REGULATIONS FOR BACKYARD FOWL; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 4, General Provisions and Article 6, Definitions of the Town Code, to clarify and establish standards for backyard fowl within town limits;

WHEREAS the Town of Clarkdale seeks to protect public health, safety, and welfare by enacting said reasonable regulations to clarify and establish standards for residential backyard fowl 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:

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance No. 433 Amending Article 6 Animals Section 6-1-1 Definitions adding Section 6-3-1-E of the Town Code; and amending Chapter 4 General Provisions of the Town Zoning Code” is hereby adopted as an amendment to the TOWN Code and ZONING Code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Town Code of Clarkdale, Arizona, is hereby amended by amending words and terms to Article 6, Animals Section 6-1-1 Definitions and adding Section 6-3-1-E to Permit for Livestock, Poultry and Fowl- Limitations to read as follows:

Fowl: ~~means a bird of any kind, domesticated or wild, including poultry.~~ means a cock or hen of the domestic chicken and includes, but is not limited to: peafowl, duck, goose, turkey and guinea.

ARTICLE 6-3-1 BACKYARD FOWL REGULATIONS ORDINANCE

Section 6-3-1-E: Purpose and Intent

Section 6-3-1-E-1 Permissible Locations

Section 6-3-1-E-2 Maintenance and Care Standards

Chapter 6, Section 6-3-1-E of the Town Code is hereby amended to read
as follows:

E. Purpose and Intent:

The purpose of this section is to regulate the keeping of fowl on residential properties within the Town of Clarkdale, ensuring public health, safety, and compliance with State regulations.

1. Permissible Locations

A. Residents of single-family detached residences may keep up fowl, subject to the following conditions:

1. Fowl must be kept in an enclosure located in the rear or side yard of the property.
2. The enclosure must be at least twenty feet from any neighboring property.
3. The enclosure shall not exceed 200 square feet in size and shall not exceed eight feet in height.
4. Enclosures located in residential communities on lots of less than one acre must be shorter than the fence line of the property.

2. Maintenance and Care Standards

A. Enclosures must be maintained to ensure the health and safety of the fowl and the surrounding community:

1. Manure must be picked up and disposed of or composted at least twice weekly.
2. Composted manure must be kept in a manner that prevents the migration of insects.
3. Water sources must have adequate overflow drainage.
4. Feed must be stored in insect-proof and rodent-proof containers.
5. Fowl must not be allowed to run at large.

Chapter 4 General Provisions of the Zoning Code Section 4-010
Accessory Structures, Subsection A. Accessory Structures Standards,
Subsection 1 Adding Subsection g. To read as follows:

g. For specifications regarding fowl, coops, maintenance and setbacks see
section 6-3-1 Permit for Livestock, Poultry, and Fowl – Limitations of the Town
Code.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this
_____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.C.

<u>Agenda Item:</u>	PUBLIC HEARING - Ordinance #435 - Amending Zoning Code Regarding Permitted Signs The Commission will hold a public hearing to take public comment on Ordinance #435, amending Zoning Ordinance Section 7-080 of the Clarkdale Zoning Code regarding Permitted Signs.
<u>Staff Contact:</u>	Ruth Mayday, Community Development Director
<u>Meeting Date:</u>	November 19, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	In accordance with ARS 16-1019, Zoning Code Chapter 7, <u>Signs</u>, Subsection 7-080 <u>Permitted Signs</u>, have been updated to clarify existing language and add statutory revisions adopted by the legislature. The following are the clarifications and revisions: • Location: Signs can be on private property or in public right-of-way not included in the Commercial Tourism Political Sign Free Zone, but must not pose safety hazards, obstruct visibility, or violate ADA standards. • Content: Signs must include the name and contact information, phone number, or website of the candidate or campaign committee. • Timing: Signs for candidates can be placed 71 days before an election and must be removed within 15 days after. This also applies to signs regarding ballot measures. • Sign-Free Zones: Designate up to two commercial tourism or resort zones not exceeding three square miles where political signs are prohibited to maintain scenic appeal and not detract from tourism-based attractions and operations. • Enforcement: If a sign violates these rules, the Town can relocate it immediately in an emergency or notify the candidate for non-emergency violations. Signs must be removed if not corrected within 24 hours; candidates may retrieve removed signs within 10 business days of their removal. Following guidelines set forth in ARS, the Town of Clarkdale addresses potential conflicts with commercial tourism attractions and safety for motorists along state highways and encourages freedom of expression when done in compliance with statutory requirements.

Budget Impact: No budget impact.

Recommendation: Public hearing only. No recommendation.

16-1019. Political signs; printed materials; tampering; violation; classification; definitions

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or in support of or opposition to any ballot measure, question or issue or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate or in support of or opposition to any ballot measure, question or issue that are delivered by hand to a residence for the period commencing seventy-one days before an election and ending fifteen days after the election, except that for a sign for a candidate in a primary election who advances to the general election, the period ends fifteen days after the general election. For a sign that supports or opposes a ballot measure, question or issue, this subsection applies only for the election at which the ballot measure, question or issue is scheduled to appear on the ballot and for the period commencing seventy-one days before that election and ending fifteen days after that election.

B. This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign or materials were placed, by a person authorized by the committee in support of or opposition to a ballot measure, question or issue that provided the sign or printed materials, by the owner or authorized agent of the owner of private property on which such signs or printed materials are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure, question or issue.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C of this section and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D of this section unless the employee intended to cause injury or was grossly negligent.

F. Subsection C of this section does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the

municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C of this section applies only during the period commencing seventy-one days before an election and ending fifteen days after the election, except that for a sign for a candidate in a primary election who advances to the general election, the period ends fifteen days after the general election. For a sign that supports or opposes a ballot measure, question or issue, subsection C of this section applies only for the election at which the ballot measure, question or issue is scheduled to appear on the ballot and for the period commencing seventy-one days before that election and ending fifteen days after that election.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.

J. For the purposes of this section:

1. "General election" means the general election as prescribed by section 16-211.
2. "Primary election" means an election that is held as prescribed by section 16-201.

ORDINANCE NO. 435
AMENDING SECTION 7-080 PERMITTED SIGNS
OF THE CLARKDALE ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING SECTION 7-080 OF THE CLARKDALE ZONING CODE REGARDING PERMITTED SIGNS.

WHEREAS, the Arizona State Legislature has amended A.R.S. § 16-1019 to expand the time period when political signs are permitted for posting from 60 days prior to an election to 71 days prior to an election; and

WHEREAS, the Town Council therefore desires to amend its Permitted Signs ordinance to reflect the expanded dates;

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance No. 435 Amending Section 7-080 of the Clarkdale Zoning Code” is hereby adopted as an amendment to the Town Zoning Code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Town Zoning Code of Clarkdale, Arizona, is hereby amended by amending Section 7-080 Permitted Signs to read as follows:

G. Political – (In Accordance with Arizona Revised Statute 16-1019):

Political signs meeting the following conditions are allowed in the Town of Clarkdale:

1. Maximum size equals ~~sixteen (16)~~ 16 square feet, if the sign is located in an area zoned for residential use, or a maximum area of ~~thirty-two (32)~~ 32 square feet if the sign is located in any other area.

2. Signs may be located on private property or in public right-of-way except state highways or routes subject to the following conditions:

- a. The sign supports or opposes a candidate for public office, or it supports or opposes a ballot measure, question or issue;
- b. ~~a.~~ The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act;
- c. ~~b.~~ The sign contains the name and telephone number or website address of the candidate or campaign committee contact person;
- d. ~~e.~~ Installation of a sign on any structure or property owned or leased by the Town is prohibited.
- e. No political signs will be permitted in the Commercial Tourism Political Sign Free Zone. Refer to Section 7-140, Political Sign Free Zone Map.

3. If the Town deems the placement of a political sign constitutes an emergency, the Town may immediately relocate the sign and shall notify the candidate or campaign committee that placed the sign within 24 hours of relocation. If a political sign does not conform to the conditions in Section 2 of this section but does not constitute an emergency, the Town may notify the candidate or campaign committee that placed the sign in violation.

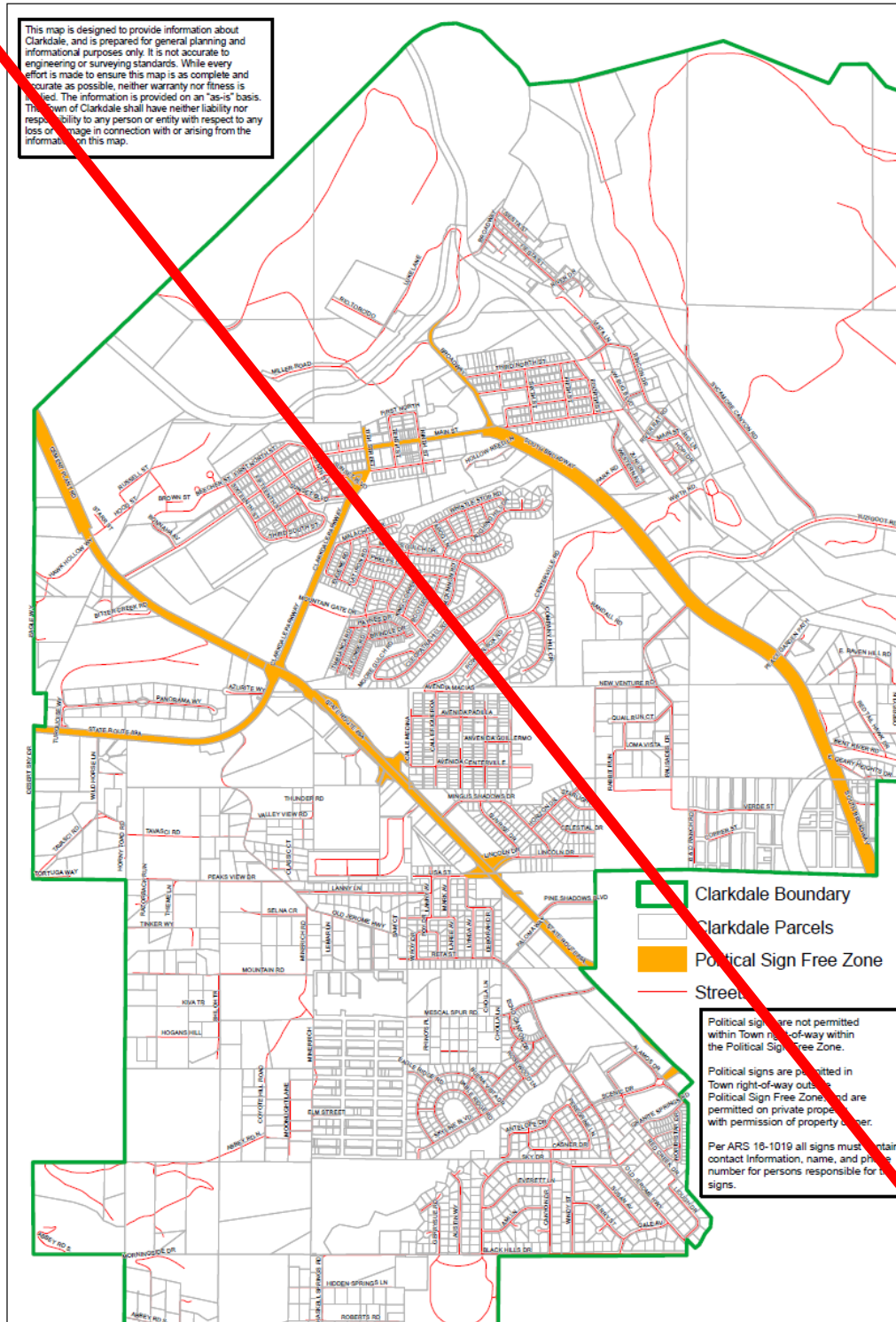
- a. If the sign remains in violation at least 24 hours after the Town notified the candidate or campaign committee, the jurisdiction may remove the sign.
- b. If the sign is removed in conformance with Subsection 3 (a) of this section, the Town shall notify the candidate or campaign committee and retain the sign for at least ten (10) business days to allow the candidate or campaign committee to retrieve the sign without penalty.

4.3 For candidates in an election, signs shall not be erected no earlier than 71 days before the election and must be removed no later than 15 days after the election. If a candidate in a primary election advances to the general election, the signs must be removed no later than 15 days after the general election. Said signs shall not be erected earlier than sixty (60) days prior to an election nor removed fifteen (15) days after an election

5.4 For signs that support or oppose a ballot measure, question, or issue, the signs shall not be erected no earlier than 71 days before the election at which the measure, question, or issue is scheduled to appear on the ballot and must be removed no later than 15 days after that election

6.5. No political signs will be permitted in public right of way in “sign free zones” as adopted by the Town Council in accordance with Arizona Revised Statute (ARS 16-1019). See Section 7-140 for a map of the ‘Political Sign Free Zones’.

Section 7-140, Political Sign Free Zone Map

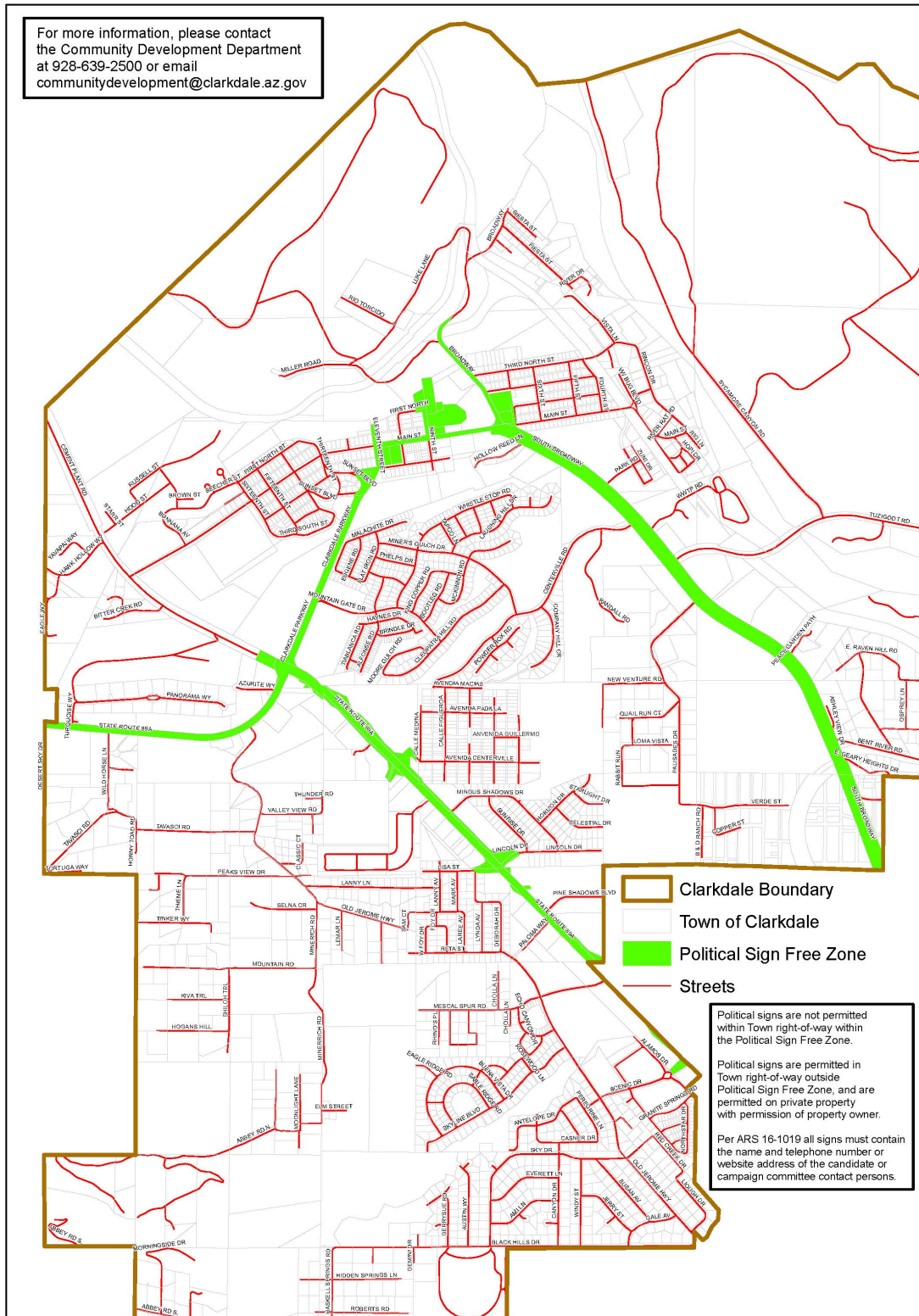


The Town of Clarkdale
Community Development Department
P.O. Box 208490 Main Street,
Clarkdale, AZ 86324
(928) 639-2500

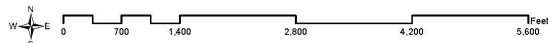
RE: ARS 16-1019
Political Sign Free Zone
within Town of Clarkdale Right-of-way

July 19, 2016

For more information, please contact
the Community Development Department
at 928-639-2500 or email
communitydevelopment@clarkdale.az.gov



The Town of Clarkdale
Community Development Department
P.O. Box 308/890 Main Street,
Clarkdale, AZ 86324
(928) 639-2500



RE: ARS 16-1019
Political Sign Free Zone
Commercial Tourism Zone Map

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this
_____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.D.

Agenda Item: **Ordinance #435 - Amending Zoning Code Regarding Permitted Signs**
Discuss, consider and act upon Ordinance #435, amending Zoning Ordinance Section 7-080 of the Clarkdale Zoning Code regarding permitted signs.

Staff Contact: Ruth Mayday, Community Development Director

Meeting Date: November 19, 2024

Strategic Goal: Not applicable.

