



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

Join Zoom Meeting
<https://zoom.us/j/9554994085>
Meeting ID: 955 499 4085

OR

Publicly Broadcast From: Community Development Conference Room, 890 Main Street, Clarkdale, AZ

Town of Clarkdale Vision

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

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

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

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN that the Zoning Code Update Citizen Advisory Committee will hold a Regular Meeting open to the public on Wednesday, April 30, 2025, at 4:30 PM via Zoom and publicly broadcast at 890 Main Street, Clarkdale, Arizona, Community Development Conference Room. A quorum of Town Council members may be present at this meeting; however, they will not deliberate or take action on any items. All members of the public are welcome to attend.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

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

4. MINUTES

A. Approval of Minutes

Discuss, consider and act upon the draft minutes from the regular meeting held on March 18, 2025.

5. NEW BUSINESS

A. Chairperson Selection

Discuss, consider and act upon the selection of a new Chairperson for the Zoning Code Update Citizen Advisory Committee.

B. Vice Chairperson Selection

Discuss, consider and act upon the selection of a new Vice Chairperson for the Zoning Code Update Citizen Advisory Committee.

6. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Zoning Code Chapter 2: Definitions

Discussion only regarding Chapter 2, Definitions.

B. Zoning Code Chapter 4: General Provisions

Discussion only regarding Chapter 4, General Provisions.

C. Zoning Code Chapter 8: Outdoor Lighting Code

Discussion only regarding Chapter 8, Outdoor Lighting Code.

7. FUTURE AGENDA ITEMS

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

8. ADJOURNMENT

Values

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

COPPER

Customer focused

Open, transparent and equitable

Preserving our history, charm, and environment

Planning for a sustainable future

Economic and social resiliency

Resourceful and innovative

Mission

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

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



Staff Report

Item Number: 4.A.

<u>Agenda Item:</u>	Approval of Minutes Discuss, consider and act upon the draft minutes from the regular meeting held on March 18, 2025.
<u>Staff Contact:</u>	Ruth Mayday, Assistant Town Manager/Community Development Director
<u>Meeting Date:</u>	April 30, 2025
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Review of the draft minutes from the regular meeting held on March 18, 2025.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Staff recommends approval of the draft minutes from the regular meeting held on March 18, 2025.



**SUMMARIZED MINUTES OF A REGULAR MEETING OF THE
ZONING CODE UPDATE CITIZEN ADVISORY COMMITTEE
OF THE TOWN OF CLARKDALE**

TUESDAY, MARCH 18, 2025 AT 4:30 PM

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

Members Present: *Ray Selna, Becky Keck, Selena Pao, Laura Jones, Virginia Smith, Craig Backus (Zoom), Kerrie Snyder, Joe Conk, Allen Spence.*

Members Absent: *Robyn Prud'homme-Bauer.*

Other Municipal Officials Present: *Community Development Director Ruth Mayday; Community Development Admin Guss Espolt.*

Audience: *One member of the public was present.*

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

1. CALL TO ORDER – *Community Development Director Ruth Mayday called the meeting to order at 4:30 p.m.*

2. ROLL CALL – *Members present and absent listed above.*

3. PUBLIC COMMENT
No Public Comment.

4. INTRODUCTIONS

A. Introduction of Staff and Commissioners – *Community Development Director Ruth Mayday asked to introduce Commission, but everyone knew each other, so Ruth Mayday introduced Jessica Sarkissian, Zoning Code consultant.*

5. NEW BUSINESS

A. Chairperson Selection

Discuss, consider and act upon the selection of a new Chairperson for the Zoning Code Update Citizen Advisory Committee.

Item was not discussed and tabled for the next meeting.

B. Vice Chairperson Selection

Discuss, consider and act upon the selection of a new Vice Chairperson for the Zoning Code Update Citizen Advisory Committee.

Item was not discussed and tabled for the next meeting.

6. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Planning and Zoning Boot Camp – *Community Development Director Ruth Mayday Shared the PowerPoint overview on the responsibilities of the Zoning Code Update Citizen Advisory Committee.*

B. Chapters 1 and 4 of Zoning Code Handout - *Jessica Sarkissian, Zoning Code consultant, spoke on the process of the zoning drafts and responsibilities of going through chapter per chapter and redlining the document for further updates.*

7. FUTURE AGENDA ITEMS

Zoning Code Update Citizen Advisory Committee proposed the following items to be placed on a future agenda:

Review and