Background: In accordance with ARS 16-1019, Zoning Code Chapter 7, Signs, Subsection 7-080 Permitted Signs, have been updated to clarify existing language and add statutory revisions adopted by the legislature. The following are the clarifications and revisions:

- Location: Signs can be on private property or in public right-of-way not included in the Commercial Tourism Political Sign Free Zone, but must not pose safety hazards, obstruct visibility, or violate ADA standards.
- Content: Signs must include the name and contact information, phone number, or website of the candidate or campaign committee.
- Timing: Signs for candidates can be placed 71 days before an election and must be removed within 15 days after. This also applies to signs regarding ballot measures.
- Sign-Free Zones: Designate up to two commercial tourism or resort zones not exceeding three square miles where political signs are prohibited to maintain scenic appeal and not detract from tourism-based attractions and operations.
- Enforcement: If a sign violates these rules, the Town can relocate it immediately in an emergency or notify the candidate for non-emergency violations. Signs must be removed if not corrected within 24 hours; candidates may retrieve removed signs within 10 business days of their removal.

Following guidelines set forth in ARS, the Town of Clarkdale addresses potential conflicts with commercial tourism attractions and safety for motorists along state highways and encourages freedom of expression when done in compliance with statutory requirements.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Planning Commission approve Ordinance #435, amending Zoning Ordinance Section 7-080 of the Clarkdale Zoning Code regarding permitted signs and forward the item to Town Council with a recommendation for the same.

16-1019. Political signs; printed materials; tampering; violation; classification; definitions

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or in support of or opposition to any ballot measure, question or issue or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate or in support of or opposition to any ballot measure, question or issue that are delivered by hand to a residence for the period commencing seventy-one days before an election and ending fifteen days after the election, except that for a sign for a candidate in a primary election who advances to the general election, the period ends fifteen days after the general election. For a sign that supports or opposes a ballot measure, question or issue, this subsection applies only for the election at which the ballot measure, question or issue is scheduled to appear on the ballot and for the period commencing seventy-one days before that election and ending fifteen days after that election.

B. This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign or materials were placed, by a person authorized by the committee in support of or opposition to a ballot measure, question or issue that provided the sign or printed materials, by the owner or authorized agent of the owner of private property on which such signs or printed materials are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure, question or issue.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C of this section and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D of this section unless the employee intended to cause injury or was grossly negligent.

F. Subsection C of this section does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the

municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C of this section applies only during the period commencing seventy-one days before an election and ending fifteen days after the election, except that for a sign for a candidate in a primary election who advances to the general election, the period ends fifteen days after the general election. For a sign that supports or opposes a ballot measure, question or issue, subsection C of this section applies only for the election at which the ballot measure, question or issue is scheduled to appear on the ballot and for the period commencing seventy-one days before that election and ending fifteen days after that election.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.

J. For the purposes of this section:

1. "General election" means the general election as prescribed by section 16-211.
2. "Primary election" means an election that is held as prescribed by section 16-201.

ORDINANCE NO. 435
AMENDING SECTION 7-080 PERMITTED SIGNS
OF THE CLARKDALE ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING SECTION 7-080 OF THE CLARKDALE ZONING CODE REGARDING PERMITTED SIGNS.

WHEREAS, the Arizona State Legislature has amended A.R.S. § 16-1019 to expand the time period when political signs are permitted for posting from 60 days prior to an election to 71 days prior to an election; and

WHEREAS, the Town Council therefore desires to amend its Permitted Signs ordinance to reflect the expanded dates;

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance No. 435 Amending Section 7-080 of the Clarkdale Zoning Code” is hereby adopted as an amendment to the Town Zoning Code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Town Zoning Code of Clarkdale, Arizona, is hereby amended by amending Section 7-080 Permitted Signs to read as follows:

G. Political – (In Accordance with Arizona Revised Statute 16-1019):

Political signs meeting the following conditions are allowed in the Town of Clarkdale:

1. Maximum size equals ~~sixteen (16)~~ 16 square feet, if the sign is located in an area zoned for residential use, or a maximum area of ~~thirty-two (32)~~ 32 square feet if the sign is located in any other area.

2. Signs may be located on private property or in public right-of-way except state highways or routes subject to the following conditions:

- a. The sign supports or opposes a candidate for public office, or it supports or opposes a ballot measure, question or issue;
- b. ~~a.~~ The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act;
- c. ~~b.~~ The sign contains the name and telephone number or website address of the candidate or campaign committee contact person;
- d. ~~e.~~ Installation of a sign on any structure or property owned or leased by the Town is prohibited.
- e. No political signs will be permitted in the Commercial Tourism Political Sign Free Zone. Refer to Section 7-140, Political Sign Free Zone Map.

3. If the Town deems the placement of a political sign constitutes an emergency, the Town may immediately relocate the sign and shall notify the candidate or campaign committee that placed the sign within 24 hours of relocation. If a political sign does not conform to the conditions in Section 2 of this section but does not constitute an emergency, the Town may notify the candidate or campaign committee that placed the sign in violation.

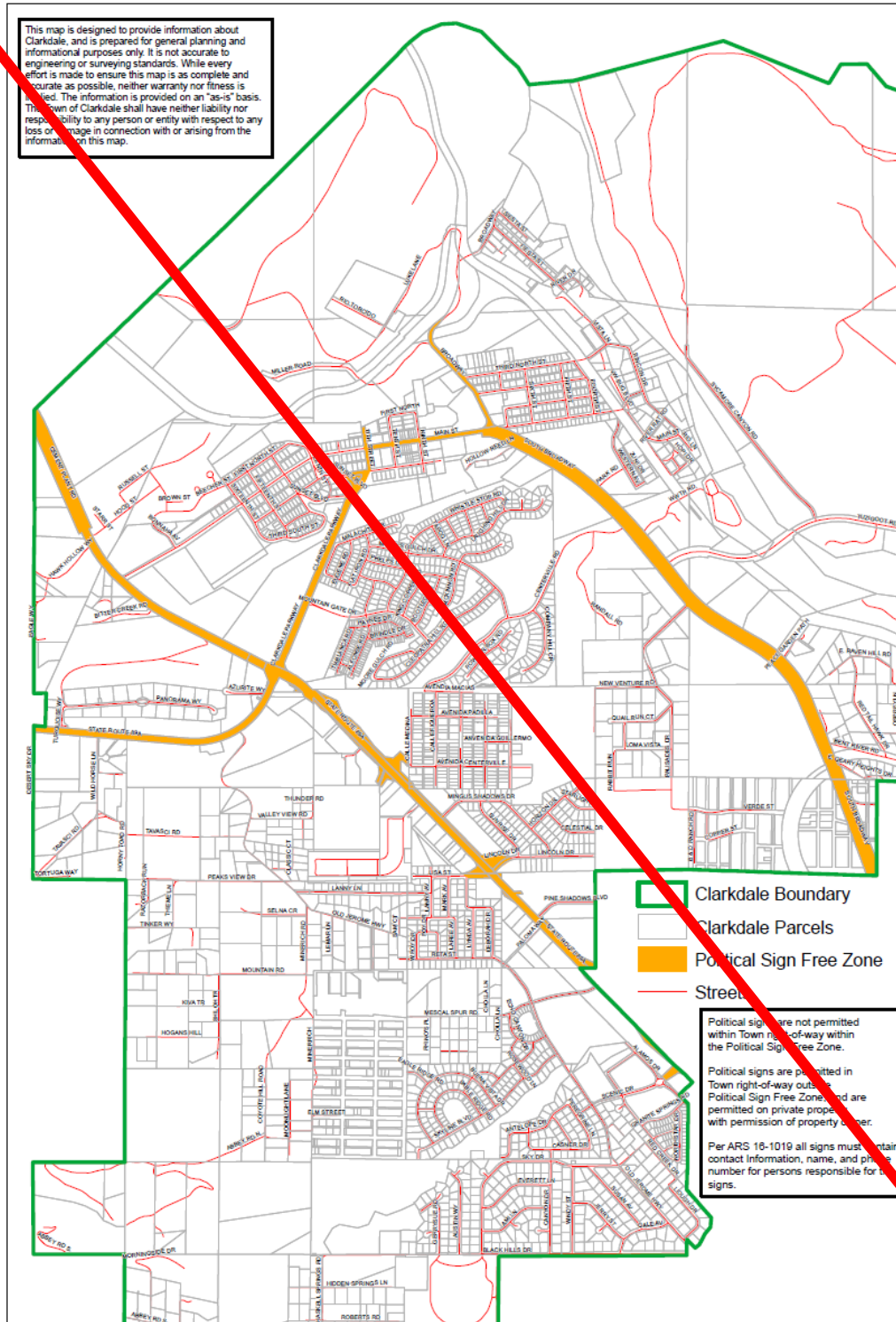
- a. If the sign remains in violation at least 24 hours after the Town notified the candidate or campaign committee, the jurisdiction may remove the sign.
- b. If the sign is removed in conformance with Subsection 3 (a) of this section, the Town shall notify the candidate or campaign committee and retain the sign for at least ten (10) business days to allow the candidate or campaign committee to retrieve the sign without penalty.

4.3 For candidates in an election, signs shall not be erected no earlier than 71 days before the election and must be removed no later than 15 days after the election. If a candidate in a primary election advances to the general election, the signs must be removed no later than 15 days after the general election. Said signs shall not be erected earlier than sixty (60) days prior to an election nor removed fifteen (15) days after an election

5.4 For signs that support or oppose a ballot measure, question, or issue, the signs shall not be erected no earlier than 71 days before the election at which the measure, question, or issue is scheduled to appear on the ballot and must be removed no later than 15 days after that election

6.5. No political signs will be permitted in public right of way in “sign free zones” as adopted by the Town Council in accordance with Arizona Revised Statute (ARS 16-1019). See Section 7-140 for a map of the ‘Political Sign Free Zones’.

Section 7-140, Political Sign Free Zone Map

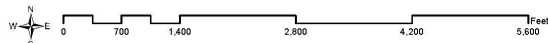
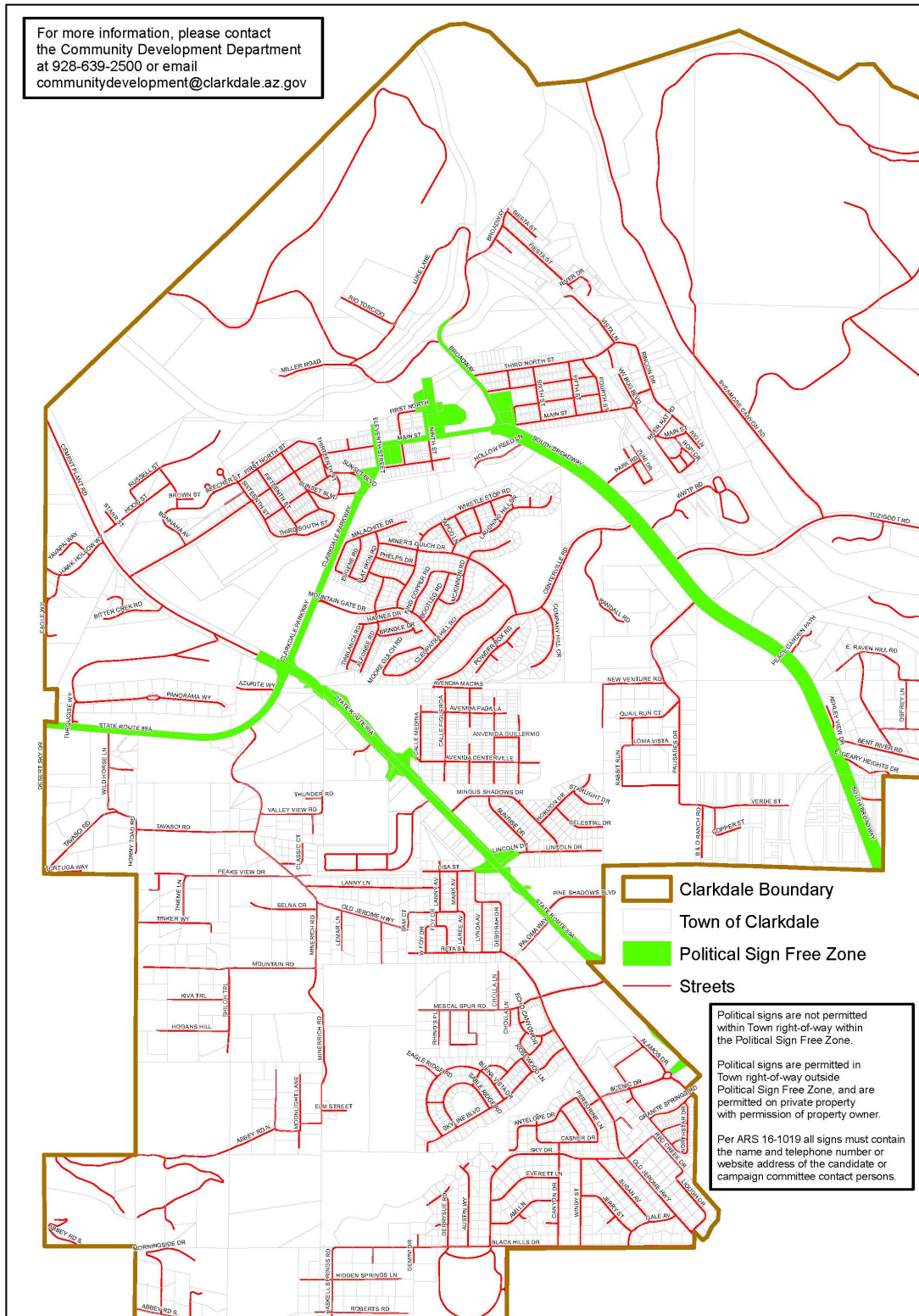


The Town of Clarkdale
Community Development Department
P.O. Box 208490 Main Street,
Clarkdale, AZ 86324
(928) 639-2500

RE: ARS 16-1019
Political Sign Free Zone
within Town of Clarkdale Right-of-way

July 19, 2016

For more information, please contact
the Community Development Department
at 928-639-2500 or email
communitydevelopment@clarkdale.az.gov



The Town of Clarkdale
Community Development Department
P.O. Box 308/890 Main Street,
Clarkdale, AZ 86324
(928) 639-2500

RE: ARS 16-1019
Political Sign Free Zone
Commercial Tourism Zone Map

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this
_____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.E.

Agenda Item:

PUBLIC HEARING - Ordinance #436 - Amending Zoning Ordinance Regarding Accessory Dwelling Units

The Commission will hold a public hearing to take public comment on Ordinance #436, amending Zoning Ordinance Chapter 2 - Definitions, Chapter 3 - Zoning Districts, and Chapter 4 - General Provisions establishing provisions for Accessory Dwelling Units (ADUs) in zoning districts that allow residential uses.

Staff Contact:

John Knight, Assistant Community Development Director

Meeting Date:

November 19, 2024

Strategic Goal:

Not applicable.

Background:

In accordance with recently adopted HB 2720, ARS Section 9-461.18 has been updated to include new provisions related to accessory dwelling units (ADUs). Ordinance No. 436 includes updates to various sections of the Zoning Ordinance to address the new State requirements.

Accessory Dwelling Units (ADUs) are designed as separate living spaces for permanent residents, short-term guests or residential rentals. These serve as an alternative way to supplement housing demand. The Town has long allowed ADUs as an accessory use in the residential zoning districts under the current Zoning Ordinance definition of "Guest Quarters (Servant Quarters)".

The primary changes are as follows:

- **Definitions:** New definitions for Accessory Dwelling Unit (ADU) and Habitable Space have been added. Note that the term "Servant Quarters" has been deleted to modernize this outdated and unhelpful definition. However, the definition of "Guest Quarters" (without servant quarters) is retained since it is used in Section 4-150 related to standards and requirements for Bed and Breakfast Establishments.
- **Accessory Use:** ADUs have now been added as an Accessory Use to every zoning district that currently allows single-family residential uses. Note that this includes the commercial, industrial, and open space districts since they do permit single-family residential as a permitted use.
- **Standards:** New standards have been added that regulate the number

of ADUs allowed per lot, the size, location, setbacks, and other standards. Note that a restriction has been added that a Recreational Vehicle (RV) cannot be used as an ADU. Under the Zoning Ordinance, the term "Recreational Vehicle" includes trailers, motorhomes, park models, campers and tiny homes.

To be considered an ADU, the structure must include "...permanent provisions for living, sleeping, eating, cooking, and sanitation." The space must also be "conditioned." In other words, heated/cooled. Unless the structure includes all these features, it would not be considered an ADU. These provisions will ensure that common accessory structures, such as shops, garages, or artist studios, are distinct from ADUs.

These provisions are consistent with the State statute. Most of the provisions are from either the statute or the model ordinance provided by the League of Cities and Towns.

Budget Impact: No budget impact.

Recommendation: Public hearing only. No recommendation.

9-461.18. Accessory dwelling units; regulation; applicability; definitions

A. A municipality with a population of more than seventy-five thousand persons shall adopt regulations that allow on any lot or parcel where a single-family dwelling is allowed all of the following:

1. At least one attached and one detached accessory dwelling unit as a permitted use.
2. A minimum of one additional detached accessory dwelling unit as a permitted use on a lot or parcel that is one acre or more in size if at least one accessory dwelling unit on the lot or parcel is a restricted-affordable dwelling unit.
3. An accessory dwelling unit that is seventy-five percent of the gross floor area of the single-family dwelling on the same lot or parcel or one thousand square feet, whichever is less.

B. A municipality may not do any of the following:

1. Prohibit the use or advertisement of either the single-family dwelling or any accessory dwelling unit located on the same lot or parcel as separately leased long-term rental housing.
2. Require a familial, marital, employment or other preexisting relationship between the owner or occupant of a single-family dwelling and the occupant of an accessory dwelling unit located on the same lot or parcel.
3. Require that a lot or parcel have additional parking to accommodate an accessory dwelling unit or require payment of fees instead of additional parking.
4. Require that an accessory dwelling unit match the exterior design, roof pitch or finishing materials of the single-family dwelling that is located on the same lot as the accessory dwelling unit.
5. Set restrictions for accessory dwelling units that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, setbacks, lot size or coverage or building frontage.
6. Set rear or side setbacks for accessory dwelling units that are more than five feet from the property line.
7. Require improvements to public streets as a condition of allowing an accessory dwelling unit, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the accessory dwelling unit.
8. Require a restrictive covenant concerning an accessory dwelling unit on a lot or parcel zoned for residential use by a single-family dwelling.

C. This section does not prohibit restrictive covenants concerning accessory dwelling units entered into between private parties. The municipality may not condition a permit, license or use of an accessory dwelling unit on adopting or implementing a restrictive covenant between private parties.

D. This section does not supersede applicable building codes, fire codes or public health and safety regulations, except that a municipality may not require an accessory dwelling unit to comply with a commercial building code or contain a fire sprinkler.

E. An accessory dwelling unit may not be built on top of a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future.

F. If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.

G. This section does not apply to lots or parcels that are located on tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in section 28-8486.

H. For the purposes of this section:

1. "Accessory dwelling unit" means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.
2. "Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit.
3. "Long-term rental" means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.
4. "Municipality" means a city or town that exercises zoning powers under this title.
5. "Permitted use" means the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determination that a site plan conforms with applicable zoning regulations.
6. "Restricted-affordable dwelling unit" means a dwelling unit that, either through a deed restriction or a development agreement with the municipality, shall be rented to households earning up to eighty percent of area median income.

ORDINANCE NO. 436

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE OF CLARKDALE, ARIZONA BY AMENDING CHAPTER 2 DEFINITIONS, CHAPTER 3 ZONING DISTRICTS, AND CREATING CHAPTER 4 GENERAL PROVISIONS, SECTION 4-260 ACCESSORY DWELLING UNITS (ADUs) DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH DEFINITIONS AND ESTABLISHING PROVISIONS FOR ACCESSORY DWELLING UNITS (ADUs) IN ZONING DISTRICTS THAT ALLOW RESIDENTIAL USES.

WHEREAS, the Town Council of Clarkdale recognizes the need for diverse housing options within the community; and in conformance with state statute, and

WHEREAS, the inclusion of Accessory Dwelling Units (ADUs) will provide additional living spaces for family members and guests; and

WHEREAS, this ordinance aims to establish regulations that maintain the character of residential neighborhoods while allowing for these accessory uses.

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled Ordinance No. 436, Amending Chapters 2, 3 and 4 of the Clarkdale Zoning Code, is hereby adopted as an amendment to the Town Zoning Code, dated this date; one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Chapter 2, Section 2-010, Definitions, of the Zoning Code of Clarkdale, Arizona, is hereby amended to read as follows:

Dwelling, Accessory Dwelling Unit (ADU): means a self-contained living unit, with conditioned space, that is on the same lot or parcel as a single-family dwelling of greater square

footage than the Accessory Dwelling Unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.

Habitable Space: means the conditioned space in a building or structure for living, sleeping, eating, or cooking. Habitable space does not include garages, carports, or storage areas accessible only from the exterior of the structure.

Chapter 3: Residential Zoning Districts

Section 3-010 Single Family Residential (R1)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, building or structures customarily incidental to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-020 Single Family Residential (R1A)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-030 Single Family Residential Limited (R1L)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-040 Single Family and Limited Multiple Family Residential (R2)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental~~al~~ to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110 of this Zoning Code.

Section 3-050 Multiple Family Residential (R3)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental~~al~~ to any use permitted by this section such as an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110. For non-residential uses one illuminated, non-flashing identification on premise sign not exceeding ~~sixty-four (64)~~ square feet and indicating only the name or address of the use thereof in conformance with Section 7.

Section 3-060 Manufactured Home Residential (R4)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Uses or structures customarily incidental~~al~~ to any use permitted by this section such as an Accessory Dwelling Unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-110.

Section 3-070 Manufactured Home Residential Alternate (R4A)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Uses or structures customarily incidental~~al~~ to any use permitted by this section such as an Accessory Dwelling Unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-110.

Section 3-080 Suburban Residential (RS3)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-090 Central Business District (CB)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Dwelling Unit (ADU), ~~p~~Private garages and private workshops.

Section 3-100 Commercial (C)

B. Accessory Uses Permitted: (Not requiring a use permit)

1. Accessory Dwelling Unit (ADU) and c~~c~~aretaker's facilities clearly incidental to and secondary to the use of the premises for business purposes

Section 3-110 Neighborhood Commercial (NC)

***B. Accessory Uses (Not requiring a use permit)

Accessory Dwelling Unit (ADU) and c~~c~~aretaker's residence in conjunction with a permitted use

Section 3-120 Highway Commercial (HC)

C. Accessory Uses in the Highway Commercial District

1. Accessory Dwelling Unit (ADU) and c~~c~~aretaker's residence in conjunction with a permitted use

Section 3-140 Industrial District (I)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Dwelling Unit (ADU) and cCaretaker's facilities clearly incidental and secondary to the use of the premises for business purposes.

Section 3-150 Open Space District (OS)

B. Accessory Uses Permitted:

1. Accessory Dwelling Unit (ADU) and cCaretaker's residence where clearly incidental, subordinate and secondary to the principal permitted use of the property.
2. Restroom, storage buildings, and barns, as per Section 2, Definitions, and Section 4-010, General Provisions, Accessory Structures Standards.

Chapter 4 General Provisions:

Section 4-260 Accessory Dwelling Units (ADUs)

A. Accessory Dwelling Units (ADUs) are subject to all the following provisions.

1. **Eligibility.** No more than one attached or detached Accessory Dwelling Unit (ADU) per lot is permitted.

2. **Maximum Size.** An Accessory Dwelling Unit (ADU) shall not exceed 700 square feet of Habitable Space.

3. **Location:** The Accessory Dwelling Unit (ADU) may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.

4. **Setbacks.** The Accessory Dwelling Unit (ADU) is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

a. The rear setback for the Accessory Dwelling Unit (ADU) shall be no less than five (5) feet from the property line.

b. The side setbacks for the Accessory Dwelling Unit (ADU) shall be no less than five (5) feet from the property line.

c. The front setback for the Accessory Dwelling Unit (ADU) shall be no less than the setback required for a single-family dwelling in the zoning district in which it is located.

5. **Lot coverage.** The Accessory Dwelling Unit (ADU) is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel.

6. **Height.** The Accessory Dwelling Unit (ADU) is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel.

7. **Exterior design.** The exterior design of the Accessory Dwelling Unit (ADU) is not required to match the exterior design of the single-family dwelling on the same lot or parcel.

8. **Roof pitch.** The roof pitch of the Accessory Dwelling Unit (ADU) is not required to match the roof pitch of the single-family dwelling on the same lot or parcel.

9. **Finishing materials.** The finishing materials of the Accessory Dwelling Unit (ADU) are not required to match the finishing materials of the single-family dwelling on the same lot.

10. **Parking and Access.** No additional parking space or in lieu parking fee shall be required to accommodate the Accessory Dwelling Unit (ADU).

11. **Permanent Structure.** Accessory Dwelling Units (ADUs) shall be constructed as permanent Structures. Recreational Vehicles (RVs) may not be used as an Accessory Dwelling Unit.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.F.

<u>Agenda Item:</u>	Ordinance #436 - Amending Zoning Ordinance Regarding Accessory Dwelling Units Discuss, consider and act upon Ordinance #436, amending Zoning Ordinance Chapter 2 - <u>Definitions</u> , Chapter 3 - <u>Zoning Districts</u> , and Chapter 4 - <u>General Provisions</u> establishing provisions for Accessory Dwelling Units (ADUs) in zoning districts that allow residential uses.
<u>Staff Contact:</u>	John Knight, Assistant Community Development Director
<u>Meeting Date:</u>	November 19, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	In accordance with recently adopted HB 2720, ARS Section 9-461.18 has been updated to include new provisions related to accessory dwelling units (ADUs). Ordinance No. 436 includes updates to various sections of the Zoning Ordinance to address the new State requirements. Accessory Dwelling Units (ADUs) are designed as separate living spaces for permanent residents, short-term guests or residential rentals. These serve as an alternative way to supplement housing demand. The Town has long allowed ADUs as an accessory use in the residential zoning districts under the current Zoning Ordinance definition of "Guest Quarters (Servant Quarters)". The primary changes are as follows: • Definitions: New definitions for Accessory Dwelling Unit (ADU) and Habitable Space have been added. Note that the term "Servant Quarters" has been deleted to modernize this outdated and unhelpful definition. However, the definition of "Guest Quarters" (without servant quarters) is retained since it is used in Section 4-150 related to standards and requirements for Bed and Breakfast Establishments. • Accessory Use: ADUs have now been added as an Accessory Use to every zoning district that currently allows single-family residential uses. Note that this includes the commercial, industrial, and open space districts since they do permit single-family residential as a permitted use. • Standards: New standards have been added that regulate the number of ADUs allowed per lot, the size, location, setbacks, and other standards. Note that a restriction has been added that a Recreational

Vehicle (RV) cannot be used as an ADU. Under the Zoning Ordinance, the term "Recreational Vehicle" includes trailers, motorhomes, park models, campers and tiny homes.

To be considered an ADU, the structure must include "...permanent provisions for living, sleeping, eating, cooking, and sanitation." The space must also be "conditioned." In other words, heated/cooled. Unless the structure includes all these features, it would not be considered an ADU. These provisions will ensure that common accessory structures, such as shops, garages, or artist studios, are distinct from ADUs.

These provisions are consistent with the State statute. Most of the provisions are from either the statute or the model ordinance provided by the League of Cities and Towns.

Budget Impact: No budget impact.

Recommendation: Staff recommends the Planning Commission approve Ordinance #436, amending Zoning Ordinance Chapter 2 - Definitions, Chapter 3 - Zoning Districts, and Chapter 4 - General Provisions establishing provisions for Accessory Dwelling Units (ADUs) in zoning districts which allow residential uses and forward the item to Town Council with a recommendation for the same.

9-461.18. Accessory dwelling units; regulation; applicability; definitions

A. A municipality with a population of more than seventy-five thousand persons shall adopt regulations that allow on any lot or parcel where a single-family dwelling is allowed all of the following:

1. At least one attached and one detached accessory dwelling unit as a permitted use.
2. A minimum of one additional detached accessory dwelling unit as a permitted use on a lot or parcel that is one acre or more in size if at least one accessory dwelling unit on the lot or parcel is a restricted-affordable dwelling unit.
3. An accessory dwelling unit that is seventy-five percent of the gross floor area of the single-family dwelling on the same lot or parcel or one thousand square feet, whichever is less.

B. A municipality may not do any of the following:

1. Prohibit the use or advertisement of either the single-family dwelling or any accessory dwelling unit located on the same lot or parcel as separately leased long-term rental housing.
2. Require a familial, marital, employment or other preexisting relationship between the owner or occupant of a single-family dwelling and the occupant of an accessory dwelling unit located on the same lot or parcel.
3. Require that a lot or parcel have additional parking to accommodate an accessory dwelling unit or require payment of fees instead of additional parking.
4. Require that an accessory dwelling unit match the exterior design, roof pitch or finishing materials of the single-family dwelling that is located on the same lot as the accessory dwelling unit.
5. Set restrictions for accessory dwelling units that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, setbacks, lot size or coverage or building frontage.
6. Set rear or side setbacks for accessory dwelling units that are more than five feet from the property line.
7. Require improvements to public streets as a condition of allowing an accessory dwelling unit, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the accessory dwelling unit.
8. Require a restrictive covenant concerning an accessory dwelling unit on a lot or parcel zoned for residential use by a single-family dwelling.

C. This section does not prohibit restrictive covenants concerning accessory dwelling units entered into between private parties. The municipality may not condition a permit, license or use of an accessory dwelling unit on adopting or implementing a restrictive covenant between private parties.

D. This section does not supersede applicable building codes, fire codes or public health and safety regulations, except that a municipality may not require an accessory dwelling unit to comply with a commercial building code or contain a fire sprinkler.

E. An accessory dwelling unit may not be built on top of a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future.

F. If a municipality fails to adopt development regulations as required by this section on or before January 1, 2025, accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.

G. This section does not apply to lots or parcels that are located on tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in section 28-8486.

H. For the purposes of this section:

1. "Accessory dwelling unit" means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.
2. "Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit.
3. "Long-term rental" means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.
4. "Municipality" means a city or town that exercises zoning powers under this title.
5. "Permitted use" means the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determination that a site plan conforms with applicable zoning regulations.
6. "Restricted-affordable dwelling unit" means a dwelling unit that, either through a deed restriction or a development agreement with the municipality, shall be rented to households earning up to eighty percent of area median income.

ORDINANCE NO. 436

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE OF CLARKDALE, ARIZONA BY AMENDING CHAPTER 2 DEFINITIONS, CHAPTER 3 ZONING DISTRICTS, AND CREATING CHAPTER 4 GENERAL PROVISIONS, SECTION 4-260 ACCESSORY DWELLING UNITS (ADUs) DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH DEFINITIONS AND ESTABLISHING PROVISIONS FOR ACCESSORY DWELLING UNITS (ADUs) IN ZONING DISTRICTS THAT ALLOW RESIDENTIAL USES.

WHEREAS, the Town Council of Clarkdale recognizes the need for diverse housing options within the community; and in conformance with state statute, and

WHEREAS, the inclusion of Accessory Dwelling Units (ADUs) will provide additional living spaces for family members and guests; and

WHEREAS, this ordinance aims to establish regulations that maintain the character of residential neighborhoods while allowing for these accessory uses.

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled Ordinance No. 436, Amending Chapters 2, 3 and 4 of the Clarkdale Zoning Code, is hereby adopted as an amendment to the Town Zoning Code, dated this date; one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Chapter 2, Section 2-010, Definitions, of the Zoning Code of Clarkdale, Arizona, is hereby amended to read as follows:

Dwelling, Accessory Dwelling Unit (ADU): means a self-contained living unit, with conditioned space, that is on the same lot or parcel as a single-family dwelling of greater square

footage than the Accessory Dwelling Unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.

Habitable Space: means the conditioned space in a building or structure for living, sleeping, eating, or cooking. Habitable space does not include garages, carports, or storage areas accessible only from the exterior of the structure.

Chapter 3: Residential Zoning Districts

Section 3-010 Single Family Residential (R1)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, building or structures customarily incidental^{al} to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-020 Single Family Residential (R1A)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental^{al} to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-030 Single Family Residential Limited (R1L)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental^{al} to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-040 Single Family and Limited Multiple Family Residential (R2)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental~~al~~ to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110 of this Zoning Code.

Section 3-050 Multiple Family Residential (R3)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental~~al~~ to any use permitted by this section such as an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110. For non-residential uses one illuminated, non-flashing identification on premise sign not exceeding ~~sixty-four (64)~~ square feet and indicating only the name or address of the use thereof in conformance with Section 7.

Section 3-060 Manufactured Home Residential (R4)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Uses or structures customarily incidental~~al~~ to any use permitted by this section such as an Accessory Dwelling Unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-110.

Section 3-070 Manufactured Home Residential Alternate (R4A)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Uses or structures customarily incidental~~al~~ to any use permitted by this section such as an Accessory Dwelling Unit (ADU), private garages, carports, utility rooms, and recreation facilities, and home occupations governed by the provisions in Section 4-110.

Section 3-080 Suburban Residential (RS3)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory uses, buildings or structures customarily incidental to any use permitted by this section such as ~~servant or guest quarters~~ an Accessory Dwelling Unit (ADU), private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

Section 3-090 Central Business District (CB)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Dwelling Unit (ADU), ~~p~~Private garages and private workshops.

Section 3-100 Commercial (C)

B. Accessory Uses Permitted: (Not requiring a use permit)

1. Accessory Dwelling Unit (ADU) and c~~C~~aretaker's facilities clearly incidental to and secondary to the use of the premises for business purposes

Section 3-110 Neighborhood Commercial (NC)

***B. Accessory Uses (Not requiring a use permit)

Accessory Dwelling Unit (ADU) and c~~C~~aretaker's residence in conjunction with a permitted use

Section 3-120 Highway Commercial (HC)

C. Accessory Uses in the Highway Commercial District

1. Accessory Dwelling Unit (ADU) and c~~C~~aretaker's residence in conjunction with a permitted use

Section 3-140 Industrial District (I)

B. Accessory Uses Permitted: (Not requiring a use permit).

1. Accessory Dwelling Unit (ADU) and cCaretaker's facilities clearly incidental and secondary to the use of the premises for business purposes.

Section 3-150 Open Space District (OS)

B. Accessory Uses Permitted:

1. Accessory Dwelling Unit (ADU) and cCaretaker's residence where clearly incidental, subordinate and secondary to the principal permitted use of the property.
2. Restroom, storage buildings, and barns, as per Section 2, Definitions, and Section 4-010, General Provisions, Accessory Structures Standards.

Chapter 4 General Provisions:

Section 4-260 Accessory Dwelling Units (ADUs)

A. Accessory Dwelling Units (ADUs) are subject to all the following provisions.

1. **Eligibility.** No more than one attached or detached Accessory Dwelling Unit (ADU) per lot is permitted.

2. **Maximum Size.** An Accessory Dwelling Unit (ADU) shall not exceed 700 square feet of Habitable Space.

3. **Location:** The Accessory Dwelling Unit (ADU) may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.

4. **Setbacks.** The Accessory Dwelling Unit (ADU) is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

a. The rear setback for the Accessory Dwelling Unit (ADU) shall be no less than five (5) feet from the property line.

b. The side setbacks for the Accessory Dwelling Unit (ADU) shall be no less than five (5) feet from the property line.

c. The front setback for the Accessory Dwelling Unit (ADU) shall be no less than the setback required for a single-family dwelling in the zoning district in which it is located.

5. **Lot coverage.** The Accessory Dwelling Unit (ADU) is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel.

6. **Height.** The Accessory Dwelling Unit (ADU) is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel.

7. **Exterior design.** The exterior design of the Accessory Dwelling Unit (ADU) is not required to match the exterior design of the single-family dwelling on the same lot or parcel.

8. **Roof pitch.** The roof pitch of the Accessory Dwelling Unit (ADU) is not required to match the roof pitch of the single-family dwelling on the same lot or parcel.

9. **Finishing materials.** The finishing materials of the Accessory Dwelling Unit (ADU) are not required to match the finishing materials of the single-family dwelling on the same lot.

10. **Parking and Access.** No additional parking space or in lieu parking fee shall be required to accommodate the Accessory Dwelling Unit (ADU).

11. **Permanent Structure.** Accessory Dwelling Units (ADUs) shall be constructed as permanent Structures. Recreational Vehicles (RVs) may not be used as an Accessory Dwelling Unit.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.G.

<u>Agenda Item:</u>	PUBLIC HEARING - Ordinance #437 - Amending Zoning Ordinance Procedures The Commission will hold a public hearing to take public comment on Ordinance #437, amending the Zoning Ordinance Article 13 <u>Enforcement, Amendments, and Penalties</u> , Section 13-020 <u>Procedure for Amendments</u> .
<u>Staff Contact:</u>	Ruth Mayday, Community Development Director
<u>Meeting Date:</u>	November 19, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	In accordance with ARS 9-462.10, Ordinance #437 aims to provide zoning change applicants with prompt consideration, review and decisions regarding their application. This ordinance updates guidelines for Community Development staff of the Town of Clarkdale in the administrative processing of residential rezoning applications by instituting timelines and expectations in order for applicants to proceed with their projects in a timely manner, conducive to building and development.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Public hearing only. No recommendation.

9-462.11. Residential zoning; amendment; applications; deadline; extensions; applicability.

A. On or before January 1, 2025, a municipality shall adopt an amendment to the municipality's zoning ordinance that requires the municipality to determine whether a zoning application is administratively complete within thirty days after receiving the application. If the municipality determines that the application is not administratively complete, the municipality shall follow the procedures prescribed in section 9-835, subsection E until the application is administratively complete. The municipality shall determine whether a resubmitted application is administratively complete within fifteen days after receiving the resubmitted application. After determining that the application is administratively complete, the municipality shall approve or deny the application within one hundred eighty days.

B. Notwithstanding subsection A of this section, the municipality may extend the time frame to approve or deny the request beyond one hundred eighty days for either of the following reasons:

1. For extenuating circumstances, the municipality may grant a onetime extension of not more than thirty days.
2. If an applicant requests an extension, the municipality may grant extensions of thirty days for each extension granted.

C. This section does not apply to land that is designated as a district of historical significance pursuant to section 9-462.01, subsection A, paragraph 10 or an area that is designated as historic on the national register of historic places or planned area developments.

ORDINANCE NO. 437
AMENDING CHAPTER 13 ENFORCEMENT, AMENDMENTS, AND PENALTIES,
SECTION 13-020 PROCEDURE FOR AMENDMENTS OF THE CLARKDALE
ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE OF CLARKDALE, ARIZONA BY AMENDING CHAPTER 13 ENFORCEMENT, AMENDMENTS, AND PENALTIES, SECTION 13-020 PROCEDURE FOR AMENDMENTS; DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH TIMELINES FOR ZONE CHANGE APPLICATIONS; ESTABLISHING REGULATIONS FOR ZONE CHANGE APPLICATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 13, Enforcement, Amendments, and Penalties, Section, 13-020, Procedure for Amendments, to clarify and establish regulations and timelines for zoning changes within Town limits; and in conformance with State statute, and

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 zoning changes within Town limits;

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance No. 437 Amending Chapter 13 Enforcement, Amendments, and Penalties Section 13-020 Procedure for Amendments of the Clarkdale Zoning Code” is hereby adopted as an amendment to the Town ZONING Code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Zoning Code of Clarkdale, Arizona, is hereby amended by adding or modifying the Chapter 13, Enforcement, Amendments and Penalties, Section 13-020 Procedure for Amendments, to read as follows:

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

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

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

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

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

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

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

c. After determining that the application is administratively complete, the Town shall approve or deny the application within 180 days.

d. Notwithstanding subsection c. above, the Town may extend the timeline for approval or denial of the application beyond 180 days for either of the following reasons:

i. For extenuating circumstances, the Town may grant a one-time extension of no more than 30 days.

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

e. This section does not apply to land that is designated as a district of historical significance pursuant to section 9-462.01, subsection a, paragraph 10, or an area that is designated as historic on the national register of historic places or planned area developments.

D. Citizen Participation.

1. The legislative body of the Town of Clarkdale has adopted the following citizen review and participation process that applies to all re-zoning cases. By law and policy, the re-zoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding public participation, more, not less public participation, shall be the standard.

2. The citizen participation plan is not intended to produce complete consensus on all applications but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

a. A minimum of one ~~(1)~~ public hearing will be held on all ~~re-zoning~~ rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. A second public hearing will be before the Mayor and Council if the owners of ~~twenty-percent (20%)~~ or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear ~~and/or~~ and side thereof extending ~~one hundred fifty (150)~~ feet therefrom, excluding government-owned property, or of those directly opposite thereto extending ~~one hundred fifty (150)~~ feet from the street frontage of the opposite lots, excluding government-owned property, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote or three-fourths ~~(3/4)~~ of all members of the Council. The written protest shall be filed with the Clarkdale Town Clerk no later than ten working days after the Planning Commission's decision on the amendment. If no written protest is filed, the amendment will be presented to the Town Council at a public meeting with opportunity for public comment.

8. Funding and installation of all required improvements as specified by the Town shall be the responsibility of the applicant.

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

G ~~H~~. If the owners of ~~twenty-percent~~ 20% or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, excluding government-owned property file a protest in writing against a proposed amendment, the change

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

HG. Council's Decision. A decision by the Town Council involving re-zoning of land which is not owned by the Town, and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be enacted as an emergency measure and such change shall not be effective for at least ~~thirty~~(30) days after final approval of the change in classification by the Council

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.H.

<u>Agenda Item:</u>	Ordinance #437 - Amending Zoning Ordinance Procedures Discuss, consider and act upon Ordinance #437, amending Zoning Ordinance amending Article 13 <u>Enforcement, Amendments, and Penalties</u> , Section 13-020 <u>Procedure for Amendments</u> .
<u>Staff Contact:</u>	Ruth Mayday, Community Development Director
<u>Meeting Date:</u>	November 19, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	In accordance with ARS 9-462.10 Ordinance No. 437 aims to provide zoning change applicants with prompt consideration, review and decisions regarding their application. This ordinance updates guidelines for Community Development staff of the Town of Clarkdale in the administrative processing of residential rezoning applications by instituting timelines and expectations in order for applicants to proceed with their projects in a timely manner, conducive to building and development.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Staff recommends that the Commission approve Ordinance #437, amending Article 13 <u>Enforcement, Amendments, and Penalties</u> , Section 13-020 <u>Procedure for Amendments</u> and forward the item to the Town Council with a recommendation for the same.

9-462.11. Residential zoning; amendment; applications; deadline; extensions; applicability.

A. On or before January 1, 2025, a municipality shall adopt an amendment to the municipality's zoning ordinance that requires the municipality to determine whether a zoning application is administratively complete within thirty days after receiving the application. If the municipality determines that the application is not administratively complete, the municipality shall follow the procedures prescribed in section 9-835, subsection E until the application is administratively complete. The municipality shall determine whether a resubmitted application is administratively complete within fifteen days after receiving the resubmitted application. After determining that the application is administratively complete, the municipality shall approve or deny the application within one hundred eighty days.

B. Notwithstanding subsection A of this section, the municipality may extend the time frame to approve or deny the request beyond one hundred eighty days for either of the following reasons:

1. For extenuating circumstances, the municipality may grant a onetime extension of not more than thirty days.
2. If an applicant requests an extension, the municipality may grant extensions of thirty days for each extension granted.

C. This section does not apply to land that is designated as a district of historical significance pursuant to section 9-462.01, subsection A, paragraph 10 or an area that is designated as historic on the national register of historic places or planned area developments.

ORDINANCE NO. 437
AMENDING CHAPTER 13 ENFORCEMENT, AMENDMENTS, AND PENALTIES,
SECTION 13-020 PROCEDURE FOR AMENDMENTS OF THE CLARKDALE
ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING THE ZONING CODE OF CLARKDALE, ARIZONA BY AMENDING CHAPTER 13 ENFORCEMENT, AMENDMENTS, AND PENALTIES, SECTION 13-020 PROCEDURE FOR AMENDMENTS; DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH TIMELINES FOR ZONE CHANGE APPLICATIONS; ESTABLISHING REGULATIONS FOR ZONE CHANGE APPLICATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend the Clarkdale Zoning Code, Chapter 13, Enforcement, Amendments, and Penalties, Section, 13-020, Procedure for Amendments, to clarify and establish regulations and timelines for zoning changes within Town limits; and in conformance with State statute, and

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 zoning changes within Town limits;

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance No. 437 Amending Chapter 13 Enforcement, Amendments, and Penalties Section 13-020 Procedure for Amendments of the Clarkdale Zoning Code” is hereby adopted as an amendment to the Town ZONING Code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Zoning Code of Clarkdale, Arizona, is hereby amended by adding or modifying the Chapter 13, Enforcement, Amendments and Penalties, Section 13-020 Procedure for Amendments, to read as follows:

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

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

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

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

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

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

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

c. After determining that the application is administratively complete, the Town shall approve or deny the application within 180 days.

d. Notwithstanding subsection c. above, the Town may extend the timeline for approval or denial of the application beyond 180 days for either of the following reasons:

i. For extenuating circumstances, the Town may grant a one-time extension of no more than 30 days.

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

e. This section does not apply to land that is designated as a district of historical significance pursuant to section 9-462.01, subsection a, paragraph 10, or an area that is designated as historic on the national register of historic places or planned area developments.

D. Citizen Participation.

1. The legislative body of the Town of Clarkdale has adopted the following citizen review and participation process that applies to all re-zoning cases. By law and policy, the re-zoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding public participation, more, not less public participation, shall be the standard.

2. The citizen participation plan is not intended to produce complete consensus on all applications but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

a. A minimum of one ~~(1)~~ public hearing will be held on all ~~re-zoning~~ rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. A second public hearing will be before the Mayor and Council if the owners of ~~twenty-percent (20%)~~ or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear ~~and/or~~ and side thereof extending ~~one hundred fifty (150)~~ feet therefrom, excluding government-owned property, or of those directly opposite thereto extending ~~one hundred fifty (150)~~ feet from the street frontage of the opposite lots, excluding government-owned property, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote or three-fourths ~~(3/4)~~ of all members of the Council. The written protest shall be filed with the Clarkdale Town Clerk no later than ten working days after the Planning Commission's decision on the amendment. If no written protest is filed, the amendment will be presented to the Town Council at a public meeting with opportunity for public comment.

8. Funding and installation of all required improvements as specified by the Town shall be the responsibility of the applicant.

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

G ~~H~~. If the owners of ~~twenty-percent~~ 20% or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, excluding government-owned property file a protest in writing against a proposed amendment, the change

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

HG. Council's Decision. A decision by the Town Council involving re-zoning of land which is not owned by the Town, and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be enacted as an emergency measure and such change shall not be effective for at least ~~thirty~~(30) days after final approval of the change in classification by the Council

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.I.

Agenda Item:**PUBLIC HEARING - Ordinance #438 - Amending Zoning Ordinance Design Review**

The Commission will hold a public hearing to take public comment on Ordinance #438, amending Zoning Ordinance Chapter 4, General Provisions, Article 4-160 Sidewalk Café Permit; Chapter 7, Signs; Chapter 8, Outdoor Lighting Code; Chapter 9 Landscape Design Standards; Chapter 11, Design Review and Site Plan Review. Also amending Town Code Chapter 17, Boards and Commissions; Article 17-4, Design Review, and 17-5, Planning Commission.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

November 19, 2024

Strategic Goal:

Not applicable.

Background:

The question of reassigning responsibility for Design Review arose during the drafting of the Historic Preservation Ordinance (HPO). Members of the Historic Preservation Commission (HPC) are required to have additional qualifications in the areas of Architecture, History, Planning, American Studies, or Archeology, which provide them with a better understanding of historic districts and their development. As such, they are better qualified to review the design of proposed projects in the Historic Preservation District (HPD) as they have a deeper understanding of historic architecture and context.

Town Code Article 17-4 Design Review establishes the Design Review Board and assigns review responsibilities for commercial and industrial projects to the Board without regard to the historic nature of the building or structure involved. Given the importance of the historic structures in Clarkdale, a more nuanced design review is crucial to retaining important architectural details that the HPC is able to provide.

Design for new and infill development is required to meet the standards set forth in Zoning Code Chapter 11, Design Review and Site Plan Review. Rather than require two (2) meetings – one to review planning matters and another to review design considerations, staff suggests assigning design review responsibilities to the Planning Commission, so these items can be approved concurrently rather than requiring a second meeting for design review. Many municipalities with design requirements (Cottonwood, Sedona) combine both

functions into the Planning Commission rather than two (2) separate boards. To effectuate this change, amendments must also be made to Article 17-5 Planning that transfer the obligation from the Design Review Board to the Planning Commission. While the Planning Commission does not have the purview over the Town Code, the amendments were included to provide full transparency of all required code changes.

Budget Impact: No budget impact.

Recommendation: Public hearing only. No recommendation.

ORDINANCE NO. 438
AMENDING CHAPTER 17, ARTICLES 17-4 AND 17-5 OF THE TOWN CODE,
AMENDING CHAPTER 4 SECTION 4-160, CHAPTERS 7, 8, 9, AND 11 OF THE TOWN
ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING ARTICLES 17-4 DESIGN REVIEW AND 17-5 PLANNING COMMISSION, OF THE TOWN CODE, ARTICLE 4 GENERAL PROVISIONS, SECTION 4-160 SIDEWALK CAFÉ PERMIT, CHAPTER 7 SIGNS, CHAPTER 8 OUTDOOR LIGHTING CODE, CHAPTER 9 LANDSCAPE DESIGN STANDARDS, CHAPTER 11 DESIGN REVIEW AND SITE PLAN REVIEW OF THE TOWN ZONING CODE; DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH INTEGRATION FOR DESIGN REVIEW BY THE PLANNING COMMISSION; ESTABLISHING REGULATIONS FOR DESIGN REVIEW; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend Articles 17-4 and 17-5 of the Town Code, Chapter 4 Section 4-160, Chapters 7, 8, 9, and 11 of the Town Zoning Code, to clarify and integrate design review responsibilities into the Planning commission within Town limits; and in conformance with State statute, and

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

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance #438 Amending Articles 17-4 and 17-5 of the Town Code, amending Chapter 4 Section 4-160, Chapters 7, 8, 9, and 11 of the Town Zoning Code” is hereby adopted as an amendment to the TOWN code and ZONING code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Town Code of Clarkdale, Arizona, is hereby amended by adding the following:

~~Article 17-4 DESIGN REVIEW~~

~~Sections: 17-4-1 Establishment and Purpose of Design Review Board~~

~~Section 17-4-1 Establishment and Purpose of Design Review Board~~

~~The Design Review Board shall serve at the appointment of the Town Council. The purpose of the Design Review Board is to review the landscaping and exterior design of proposed new buildings, commercial signage, proposed alterations to buildings, excluding single-family residences, and major development or redevelopment projects to assure that they are compatible with the surrounding environment and to preserve and protect the integrity and character of the Town. The Design Review Board also reviews applications under the Zoning Code Chapter 11—Design Review and Site Plan Review. The Design Review Board has the power to approve, conditionally approve, or deny requests. [Prior code § 17-4-1.]~~

Sections:

17-5-1 Establishment and Purpose of the Planning Commission

17-5-2 Fees

17-5-3 Public Hearings

17-5-4 Design Review

The Planning Commission shall also consider matters of design as follows:

- A. Zoning Applications: During a Public Hearing, the Planning Commission shall consider and hear comments regarding design review requirements as set forth in Chapter 11, Design Review and Site Plan Review, Section 11-040 Review Criteria for Design Review, and shall include recommendation for approval of design review in its recommendations to Town Council.
- B. Design Review not related to a zoning application: The Planning Commission shall review and approve, approve with conditions, or deny proposed design for all commercial and industrial projects and forward the same to Town Council for approval. The Commission may also return the item to staff for additional work.
- C. The Historic Preservation Commission shall conduct Design Review for properties and structures located in the Historic Preservation District.

The Zoning Code of Clarkdale, Arizona, is hereby amended by adding the following:

Chapter 4, General Regulations Section 4-160 Sidewalk Café Permit

(Created 2/14/12 by Resolution 1388 – Ordinance 342; Effective 3/14/2012)

A. Purpose and intent: This section shall apply to the establishment, operation and maintenance of all sidewalk/outdoor café dining areas accessory and incidental to lawful restaurants/dining establishments within the Town's rights-of-way directly in front of and or adjacent to the specific business to which they pertain. The purpose of this section is to promote general economic development, protect the public health, safety and general welfare and the atmosphere of the Town for the benefit of all businesses and our citizens and visitors. No rights of individuals or individual businesses are created therein.

C. Permit required and fees: An annual permit issued by the Town to operate a sidewalk café is required and may be issued only to a business that holds all current Federal, State and local licenses required to operate said business wishing to establish a sidewalk cafe on the public or private property directly adjacent to the business to be used by the general public.

1. Permit application: The application shall contain the following information:

- a. The name, home and business address, email address, and telephone number of the applicant/operator, and the name, email address, telephone number and address of the owner/operator of the business, if other than the applicant.
- b. The name, home address, email address, and telephone number of a responsible person whom the Town may notify or contact at any time concerning the applicant's permit.
- c. A copy of the current business license to operate a business establishment which is the subject of the application.
- d. A statement of how the sidewalk dining area will be supervised and maintained.
- e. Proof of current liability insurance, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the Town from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the sidewalk dining permit. Such insurance shall name the Town as an additional insured and shall provide that the policy shall not terminate or be

canceled prior to the expiration date without 30 days' advanced written notice to the Town.

f. Two copies and an original sketch to scale of the proposed location showing the layout and dimensions of the proposed sidewalk cafe area.

g. Proof of any required permit from the Arizona Department of Liquor Licenses and Controls.

h. Photographs, drawings, or manufacturer's brochures fully describing the appearance of all proposed dining area furniture or other objects related to the operation of the sidewalk dining area by the applicant.

i. Non-refundable annual fee as shown in the Town of Clarkdale fee schedule. The applicant must pay necessary water and or sewer capacity fees for additional seats within the sidewalk dining area. In addition, the applicant must pay monthly sewer fees as agreed in order for the permit to remain valid. Failure to pay sewer fees as agreed shall result in the immediate revocation of the permit.

2. Permit process. All sidewalk café applications shall be reviewed and approved by the Planning Commission for compliance with ~~approved by the~~ Design Review regulations ~~Board (DRB)~~ prior to commencement of operations of the sidewalk café. DRB application fees are one time unless the operator wishes to make significant changes i.e. to the approved layout such as increasing the number of tables or area of service or overall theme/design of the café. Appeals of the application decision by the Planning Commission ~~the Design Review Board~~ may be made by the Applicant to the Town Council within 15 days of the meeting at which the decision is made.

D. Furniture: Use furniture and any other objects of such quality, design, materials, and workmanship that are approved as part of ~~or otherwise authorized by the~~ Design Review Board, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are not allowed.

I. Indemnity & Liability: As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not

be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business. (Prior code § 4-16)

CHAPTER 7 SIGNS

Section 7-010 Purpose and Intent

It is the purpose of this title to regulate all exterior signs so as to protect property values, the character of various use areas of the Town and the health, safety and public welfare of the citizens of the Town.

Signs shall be erected and displayed in such a manner as to avoid clutter, unwarranted distraction and visual or perceptual confusion to the detriment of the safe operation and functioning of the Town's transportation systems.

Furthermore, it is intended these regulations will not unreasonably infringe on any individual's right to communicate ideological expression through the use of signs.

All signs constructed within the Town of Clarkdale shall be required to blend with the context of the Town, and shall incorporate elements reflecting the small town character, neighborhood feel and the sense of history defining the Town of Clarkdale. (Prior code § 7-1)

Section 7-020 General Provisions

A. Permits:

1. Unless exempt from a permit in accordance with Section 7-040 of this Code, permits are required for all commercial signs. Application shall be made to the Community Development Department on applicable forms and include information as required by the Town.

2. In the absence of a master sign plan, each individual sign requires a separate permit.

B. Whenever a business, industry or service using a commercial sign is discontinued, the sign shall be removed or obscured by the person owning or having possession of the property within 30 days after the discontinuance of the business, industry or service.

C. All signs other than wall signs may be back-to-back. Only the size of one side shall count towards the cumulative maximum noted in Section 7-090 of this code.

D. Attachment of any sign to utility poles, traffic control devices or street signs shall be prohibited. Unless specifically provided for in the Code, no sign shall project, overhang or otherwise be located on public property.

E. Any sign to be erected wholly or partially within state highway right-of-way shall be approved by the Arizona Department of Transportation prior to Town consideration.

F. Sign Measurements: The area of the sign shall be determined by measuring the total area of the sign excluding any supporting framework.

G. All commercial signs, other than temporary signs, must receive ~~approval from the~~ Design Review ~~approval~~ Board prior to placement.

H. Signs shall be maintained and be free of chipping paint, visible cracks or gouges, or general deterioration.

I. The back of all one-sided freestanding signs must be finished with a non-reflective surface.

J. A master sign package for each new commercial, multi-family and residential subdivision, including the type, number, size, locations, materials and colors of the various signs shall be approved ~~by the Planning Commission by the Design Review Board~~ prior to the issuance of a permit for any sign authorized under this section of the Code. (Prior code § 7-2)

Section 7-080 Permitted signs

A. Animated:

1. Limited to traditional barber poles and time & temperature devices.

2. Maximum of one per business.
3. Freestanding, wall or projection.
4. Maximum size not to exceed 50 square feet.
5. Included in the calculation of total sign area maximums.
6. Shall not project above roof line.

E. On-Site Commercial Information:

1. As reviewed and approved by staff and the Planning Commission Design Review Board during review of a master sign plan application.
2. On-Site information signage shall not contain advertising script or symbols.

N. Subdivision Advertising, Directional and Identification:

1. General: A master sign package for each development including type, number, size, locations, materials and colors of the various signs shall be approved by the Design Review Board prior to the issuance of a permit for any sign authorized under this section of the Code.

Section 7-090 Maximum Sign Square Footage for Commercial Uses

Commercial business located in commercial zoning districts and multi-family developments shall use a combination of awnings, wall, window, freestanding and projecting signage on-site to promote their business. Maximum cumulative signage is calculated based on linear street frontage. The maximum allowance is available for each street frontage on which the commercial building has a public entrance.

Linear Street Frontage	Maximum total square footage of sign area
50	75
100	150
150	225
200	300
250	375
300	450
350	525
400	600
450	675
500	750

The maximum allowable combined signage size is calculated as 1.5 square feet per 1 linear foot of street frontage.

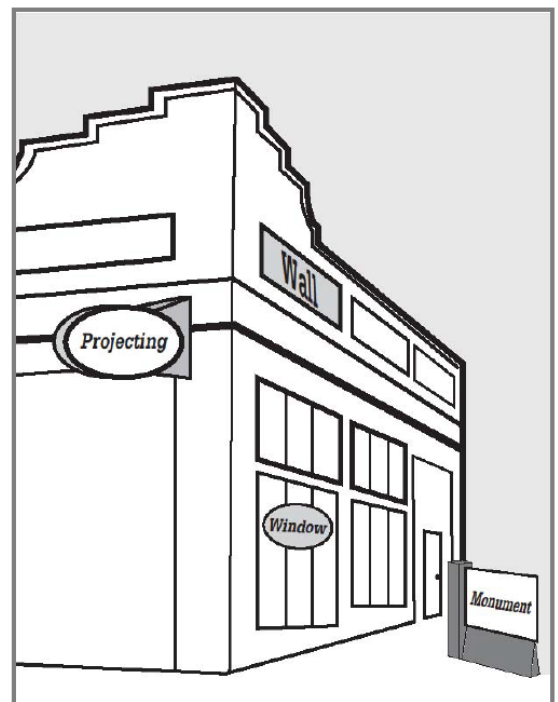
All commercial signs, except for temporary signs, are subject to Design Review and approval, ~~by the Design Review Board~~ and shall meet all of the criteria for design review listed in Section 11-040, including the requirements that all signage ‘shall be visually compatible with the buildings, structures and places to which it is related’. This should be taken into consideration when allocating square footage to the various types of signs proposed for a development. (Prior code § 7-9)

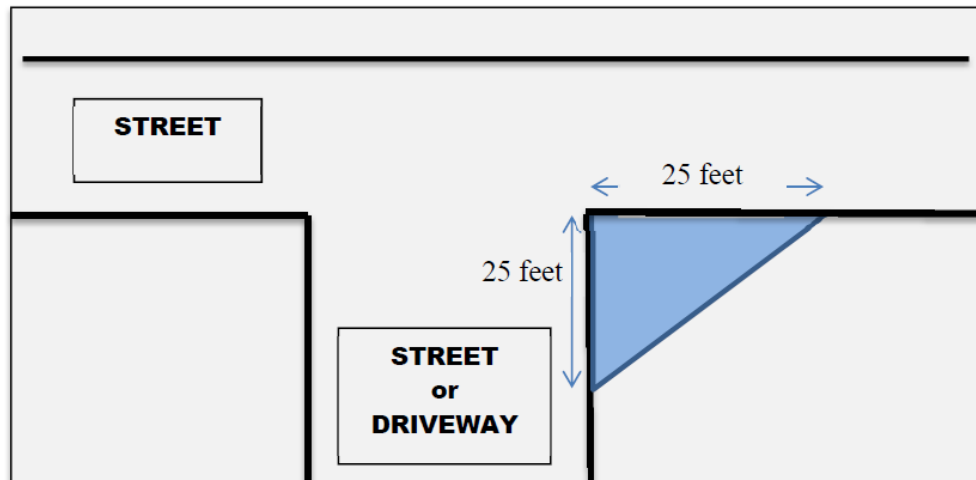
At no time shall Design Review apply to the content of a sign.

Section 7-100 Visibility Sight Lines

To preserve visibility at intersections, an unobstructed view shall be maintained within these triangular areas:

1. At the intersection of two streets, or where a driveway or alley intersects a street, a triangle defined by measuring 25 feet in length along the curb or edge of improved roadway from their point of intersection, the third side being a diagonal line connecting the first two. The Town may require more than 25 feet in high volume, high speed traffic areas.





2. No signs, except traffic signs, shall exceed a height of 30 inches above the grade of the lower roadway within the triangular area. In addition, sign projection, or overhang, across this area shall be permitted only when the bottom of the sign is a minimum of 9 feet above the grade of the higher roadway. (Prior code § 7-10)

Section 7-120 Enforcement

1. All signs shall be subject to inspection and approval by the Community Development Department to ensure compliance with the Zoning Code and Design Review ~~Board~~ Approval.
2. Footing inspections shall be required for all signs with footings.
3. Signs containing electrical wiring shall conform to the standards of the applicable electrical code and the components shall bear the label of a testing agency approved by the State of Arizona.
4. When, in the opinion of the Town Manager or authorized representative, reasonable cause exists concerning the safety of a proposed or existing sign structure, the applicant or owner shall furnish written documentation from a registered civil, structural, electrical or mechanical engineer certifying its safety. The Town reserves the right to order removal of a sign on the bases of a threat to public safety.
5. Notice of noncompliance of any sign shall be given to the owner and user of such sign by first class mail sent to the last known address of the owner and user as shown on the records of the Yavapai County Assessor.

6. Failure to remove or bring the sign into compliance in accord with a notice given pursuant to Section 7-120-5 above shall result in appropriate enforcement action, including but not limited to:

- a. The Town Attorney, acting on behalf of the Town Council, shall seek the removal of any sign not erected in compliance with this Code or maintained in a safe manner and,
- b. The billing of the owner or user of such sign an amount equal to the costs to the Town in removing and storing any such sign; or
- c. Issuance of a citation by the Clarkdale Police Department for the offending party(ies) to appear before the Town Magistrate.

7. For Definitions see Chapter 2 of the Zoning Code. (Prior code § 7-12)

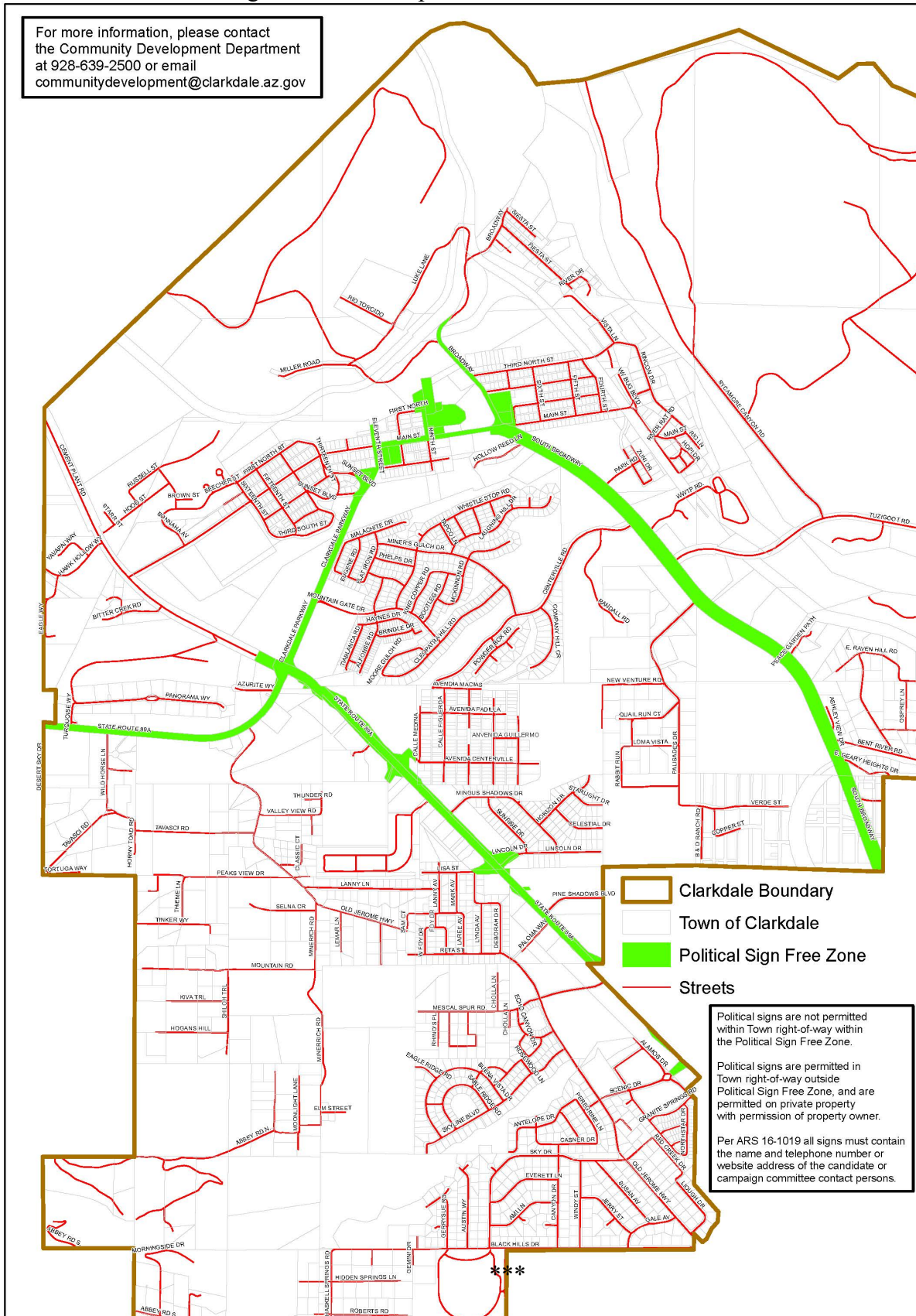
Section 7-130 Permitted Sign Table

SIGN TYPE	LIMITATIONS	ALLOWED PER BUSINESS/ DEVELOPMENT	INSTALLATION TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT	PROPERTY SET BACKS	ZONING DISTRICTS
Animated	Barber Poles and Time/Temperature Devices only. Included in maximum area calculations.		1 Freestanding, wall or projection	50 square feet	Not to project above roof line	Beyond the site triangle	Commercial- counts towards maximum signage square footage.
Awning	Signage on awning shall not project above awning surface. 9 foot vertical clearance required.						Commercial- counts towards maximum signage square footage.
Bed & Breakfast	One wall or one freestanding sign only	One	Wall or freestanding	3 square feet	8 feet for wall mounted, 30 inches for freestanding		
Freestanding Monument	Base of sign must be in proportion to the sign itself.	1 monument sign per adjacent intersection.	Freestanding	Proportional to lot frontage. See Section 7-070 of Zoning Code.	10 feet from existing grade at time of construction	Minimum (signs < 6 feet high) = one foot for each foot of sign height; Minimum (signs > or = 6 feet high) = greater than or equal to sign height	Subdivisions, multi-family developments and commercial
Home Occupancy	Non-illuminated; Limited to name and occupation only.	1	Wall or freestanding	3 square feet	Top of wall or 30 inches for freestanding	N/A	Residential
Off-premise Commercial Signs	600 foot minimum separation between off-premise signs. 200 foot minimum separation between off premise and on premise signs.	1 per street frontage per parcel where located.	Freestanding	32 square feet for single use; 50 square feet for multiple uses	10 feet from existing grade at time of construction.	Equal to minimum setback of zoning district if property is developed. Minimum of 10 feet if property is undeveloped	Central Business, Commercial and Industrial Districts only

On-Site Information	Shall not contain advertising script or symbols.	As approved by Design Review Board during review of a master sign application. Shall not contain advertising.	As approved by Design Review Board during review of a master sign application.	As approved by Design Review Board during review of a master sign application.	As approved by Design Review Board during review of a master sign application.	As approved by Design Review Board during review of a master sign application.	Central Business, Commercial and Industrial Districts only
Neon	Only illuminated during business operation hours.		Projection, window or wall				Central Business/ Commercial
Political	Not permitted in sign free zones. Permitted 70 days prior to election, must be removed by 15 days after election.	N/A	Temporary	16 square feet in residential districts. 32 feet in commercial districts.			All
Portable	Must not impede pedestrian traffic. No attachments are permitted. Shall not be reflective. Off premise portable signs are not permitted.	1	Temporary	6 square feet	Not to exceed 4 feet		Central Business and Commercial Districts only.
Projecting	Minimum of 9 feet from grade - 2 feet from curb. Indemnity agreement required if sign projects over sidewalk.	1 per business	Projecting	Cumulative based on linear street frontage.	Top of wall	N/A	Central Business, Commercial and Industrial
Public Information	May be located on private or public property, including right-of-way.		Permanent/ temporary		10 feet from existing grade at time of construction.		All
Real Estate	On-site installation only		Temporary	6 square feet	Not to exceed 4 feet from existing grade		All

Sign Walkers	Shall not obstruct right-of-way. Shall only operate during hours of business being represented	One	Temporary		8 feet		All
Subdivision On- Site Monument	Must be approved by DRB as part of sign package.	One per entry	Permanent	160 square feet	10 feet		
Subdivision Off-site	Shall be located within 1.5 miles	Two	Temporary	32 square feet	8 feet, 6 feet in residential zoning districts		All
Subdivision, Weekend offsite directional	Must have permit- shall be installed before 4pm on Friday and removed by 10 am on Monday.	8 per subdivision	Temporary	4 square feet	Not to exceed feet from existing grade		All
Temporary- Signs and Banners	30 days only - permit required	One per street frontage per parcel		32 square feet	To be determined during permitting		All
Wall		One per approved wall area	Permanent	Cumulative based on linear street frontage.	Top of wall		Commercial, Central Business and Industrial
Window	No more than 25 percent of allowable window signage may be illuminated		Permanent	No more than 50 percent of window. Cumulative based on linear street frontage.	N/A		Commercial, Central Business and Industrial
Yard Sale	Shall be located on private property	One	Temporary		Not to exceed 4 square feet		All

Section 7-140 Political Sign Free Zone Map



The Town of Clarkdale
Community Development Department
P.O. Box 308/890 Main Street,
Clarkdale, AZ 86324
(928) 639-2500

RE: ARS 16-1019
Political Sign Free Zone
Commercial Tourism Zone Map

CHAPTER 8 OUTDOOR LIGHTING CODE

Section 8-010 Incorporation by Reference

A.R.S., Title 49, Chapter 7, Light Pollution § 49-1101 et seq., is hereby incorporated by reference. (Prior code § 8-1)

Section 8-020 Mission Statement

To afford every citizen of Clarkdale the flexibility to engage in the pursuit of safe, inexpensive lighting practices for the purpose of commercial and private use without being impeded upon or impeding upon other citizens desiring a more pristine night time environment free from light pollution, waste, trespass, or clutter while providing nighttime safety, security and productivity. (Prior code § 8-2)

Section 8-030 Purpose and Intent

A. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principle among these concerns are

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare,
2. unnecessary waste of energy and resources in the production of too much light or wasted light,
3. interference in the use or enjoyment of property which is not intended to be illuminated at night, and
4. the loss of the often-neglected scenic view of the night sky due to increased urban skyglow.

It is hereby recognized that these different interests, those of safety and utility and those of aesthetic appearance, need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to questions of when, where and how much lighting is needed, will lead to better lighting practice from all viewpoints.

B. It is also recognized that the topography and atmospheric conditions in northern Arizona are uniquely suited for government, military, commercial, and private astronomical observation in

the area, and that unnecessary or excessive use of outdoor nighttime lighting has an adverse impact on astronomical observation in the area, and that unnecessary or excessive uses of outdoor nighttime lighting has an adverse impact on astronomical observation, even at relatively distant observatories.

C. Accordingly, it is the intent of this section of the Zoning Ordinance to encourage lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity. (Prior code § 8-3)

Section 8-080 Parking Lot Lighting Standards

A. Lighting Standards (poles) shall be sized in such a manner that the top of any luminary does not exceed twenty-four (24) feet above adjacent grade, unless otherwise approved specified by ~~the Design Review Board~~ for new projects. (Prior code § 8-8)

Section 8-110 Variances

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the Board of Adjustment for a variance from the regulations in question.

Such variances shall be allowed only as provided by Section 17-2-2.C of the Town Code. 8-12:8-120 Permits and Development Plan Reviews

A. Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage, a Conditional Use Permit, subdivision approval or any development plan needing Town approval, including all Town projects, or whenever a person requests rezoning, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Director to determine whether the proposed lighting will comply with this Ordinance. All commercial remodeling, or expansion of current buildings will be subject to review and approval through action by the Design Review ~~Board~~ and must comply with Ordinance.

B. All applications, except those for single family residences, shall include the following:

1. A site plan indicating the proposed location, type and size of all outdoor lighting fixtures;
2. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs: and
3. Such other information as the Community Development Director may determine is necessary to ensure compliance with this Ordinance. For large developments this may include a single detailed sheet which specifically lists all fixtures and outputs for the entire project to enable the Community Development Department to determine compliance to this Ordinance.

C. If the Community Development Director determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.
(Prior code § 8-11)

CHAPTER 9 LANDSCAPE DESIGN STANDARDS

Section 9-010 Intent

The Town of Clarkdale encourages an integrated approach to landscape design. The following standards provide direction towards the production of a viable, attractive landscape design developed in consideration of the existing environment and climatic challenges of our unique area.

Principles of landscape design standards:

- A. Preserve and enhance the natural beauty and environment;
- B. Mitigate the impacts of parking and other vehicular areas;
- C. Ensure safety;
- D. Minimize the effects of temperature extremes, noise, pollution, wind and glare;
- E. Promote water and energy conservation;
- F. Provide a buffer between land uses;
- G. Soften and complement new and existing structures;

H. Enhance quality of life.

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

Section 9-030 Basic Requirements

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

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

C. Landscape areas may include organic and inorganic materials as approved through by the Design Review ~~Board~~ and/or Community Development Director.

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

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

F. The majority of each design plan must incorporate xeriscape concepts, including:

1. Use of mulch;
2. Installation of a drip system;
3. Use of drought tolerant plants;
4. Use of permeable ground cover;
5. Incorporation of shade.

G. Landscape must be suitable to the terrain.

H. The landscape design must account for site drainage and pedestrian/bicycle traffic.

I. Design should promote bicycle traffic where applicable.

J. Landscape design must incorporate energy and water conservation concepts.

K. Landscaping must be installed prior to issuance of a certificate of occupancy or receiving a final inspection from the Town of Clarkdale or the owner shall provide the Town with financial

assurances, or other legal instrument acceptable to the Community Development Director, in sufficient amount, as evidenced by a written estimate from a licensed landscape architect or contractor, to complete one hundred percent (100%) of the landscaping.

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

Section 9-100 Minimum Landscaping as a Percentage of Lot Area for New Construction

A. Multi-Family Projects.

1. Thirty percent (30%) of the total lot size shall be landscaped.
2. A minimum fifteen (15) foot wide strip of land area adjacent to the street right-of-way shall be landscaped.

B. Commercial Projects.

1. Thirty percent (30%) of total lot size shall be landscaped.
2. A minimum fifteen (15) foot wide strip of land area adjacent to the street right-of-way shall be landscaped.

C. Industrial Projects.

1. Fifteen percent (15%) of total lot size or a minimum fifteen (15) foot wide strip of land adjacent to the street right-of-way shall be landscaped as determined during application review with staff and during ~~review by the~~ Design Review ~~Board~~. (Revised by Ordinance #427 on 8/13/24; effective 9/14/24; Renumbered by Resolution #1599 on 4/9/19; effective 5/10/19; Renumbered by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-9. Formerly 9-090)

CHAPTER 11 DESIGN REVIEW AND SITE PLAN REVIEW

Section 11-010 Purpose and Applicability of Design Review

(Amended by Resolution 1261 & Ordinance #310 on 5/13/08; Effective 6/13/08)

The purpose of Design Review is to review the exterior design of proposed new buildings, proposed alterations to buildings and major development or redevelopment projects which do not include new buildings within the Town of Clarkdale, in order to ~~ensure~~ ~~insure~~ that new development or redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale.

A. This ordinance shall apply to new buildings and redevelopment as defined in this ordinance or the Town of Clarkdale Zoning Ordinance, except single family dwellings and accessory uses, and shall also apply to all public buildings and facilities. Structures (other than buildings), signs, landscaping, parking areas, public facilities and enclosures will be reviewed by the Planning Commission ~~by the Design Review Board~~ if they are a part of new building development or building redevelopment. (Prior code § 11-1)

B. The Historic Preservation Commission shall serve as design review for historic properties listed subject to the Historic Preservation Ordinance.

Section 11-020 Application Procedure for Design Review

A. Applications for Design Review shall be filed with the Community Development Department ~~Zoning Administrator on a form prescribed by the Administrator.~~ ~~A deposit toward potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-4 of the Town Code. The application shall be accompanied by the following:~~

(Revised by Ordinance #364. Approved 8/12/14; Effective 9/12/14)

1. The proposed Site Plan, including, but not limited to, a north arrow, name and address of owner, address of property and legal description, all property lines dimensioned and marked as property lines, ~~site contours~~, existing structures, and enclosures, ~~all proposed development, name of proposed development, easements and other development abutting property,~~ proposed parking areas, all improvements affecting the appearances, such as walls, walks, terraces, landscaping, accessory buildings and lights.
2. ~~Exterior and exterior~~ elevations, drawn to scale, on one or more sheets of paper with sufficient detail to show, as far as they are related to exterior appearances, the design, the proposed materials, textures and colors.
3. Building material and color samples.
4. Any other information which the Commission ~~Board~~ may find necessary to establish compliance with this section.

B. An application for approval of demolition, partial demolition or removal of an existing building or structure shall be filed with the Community Development Director on a form prescribed by the Director. The application shall be accompanied by the following:

1. Legible photograph showing all sides of the building or structure for which the application is made.
2. Legible photograph showing the adjoining properties.
3. Any other information which the Board may find necessary to establish compliance with this section.

C. An application for approval of a sign shall be accompanied by the following:

1. Plans to scale with sufficient detail to show the size, design, lighting, materials, textures, colors and placement of the sign.
2. If applicable, legible photograph showing the face of the building on which the sign is to be mounted or vicinity photograph for a free standing sign.
3. Any other information which the Board may find necessary to establish compliance with this section.

D. Upon receipt of an application for Design Review, the Community Development Director shall place the application to be reviewed on the Agenda at a meeting of the Planning Commission ~~Special Meeting of the Design Review Board~~ within thirty (30) days of submitting the application. The Community Development Director shall notify the applicant of the time and place of the meeting and shall also provide the applicant with a copy of the staff report. (Prior code § 11-2)

Section 11-030 Filing Fee for Design Review

The application for design review shall be accompanied by a non-refundable filing fee in an amount established by resolution of the Town Council. (Prior code § 11-3)

Section 11-040 Review Criteria for Design Review

A. The Planning Commission ~~Design Review Board~~ shall review applications for design approval of new construction, alterations, additions, or renovations to existing buildings or

structures and shall have the power to approve, conditionally approve, or disapprove all such requests. The decisions will be based on the following criteria:

1. ARCHITECTURAL MERIT: The architecture and design shall be visually compatible with the buildings, structures and places to which it is related.
2. PROPORTION: The relationship of the width of the building or structure to ~~its~~ ~~it's~~ height shall be visually compatible with the buildings, structures and places to which it is related or shall be maintained as original whenever feasible.
3. OPENINGS: The relationship of the width of the windows and doors, to the height of windows and doors in the building shall be visually compatible with buildings, structures and places to which it is related.
4. PATTERN: The relationships of solids to voids in a ~~faeade~~ ~~façade~~ of a building or structure shall be visually compatible with buildings, structures and places to which they are related.
5. SPACING: The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible to the buildings, structures and places to which it is related.
6. ENTRANCES, PORCHES AND PROJECTIONS: The height, projection, supports and relationship to streets and sidewalks, of entrances, porches, awnings, canopies and balconies of a building shall be visually compatible to the buildings, structures and places to which it is related.
7. MATERIAL, TEXTURE AND COLOR: The materials, textures and colors of the ~~faeade~~ ~~façade~~ of a building shall be visually compatible with the predominant materials, textures and colors used in the buildings and structures to which they are related.
8. ROOFS: The roof shape and materials of a building shall be visually compatible with the buildings to which it is related.
9. ARCHITECTURAL DETAILS: Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with buildings and structures to which they are related.
10. ACCESSORY FEATURES: Garages, carports, sheds, enclosures, walkways, stairways, and landings shall be visually compatible with buildings and structures to which they are related.
11. LANDSCAPING: Landscaping shall be visually compatible with the landscaping around the buildings, structures and places to which it is related.

12. LIGHTING: Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties.

~~B. The Design Review Board may review applications for design approval of signs and shall have the power to approve, conditionally approve, or disapprove all such requests based on the following criteria:~~

~~1. The sign shall be in appropriate scale, proportion, color and overall design relative to the exterior architectural character of the building, structure or site. (Prior code § 11-4)~~

Section 11-050 Expiration of Design Review Approval

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

~~Section 11-060 Violations and Enforcement~~

~~A. Prior to the issuance of a building permit, the Building Official shall determine that the plans presented with the building permit application conform with the design approved by the Board and that approval has not expired.~~

~~B. The Building Official shall insure that development occurs in conformance with the conditions of design approval. In the event of a violation, the Building Official shall notify the permittee by registered or certified mail that he/she is in violation of the conditions of design approval. If the permittee does not comply with the conditions of design approval within ten (10) days after receipt of notification, the building permit may be revoked and all construction activity shall cease. (Prior code § 11-6)~~

Section 11-070 Appeals

The applicant ~~or any member of the Town Council~~ may appeal any decision ~~of the~~ with respect to Design Review ~~Board~~, to the Town Council, by filing written notice of appeal and any applicable fees with the Town Clerk within fifteen (15) working days of the date of the decision ~~Design Review Board's action~~. The Town Clerk shall set the date for hearing of the appeal within sixty (60) days of the appeal being filed. (Prior code § 11-7)

~~Section 11-080 Severability~~

~~If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. (Prior code § 11-8)~~

Section 11-110 Site Plan Application Submission and Review Procedures

A. *Preapplication.* A preapplication conference is not mandatory, but can be helpful to the applicant in identifying potential issues that will need to be addressed.

The purposes of the preapplication conference are to:

1. Provide the Site Plan Review Committee an opportunity to review and comment on proposals prior to submittal.
2. Discuss the development review process and required submissions with the applicant.
3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
5. The Department may schedule a site inspection if deemed necessary.
6. Applicants for preapplication conference will need to provide as much information indicated on Table 1 in Section [11-120](#) as possible, as completely as possible.

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3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

5. The Department may schedule a site inspection if deemed necessary.
6. Applicants for preapplication conference will need to provide as much information indicated on Table 1 in Section [11-120](#) as possible, as completely as possible.

C. Establishment of Fees. The Town Council may, from time to time and after consultation with the ~~Board and~~ the Community Development Department, establish the appropriate application fees following posting of the proposed schedule of fees and public hearing

Section 11-130 Approval Standards and Criteria for Site Plan Review

The following criteria shall be used by the Site Plan Review Committee in reviewing applications for Site Plan Review Committee and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee determines that the applicant has failed to meet minimum acceptable standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

Q. Business Signs. All new construction for which SPR is required shall also be required to submit a comprehensive sign plan for review. The sign plan shall be developed in accordance with the requirements the Town of Clarkdale Sign Code and is subject to review and approval as part of by the Design Review ~~Board~~. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; Revised by Resolution #1432 on 7/10/13; effective 8/10/13; Revised by Ordinance #351 on 7/10/13; effective 8/10/13; prior code § 11-13)

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.~~

A. B. *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. ~~C.~~ Improvement Guarantees.

1. Application.

- a. Improvement Guarantee – The Town Council may require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- b. Upon substantial completion of all required improvements, the developer must notify the Town Council of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

C. ~~D.~~ *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. ~~E.~~ *Submission of Digital Copies of As-Built.* 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. ~~F.~~ *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.

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

Section 11-180 Amendments to the Code

Amendments of this code may be initiated by the Design Review Board, or as specified in 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)~~

~~Section 11-190 Severability~~

~~The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance. (Prior code § 11-19)~~

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this
_____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective:



Staff Report

Item Number: 5.J.

Agenda Item: **Ordinance #438 - Amending Zoning Ordinance Regarding Design Review**

Discuss, consider and act upon Ordinance #438, amending Zoning Ordinance Chapter 4, General Provisions, Article 4-160 Sidewalk Café Permit; Chapter 7, Signs; Chapter 8, Outdoor Lighting Code; Chapter 9 Landscape Design Standards; Chapter 11, Design Review and Site Plan Review. Also amending Town Code Chapter 17, Boards and Commissions; Article 17-4, Design Review, and 17-5, Planning Commission.

Staff Contact: Ruth Mayday, Community Development Director

Meeting Date: November 19, 2024

Strategic Goal: Not applicable.

Background: The question of reassigning responsibility for Design Review arose during the drafting of the Historic Preservation Ordinance (HPO). Members of the Historic Preservation Commission (HPC) are required to have additional qualifications in the areas of Architecture, History, Planning, American Studies, or Archeology, which provide them with a better understanding of historic districts and their development. As such, they are better qualified to review the design of proposed projects in the Historic Preservation District (HPD) as they have a deeper understanding of historic architecture and context.

Town Code Article 17-4 Design Review establishes the Design Review Board and assigns review responsibilities for commercial and industrial projects to the Board without regard to the historic nature of the building or structure involved. Given the importance of the historic structures in Clarkdale, a more nuanced design review is crucial to retaining important architectural details that the HPC is able to provide.

Design for new and infill development is required to meet the standards set forth in Zoning Code Chapter 11, Design Review and Site Plan Review. Rather than require two (2) meetings – one to review planning matters and another to review design considerations, staff suggests assigning design review responsibilities to the Planning Commission, so these items can be approved concurrently rather than requiring a second meeting for design review. Many municipalities with design requirements (Cottonwood, Sedona) combine both functions into the Planning Commission rather than two (2) separate boards.

To effectuate this change, amendments must also be made to Article 17-5 Planning that transfer the obligation from the Design Review Board to the Planning Commission. While the Planning Commission does not have the purview over the Town Code, the amendments were included to provide full transparency of all required code changes.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Commission approve Ordinance #438, amending Zoning Ordinance Chapter 4, General Provisions, Article 4-160 Sidewalk Café Permit; Chapter 7, Signs; Chapter 8, Outdoor Lighting Code; Chapter 9 Landscape Design Standards; Chapter 11, Design Review and Site Plan Review. Also amending Town Code Chapter 17, Boards and Commissions; Article 17-4, Design Review, and 17-5, Planning Commission and forward the item to Town Council with a recommendation for the same.

ORDINANCE NO. 438
AMENDING CHAPTER 17, ARTICLES 17-4 AND 17-5 OF THE TOWN CODE,
AMENDING CHAPTER 4 SECTION 4-160, CHAPTERS 7, 8, 9, AND 11 OF THE TOWN
ZONING CODE

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, AMENDING ARTICLES 17-4 DESIGN REVIEW AND 17-5 PLANNING COMMISSION, OF THE TOWN CODE, ARTICLE 4 GENERAL PROVISIONS, SECTION 4-160 SIDEWALK CAFÉ PERMIT, CHAPTER 7 SIGNS, CHAPTER 8 OUTDOOR LIGHTING CODE, CHAPTER 9 LANDSCAPE DESIGN STANDARDS, CHAPTER 11 DESIGN REVIEW AND SITE PLAN REVIEW OF THE TOWN ZONING CODE; DECLARING THE DOCUMENT AS PUBLIC RECORD; SETTING FORTH INTEGRATION FOR DESIGN REVIEW BY THE PLANNING COMMISSION; ESTABLISHING REGULATIONS FOR DESIGN REVIEW; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town of Clarkdale wishes to amend Articles 17-4 and 17-5 of the Town Code, Chapter 4 Section 4-160, Chapters 7, 8, 9, and 11 of the Town Zoning Code, to clarify and integrate design review responsibilities into the Planning commission within Town limits; and in conformance with State statute, and

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

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

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. That certain document entitled “Ordinance #438 Amending Articles 17-4 and 17-5 of the Town Code, amending Chapter 4 Section 4-160, Chapters 7, 8, 9, and 11 of the Town Zoning Code” is hereby adopted as an amendment to the TOWN code and ZONING code, dated this date, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, and is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

SECTION 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION 4. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

The Town Code of Clarkdale, Arizona, is hereby amended by adding the following:

~~Article 17-4 DESIGN REVIEW~~

~~Sections: 17-4-1 Establishment and Purpose of Design Review Board~~

~~Section 17-4-1 Establishment and Purpose of Design Review Board~~

~~The Design Review Board shall serve at the appointment of the Town Council. The purpose of the Design Review Board is to review the landscaping and exterior design of proposed new buildings, commercial signage, proposed alterations to buildings, excluding single-family residences, and major development or redevelopment projects to assure that they are compatible with the surrounding environment and to preserve and protect the integrity and character of the Town. The Design Review Board also reviews applications under the Zoning Code Chapter 11—Design Review and Site Plan Review. The Design Review Board has the power to approve, conditionally approve, or deny requests. [Prior code § 17-4-1.]~~

Sections:

17-5-1 Establishment and Purpose of the Planning Commission

17-5-2 Fees

17-5-3 Public Hearings

17-5-4 Design Review

The Planning Commission shall also consider matters of design as follows:

- A. Zoning Applications: During a Public Hearing, the Planning Commission shall consider and hear comments regarding design review requirements as set forth in Chapter 11, Design Review and Site Plan Review, Section 11-040 Review Criteria for Design Review, and shall include recommendation for approval of design review in its recommendations to Town Council.
- B. Design Review not related to a zoning application: The Planning Commission shall review and approve, approve with conditions, or deny proposed design for all commercial and industrial projects and forward the same to Town Council for approval. The Commission may also return the item to staff for additional work.
- C. The Historic Preservation Commission shall conduct Design Review for properties and structures located in the Historic Preservation District.

The Zoning Code of Clarkdale, Arizona, is hereby amended by adding the following:

Chapter 4, General Regulations Section 4-160 Sidewalk Café Permit

(Created 2/14/12 by Resolution 1388 – Ordinance 342; Effective 3/14/2012)

A. Purpose and intent: This section shall apply to the establishment, operation and maintenance of all sidewalk/outdoor café dining areas accessory and incidental to lawful restaurants/dining establishments within the Town's rights-of-way directly in front of and or adjacent to the specific business to which they pertain. The purpose of this section is to promote general economic development, protect the public health, safety and general welfare and the atmosphere of the Town for the benefit of all businesses and our citizens and visitors. No rights of individuals or individual businesses are created therein.

C. Permit required and fees: An annual permit issued by the Town to operate a sidewalk café is required and may be issued only to a business that holds all current Federal, State and local licenses required to operate said business wishing to establish a sidewalk cafe on the public or private property directly adjacent to the business to be used by the general public.

1. Permit application: The application shall contain the following information:

- a. The name, home and business address, email address, and telephone number of the applicant/operator, and the name, email address, telephone number and address of the owner/operator of the business, if other than the applicant.
- b. The name, home address, email address, and telephone number of a responsible person whom the Town may notify or contact at any time concerning the applicant's permit.
- c. A copy of the current business license to operate a business establishment which is the subject of the application.
- d. A statement of how the sidewalk dining area will be supervised and maintained.
- e. Proof of current liability insurance, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the Town from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the sidewalk dining permit. Such insurance shall name the Town as an additional insured and shall provide that the policy shall not terminate or be

canceled prior to the expiration date without 30 days' advanced written notice to the Town.

f. Two copies and an original sketch to scale of the proposed location showing the layout and dimensions of the proposed sidewalk cafe area.

g. Proof of any required permit from the Arizona Department of Liquor Licenses and Controls.

h. Photographs, drawings, or manufacturer's brochures fully describing the appearance of all proposed dining area furniture or other objects related to the operation of the sidewalk dining area by the applicant.

i. Non-refundable annual fee as shown in the Town of Clarkdale fee schedule. The applicant must pay necessary water and or sewer capacity fees for additional seats within the sidewalk dining area. In addition, the applicant must pay monthly sewer fees as agreed in order for the permit to remain valid. Failure to pay sewer fees as agreed shall result in the immediate revocation of the permit.

2. Permit process. All sidewalk café applications shall be reviewed and approved by the Planning Commission for compliance with ~~approved by the~~ Design Review regulations ~~Board (DRB)~~ prior to commencement of operations of the sidewalk café. DRB application fees are one time unless the operator wishes to make significant changes i.e. to the approved layout such as increasing the number of tables or area of service or overall theme/design of the café. Appeals of the application decision by the Planning Commission ~~the Design Review Board~~ may be made by the Applicant to the Town Council within 15 days of the meeting at which the decision is made.

D. Furniture: Use furniture and any other objects of such quality, design, materials, and workmanship that are approved as part of ~~or otherwise authorized by the~~ Design Review Board, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are not allowed.

I. Indemnity & Liability: As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not

be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business. (Prior code § 4-16)

CHAPTER 7 SIGNS

Section 7-010 Purpose and Intent

It is the purpose of this title to regulate all exterior signs so as to protect property values, the character of various use areas of the Town and the health, safety and public welfare of the citizens of the Town.

Signs shall be erected and displayed in such a manner as to avoid clutter, unwarranted distraction and visual or perceptual confusion to the detriment of the safe operation and functioning of the Town's transportation systems.

Furthermore, it is intended these regulations will not unreasonably infringe on any individual's right to communicate ideological expression through the use of signs.

All signs constructed within the Town of Clarkdale shall be required to blend with the context of the Town, and shall incorporate elements reflecting the small town character, neighborhood feel and the sense of history defining the Town of Clarkdale. (Prior code § 7-1)

Section 7-020 General Provisions

A. Permits:

1. Unless exempt from a permit in accordance with Section 7-040 of this Code, permits are required for all commercial signs. Application shall be made to the Community Development Department on applicable forms and include information as required by the Town.

2. In the absence of a master sign plan, each individual sign requires a separate permit.

B. Whenever a business, industry or service using a commercial sign is discontinued, the sign shall be removed or obscured by the person owning or having possession of the property within 30 days after the discontinuance of the business, industry or service.

C. All signs other than wall signs may be back-to-back. Only the size of one side shall count towards the cumulative maximum noted in Section 7-090 of this code.

D. Attachment of any sign to utility poles, traffic control devices or street signs shall be prohibited. Unless specifically provided for in the Code, no sign shall project, overhang or otherwise be located on public property.

E. Any sign to be erected wholly or partially within state highway right-of-way shall be approved by the Arizona Department of Transportation prior to Town consideration.

F. Sign Measurements: The area of the sign shall be determined by measuring the total area of the sign excluding any supporting framework.

G. All commercial signs, other than temporary signs, must receive ~~approval from the~~ Design Review ~~approval~~ Board prior to placement.

H. Signs shall be maintained and be free of chipping paint, visible cracks or gouges, or general deterioration.

I. The back of all one-sided freestanding signs must be finished with a non-reflective surface.

J. A master sign package for each new commercial, multi-family and residential subdivision, including the type, number, size, locations, materials and colors of the various signs shall be approved ~~by the Planning Commission by the Design Review Board~~ prior to the issuance of a permit for any sign authorized under this section of the Code. (Prior code § 7-2)

Section 7-080 Permitted signs

A. Animated:

1. Limited to traditional barber poles and time & temperature devices.

2. Maximum of one per business.
3. Freestanding, wall or projection.
4. Maximum size not to exceed 50 square feet.
5. Included in the calculation of total sign area maximums.
6. Shall not project above roof line.

E. On-Site Commercial Information:

1. As reviewed and approved by staff and the Planning Commission Design Review Board during review of a master sign plan application.
2. On-Site information signage shall not contain advertising script or symbols.

N. Subdivision Advertising, Directional and Identification:

1. General: A master sign package for each development including type, number, size, locations, materials and colors of the various signs shall be approved by the Design Review Board prior to the issuance of a permit for any sign authorized under this section of the Code.

Section 7-090 Maximum Sign Square Footage for Commercial Uses

Commercial business located in commercial zoning districts and multi-family developments shall use a combination of awnings, wall, window, freestanding and projecting signage on-site to promote their business. Maximum cumulative signage is calculated based on linear street frontage. The maximum allowance is available for each street frontage on which the commercial building has a public entrance.

Linear Street Frontage	Maximum total square footage of sign area
50	75
100	150
150	225
200	300
250	375
300	450
350	525
400	600
450	675
500	750

The maximum allowable combined signage size is calculated as 1.5 square feet per 1 linear foot of street frontage.

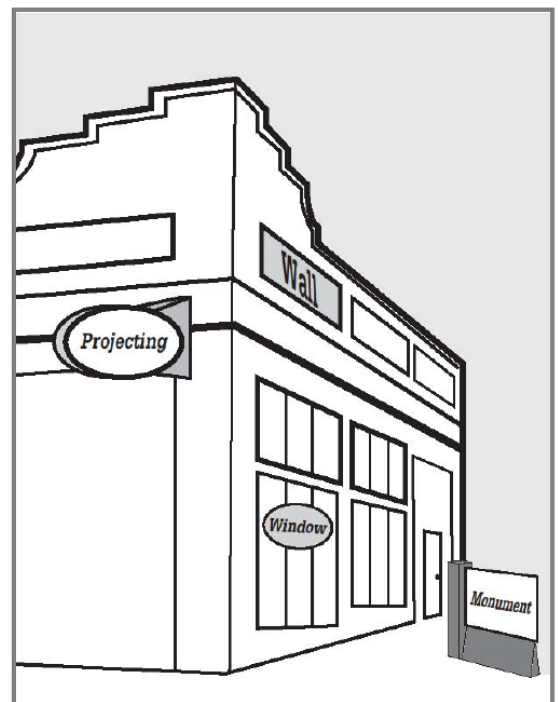
All commercial signs, except for temporary signs, are subject to Design Review and approval, ~~by the Design Review Board~~ and shall meet all of the criteria for design review listed in Section 11-040, including the requirements that all signage ‘shall be visually compatible with the buildings, structures and places to which it is related’. This should be taken into consideration when allocating square footage to the various types of signs proposed for a development. (Prior code § 7-9)

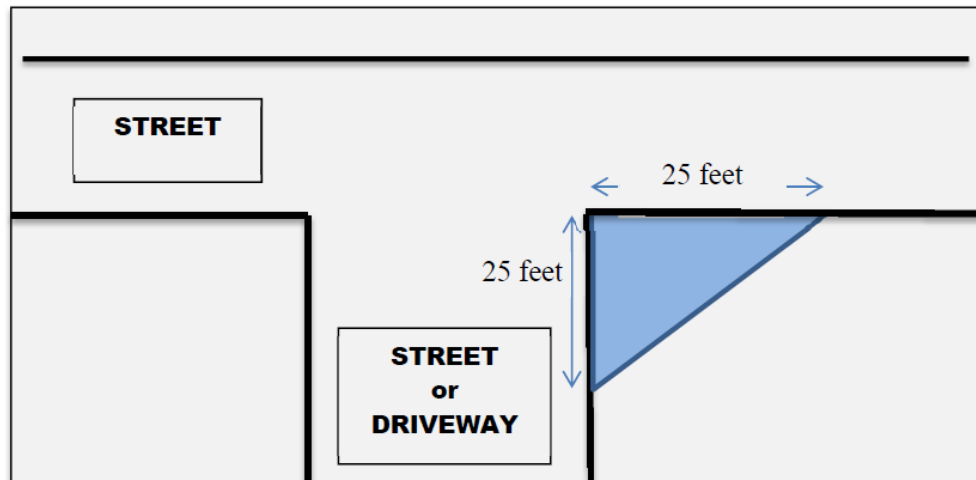
At no time shall Design Review apply to the content of a sign.

Section 7-100 Visibility Sight Lines

To preserve visibility at intersections, an unobstructed view shall be maintained within these triangular areas:

1. At the intersection of two streets, or where a driveway or alley intersects a street, a triangle defined by measuring 25 feet in length along the curb or edge of improved roadway from their point of intersection, the third side being a diagonal line connecting the first two. The Town may require more than 25 feet in high volume, high speed traffic areas.





2. No signs, except traffic signs, shall exceed a height of 30 inches above the grade of the lower roadway within the triangular area. In addition, sign projection, or overhang, across this area shall be permitted only when the bottom of the sign is a minimum of 9 feet above the grade of the higher roadway. (Prior code § 7-10)

Section 7-120 Enforcement

1. All signs shall be subject to inspection and approval by the Community Development Department to ensure compliance with the Zoning Code and Design Review ~~Board~~ Approval.
2. Footing inspections shall be required for all signs with footings.
3. Signs containing electrical wiring shall conform to the standards of the applicable electrical code and the components shall bear the label of a testing agency approved by the State of Arizona.
4. When, in the opinion of the Town Manager or authorized representative, reasonable cause exists concerning the safety of a proposed or existing sign structure, the applicant or owner shall furnish written documentation from a registered civil, structural, electrical or mechanical engineer certifying its safety. The Town reserves the right to order removal of a sign on the bases of a threat to public safety.
5. Notice of noncompliance of any sign shall be given to the owner and user of such sign by first class mail sent to the last known address of the owner and user as shown on the records of the Yavapai County Assessor.

6. Failure to remove or bring the sign into compliance in accord with a notice given pursuant to Section 7-120-5 above shall result in appropriate enforcement action, including but not limited to:

- a. The Town Attorney, acting on behalf of the Town Council, shall seek the removal of any sign not erected in compliance with this Code or maintained in a safe manner and,
- b. The billing of the owner or user of such sign an amount equal to the costs to the Town in removing and storing any such sign; or
- c. Issuance of a citation by the Clarkdale Police Department for the offending party(ies) to appear before the Town Magistrate.

7. For Definitions see Chapter 2 of the Zoning Code. (Prior code § 7-12)

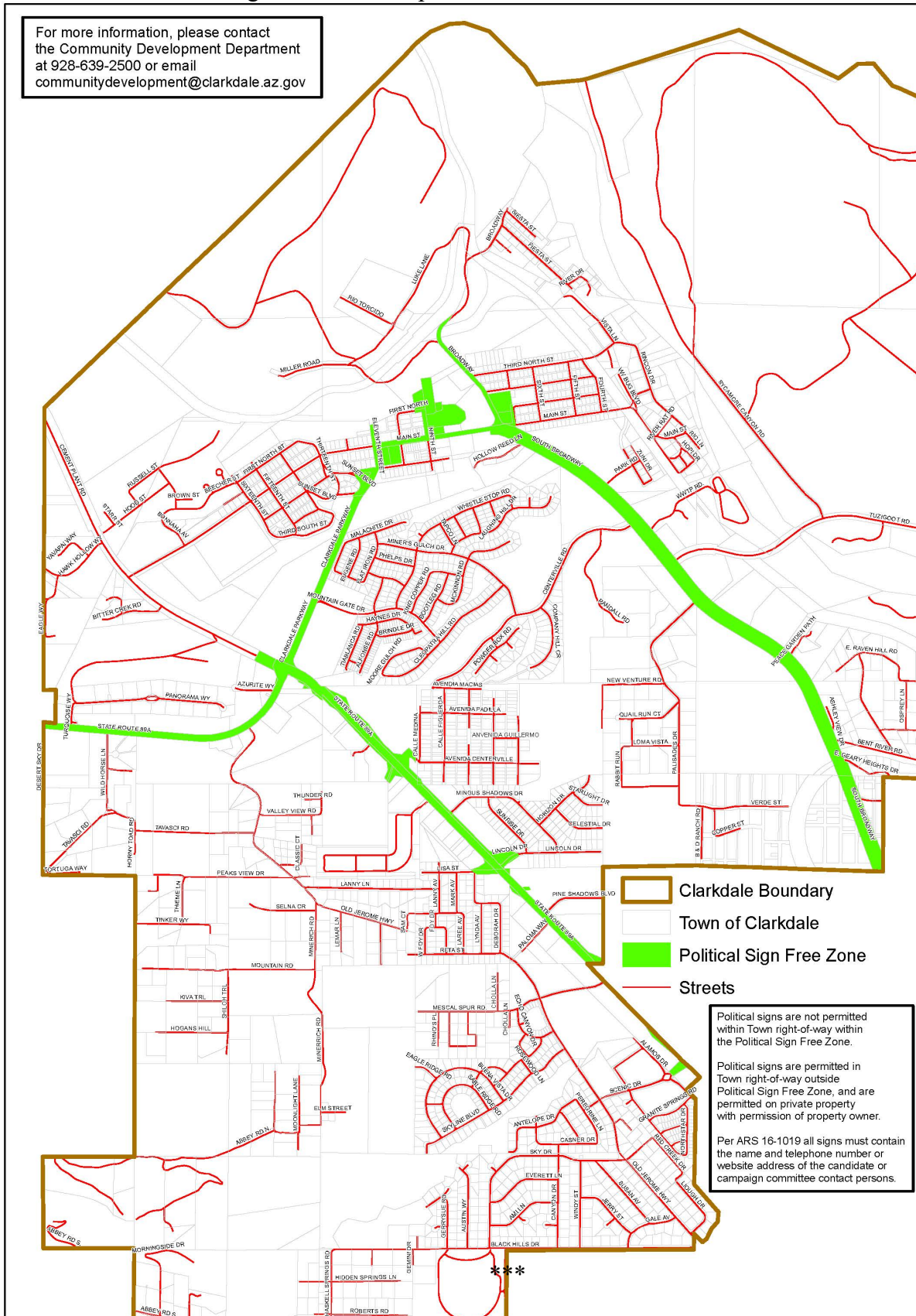
Section 7-130 Permitted Sign Table

SIGN TYPE	LIMITATIONS	ALLOWED PER BUSINESS/ DEVELOPMENT	INSTALLATION TYPE	MAXIMUM SIZE	MAXIMUM HEIGHT	PROPERTY SET BACKS	ZONING DISTRICTS
Animated	Barber Poles and Time/Temperature Devices only. Included in maximum area calculations.		1 Freestanding, wall or projection	50 square feet	Not to project above roof line	Beyond the site triangle	Commercial- counts towards maximum signage square footage.
Awning	Signage on awning shall not project above awning surface. 9 foot vertical clearance required.						Commercial- counts towards maximum signage square footage.
Bed & Breakfast	One wall or one freestanding sign only	One	Wall or freestanding	3 square feet	8 feet for wall mounted, 30 inches for freestanding		
Freestanding Monument	Base of sign must be in proportion to the sign itself.	1 monument sign per adjacent intersection.	Freestanding	Proportional to lot frontage. See Section 7-070 of Zoning Code.	10 feet from existing grade at time of construction	Minimum (signs < 6 feet high) = one foot for each foot of sign height; Minimum (signs > or = 6 feet high) = greater than or equal to sign height	Subdivisions, multi-family developments and commercial
Home Occupancy	Non-illuminated; Limited to name and occupation only.	1	Wall or freestanding	3 square feet	Top of wall or 30 inches for freestanding	N/A	Residential
Off-premise Commercial Signs	600 foot minimum separation between off-premise signs. 200 foot minimum separation between off premise and on premise signs.	1 per street frontage per parcel where located.	Freestanding	32 square feet for single use; 50 square feet for multiple uses	10 feet from existing grade at time of construction.	Equal to minimum setback of zoning district if property is developed. Minimum of 10 feet if property is undeveloped	Central Business, Commercial and Industrial Districts only

On-Site Information	Shall not contain advertising script or symbols.	As approved by Design Review Board during review of a master sign application. Shall not contain advertising.	As approved by Design Review Board during review of a master sign application.	As approved by Design Review Board during review of a master sign application.	As approved by Design Review Board during review of a master sign application.	As approved by Design Review Board during review of a master sign application.	Central Business, Commercial and Industrial Districts only
Neon	Only illuminated during business operation hours.		Projection, window or wall				Central Business/ Commercial
Political	Not permitted in sign free zones. Permitted 70 days prior to election, must be removed by 15 days after election.	N/A	Temporary	16 square feet in residential districts. 32 feet in commercial districts.			All
Portable	Must not impede pedestrian traffic. No attachments are permitted. Shall not be reflective. Off premise portable signs are not permitted.	1	Temporary	6 square feet	Not to exceed 4 feet		Central Business and Commercial Districts only.
Projecting	Minimum of 9 feet from grade - 2 feet from curb. Indemnity agreement required if sign projects over sidewalk.	1 per business	Projecting	Cumulative based on linear street frontage.	Top of wall	N/A	Central Business, Commercial and Industrial
Public Information	May be located on private or public property, including right-of-way.		Permanent/ temporary		10 feet from existing grade at time of construction.		All
Real Estate	On-site installation only		Temporary	6 square feet	Not to exceed 4 feet from existing grade		All

Sign Walkers	Shall not obstruct right-of-way. Shall only operate during hours of business being represented	One	Temporary		8 feet		All
Subdivision On- Site Monument	Must be approved by DRB as part of sign package.	One per entry	Permanent	160 square feet	10 feet		
Subdivision Off-site	Shall be located within 1.5 miles	Two	Temporary	32 square feet	8 feet, 6 feet in residential zoning districts		All
Subdivision, Weekend offsite directional	Must have permit- shall be installed before 4pm on Friday and removed by 10 am on Monday.	8 per subdivision	Temporary	4 square feet	Not to exceed feet from existing grade		All
Temporary- Signs and Banners	30 days only - permit required	One per street frontage per parcel		32 square feet	To be determined during permitting		All
Wall		One per approved wall area	Permanent	Cumulative based on linear street frontage.	Top of wall		Commercial, Central Business and Industrial
Window	No more than 25 percent of allowable window signage may be illuminated		Permanent	No more than 50 percent of window. Cumulative based on linear street frontage.	N/A		Commercial, Central Business and Industrial
Yard Sale	Shall be located on private property	One	Temporary		Not to exceed 4 square feet		All

Section 7-140 Political Sign Free Zone Map



The Town of Clarkdale
Community Development Department
P.O. Box 308/890 Main Street,
Clarkdale, AZ 86324
(928) 639-2500

RE: ARS 16-1019
Political Sign Free Zone
Commercial Tourism Zone Map

CHAPTER 8 OUTDOOR LIGHTING CODE

Section 8-010 Incorporation by Reference

A.R.S., Title 49, Chapter 7, Light Pollution § 49-1101 et seq., is hereby incorporated by reference. (Prior code § 8-1)

Section 8-020 Mission Statement

To afford every citizen of Clarkdale the flexibility to engage in the pursuit of safe, inexpensive lighting practices for the purpose of commercial and private use without being impeded upon or impeding upon other citizens desiring a more pristine night time environment free from light pollution, waste, trespass, or clutter while providing nighttime safety, security and productivity. (Prior code § 8-2)

Section 8-030 Purpose and Intent

A. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principle among these concerns are

1. The degradation of the nighttime visual environment by production of unsightly and dangerous glare,
2. unnecessary waste of energy and resources in the production of too much light or wasted light,
3. interference in the use or enjoyment of property which is not intended to be illuminated at night, and
4. the loss of the often-neglected scenic view of the night sky due to increased urban skyglow.

It is hereby recognized that these different interests, those of safety and utility and those of aesthetic appearance, need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to questions of when, where and how much lighting is needed, will lead to better lighting practice from all viewpoints.

B. It is also recognized that the topography and atmospheric conditions in northern Arizona are uniquely suited for government, military, commercial, and private astronomical observation in

the area, and that unnecessary or excessive use of outdoor nighttime lighting has an adverse impact on astronomical observation in the area, and that unnecessary or excessive uses of outdoor nighttime lighting has an adverse impact on astronomical observation, even at relatively distant observatories.

C. Accordingly, it is the intent of this section of the Zoning Ordinance to encourage lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity. (Prior code § 8-3)

Section 8-080 Parking Lot Lighting Standards

A. Lighting Standards (poles) shall be sized in such a manner that the top of any luminary does not exceed twenty-four (24) feet above adjacent grade, unless otherwise approved specified by ~~the Design Review Board~~ for new projects. (Prior code § 8-8)

Section 8-110 Variances

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the Board of Adjustment for a variance from the regulations in question.

Such variances shall be allowed only as provided by Section 17-2-2.C of the Town Code. 8-12:8-120 Permits and Development Plan Reviews

A. Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage, a Conditional Use Permit, subdivision approval or any development plan needing Town approval, including all Town projects, or whenever a person requests rezoning, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Director to determine whether the proposed lighting will comply with this Ordinance. All commercial remodeling, or expansion of current buildings will be subject to review and approval through action by the Design Review ~~Board~~ and must comply with Ordinance.

B. All applications, except those for single family residences, shall include the following:

1. A site plan indicating the proposed location, type and size of all outdoor lighting fixtures;
2. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs: and
3. Such other information as the Community Development Director may determine is necessary to ensure compliance with this Ordinance. For large developments this may include a single detailed sheet which specifically lists all fixtures and outputs for the entire project to enable the Community Development Department to determine compliance to this Ordinance.

C. If the Community Development Director determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.
(Prior code § 8-11)

CHAPTER 9 LANDSCAPE DESIGN STANDARDS

Section 9-010 Intent

The Town of Clarkdale encourages an integrated approach to landscape design. The following standards provide direction towards the production of a viable, attractive landscape design developed in consideration of the existing environment and climatic challenges of our unique area.

Principles of landscape design standards:

- A. Preserve and enhance the natural beauty and environment;
- B. Mitigate the impacts of parking and other vehicular areas;
- C. Ensure safety;
- D. Minimize the effects of temperature extremes, noise, pollution, wind and glare;
- E. Promote water and energy conservation;
- F. Provide a buffer between land uses;
- G. Soften and complement new and existing structures;

H. Enhance quality of life.

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

Section 9-030 Basic Requirements

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

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

C. Landscape areas may include organic and inorganic materials as approved through by the Design Review ~~Board~~ and/or Community Development Director.

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

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

F. The majority of each design plan must incorporate xeriscape concepts, including:

1. Use of mulch;
2. Installation of a drip system;
3. Use of drought tolerant plants;
4. Use of permeable ground cover;
5. Incorporation of shade.

G. Landscape must be suitable to the terrain.

H. The landscape design must account for site drainage and pedestrian/bicycle traffic.

I. Design should promote bicycle traffic where applicable.

J. Landscape design must incorporate energy and water conservation concepts.

K. Landscaping must be installed prior to issuance of a certificate of occupancy or receiving a final inspection from the Town of Clarkdale or the owner shall provide the Town with financial

assurances, or other legal instrument acceptable to the Community Development Director, in sufficient amount, as evidenced by a written estimate from a licensed landscape architect or contractor, to complete one hundred percent (100%) of the landscaping.

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

Section 9-100 Minimum Landscaping as a Percentage of Lot Area for New Construction

A. Multi-Family Projects.

1. Thirty percent (30%) of the total lot size shall be landscaped.
2. A minimum fifteen (15) foot wide strip of land area adjacent to the street right-of-way shall be landscaped.

B. Commercial Projects.

1. Thirty percent (30%) of total lot size shall be landscaped.
2. A minimum fifteen (15) foot wide strip of land area adjacent to the street right-of-way shall be landscaped.

C. Industrial Projects.

1. Fifteen percent (15%) of total lot size or a minimum fifteen (15) foot wide strip of land adjacent to the street right-of-way shall be landscaped as determined during application review with staff and during ~~review by the~~ Design Review Board. (Revised by Ordinance #427 on 8/13/24; effective 9/14/24; Renumbered by Resolution #1599 on 4/9/19; effective 5/10/19; Renumbered by Ordinance #396 on 4/9/19; effective 5/10/19; prior code § 9-9. Formerly 9-090)

CHAPTER 11 DESIGN REVIEW AND SITE PLAN REVIEW

Section 11-010 Purpose and Applicability of Design Review

(Amended by Resolution 1261 & Ordinance #310 on 5/13/08; Effective 6/13/08)

The purpose of Design Review is to review the exterior design of proposed new buildings, proposed alterations to buildings and major development or redevelopment projects which do not include new buildings within the Town of Clarkdale, in order to ~~ensure~~ ~~insure~~ that new development or redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale.

A. This ordinance shall apply to new buildings and redevelopment as defined in this ordinance or the Town of Clarkdale Zoning Ordinance, except single family dwellings and accessory uses, and shall also apply to all public buildings and facilities. Structures (other than buildings), signs, landscaping, parking areas, public facilities and enclosures will be reviewed by the Planning Commission ~~by the Design Review Board~~ if they are a part of new building development or building redevelopment. (Prior code § 11-1)

B. The Historic Preservation Commission shall serve as design review for historic properties listed subject to the Historic Preservation Ordinance.

Section 11-020 Application Procedure for Design Review

A. Applications for Design Review shall be filed with the Community Development Department ~~Zoning Administrator on a form prescribed by the Administrator.~~ ~~A deposit toward potential outside consultant fees incurred by the Town in the processing and review of an application shall be required per Section 3-4 of the Town Code. The application shall be accompanied by the following:~~

(Revised by Ordinance #364. Approved 8/12/14; Effective 9/12/14)

1. The proposed Site Plan, including, but not limited to, a north arrow, name and address of owner, address of property and legal description, all property lines dimensioned and marked as property lines, ~~site contours~~, existing structures, and enclosures, ~~all proposed development, name of proposed development, easements and other development abutting property,~~ proposed parking areas, all improvements affecting the appearances, such as walls, walks, terraces, landscaping, accessory buildings and lights.
2. ~~Exterior and exterior~~ elevations, drawn to scale, on one or more sheets of paper with sufficient detail to show, as far as they are related to exterior appearances, the design, the proposed materials, textures and colors.
3. Building material and color samples.
4. Any other information which the Commission ~~Board~~ may find necessary to establish compliance with this section.

B. An application for approval of demolition, partial demolition or removal of an existing building or structure shall be filed with the Community Development Director on a form prescribed by the Director. The application shall be accompanied by the following:

1. Legible photograph showing all sides of the building or structure for which the application is made.
2. Legible photograph showing the adjoining properties.
3. Any other information which the Board may find necessary to establish compliance with this section.

C. An application for approval of a sign shall be accompanied by the following:

1. Plans to scale with sufficient detail to show the size, design, lighting, materials, textures, colors and placement of the sign.
2. If applicable, legible photograph showing the face of the building on which the sign is to be mounted or vicinity photograph for a free standing sign.
3. Any other information which the Board may find necessary to establish compliance with this section.

D. Upon receipt of an application for Design Review, the Community Development Director shall place the application to be reviewed on the Agenda at a meeting of the Planning Commission ~~Special Meeting of the Design Review Board~~ within thirty (30) days of submitting the application. The Community Development Director shall notify the applicant of the time and place of the meeting and shall also provide the applicant with a copy of the staff report. (Prior code § 11-2)

Section 11-030 Filing Fee for Design Review

The application for design review shall be accompanied by a non-refundable filing fee in an amount established by resolution of the Town Council. (Prior code § 11-3)

Section 11-040 Review Criteria for Design Review

A. The Planning Commission ~~Design Review Board~~ shall review applications for design approval of new construction, alterations, additions, or renovations to existing buildings or

structures and shall have the power to approve, conditionally approve, or disapprove all such requests. The decisions will be based on the following criteria:

1. ARCHITECTURAL MERIT: The architecture and design shall be visually compatible with the buildings, structures and places to which it is related.
2. PROPORTION: The relationship of the width of the building or structure to ~~its~~ ~~it's~~ height shall be visually compatible with the buildings, structures and places to which it is related or shall be maintained as original whenever feasible.
3. OPENINGS: The relationship of the width of the windows and doors, to the height of windows and doors in the building shall be visually compatible with buildings, structures and places to which it is related.
4. PATTERN: The relationships of solids to voids in a ~~faeade~~ ~~façade~~ of a building or structure shall be visually compatible with buildings, structures and places to which they are related.
5. SPACING: The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible to the buildings, structures and places to which it is related.
6. ENTRANCES, PORCHES AND PROJECTIONS: The height, projection, supports and relationship to streets and sidewalks, of entrances, porches, awnings, canopies and balconies of a building shall be visually compatible to the buildings, structures and places to which it is related.
7. MATERIAL, TEXTURE AND COLOR: The materials, textures and colors of the ~~faeade~~ ~~façade~~ of a building shall be visually compatible with the predominant materials, textures and colors used in the buildings and structures to which they are related.
8. ROOFS: The roof shape and materials of a building shall be visually compatible with the buildings to which it is related.
9. ARCHITECTURAL DETAILS: Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with buildings and structures to which they are related.
10. ACCESSORY FEATURES: Garages, carports, sheds, enclosures, walkways, stairways, and landings shall be visually compatible with buildings and structures to which they are related.
11. LANDSCAPING: Landscaping shall be visually compatible with the landscaping around the buildings, structures and places to which it is related.

12. LIGHTING: Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties.

~~B. The Design Review Board may review applications for design approval of signs and shall have the power to approve, conditionally approve, or disapprove all such requests based on the following criteria:~~

~~1. The sign shall be in appropriate scale, proportion, color and overall design relative to the exterior architectural character of the building, structure or site. (Prior code § 11-4)~~

Section 11-050 Expiration of Design Review Approval

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

~~Section 11-060 Violations and Enforcement~~

~~A. Prior to the issuance of a building permit, the Building Official shall determine that the plans presented with the building permit application conform with the design approved by the Board and that approval has not expired.~~

~~B. The Building Official shall insure that development occurs in conformance with the conditions of design approval. In the event of a violation, the Building Official shall notify the permittee by registered or certified mail that he/she is in violation of the conditions of design approval. If the permittee does not comply with the conditions of design approval within ten (10) days after receipt of notification, the building permit may be revoked and all construction activity shall cease. (Prior code § 11-6)~~

Section 11-070 Appeals

The applicant ~~or any member of the Town Council~~ may appeal any decision ~~of the~~ with respect to Design Review ~~Board~~, to the Town Council, by filing written notice of appeal and any applicable fees with the Town Clerk within fifteen (15) working days of the date of the decision ~~Design Review Board's action~~. The Town Clerk shall set the date for hearing of the appeal within sixty (60) days of the appeal being filed. (Prior code § 11-7)

~~Section 11-080 Severability~~

~~If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. (Prior code § 11-8)~~

Section 11-110 Site Plan Application Submission and Review Procedures

A. *Preapplication.* A preapplication conference is not mandatory, but can be helpful to the applicant in identifying potential issues that will need to be addressed.

The purposes of the preapplication conference are to:

1. Provide the Site Plan Review Committee an opportunity to review and comment on proposals prior to submittal.
2. Discuss the development review process and required submissions with the applicant.
3. Identify issues that need to be resolved in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
5. The Department may schedule a site inspection if deemed necessary.
6. Applicants for preapplication conference will need to provide as much information indicated on Table 1 in Section [11-120](#) as possible, as completely as possible.

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5. The Department may schedule a site inspection if deemed necessary.
6. Applicants for preapplication conference will need to provide as much information indicated on Table 1 in Section [11-120](#) as possible, as completely as possible.

C. Establishment of Fees. The Town Council may, from time to time and after consultation with the ~~Board and~~ the Community Development Department, establish the appropriate application fees following posting of the proposed schedule of fees and public hearing

Section 11-130 Approval Standards and Criteria for Site Plan Review

The following criteria shall be used by the Site Plan Review Committee in reviewing applications for Site Plan Review Committee and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee determines that the applicant has failed to meet minimum acceptable standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

Q. Business Signs. All new construction for which SPR is required shall also be required to submit a comprehensive sign plan for review. The sign plan shall be developed in accordance with the requirements the Town of Clarkdale Sign Code and is subject to review and approval as part of by the Design Review ~~Board~~. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; Revised by Resolution #1432 on 7/10/13; effective 8/10/13; Revised by Ordinance #351 on 7/10/13; effective 8/10/13; prior code § 11-13)

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.~~

A. B. *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. ~~C.~~ Improvement Guarantees.

1. Application.

- a. Improvement Guarantee – The Town Council may require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- b. Upon substantial completion of all required improvements, the developer must notify the Town Council of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

C. ~~D.~~ 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. ~~E.~~ Submission of Digital Copies of As-Built. 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. ~~F.~~ 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.

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

Section 11-180 Amendments to the Code

Amendments of this code may be initiated by the Design Review Board, or as specified in 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)~~

~~Section 11-190 Severability~~

~~The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance. (Prior code § 11-19)~~

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this
____ day of _____ 2024.

ATTEST:

Robyn Prud'homme-Bauer, Mayor

Charity Brooks, Town Clerk

APPROVED AS TO FORM:

Stephen Polk, Town Attorney

Passed:

Posted:

Published:

Effective: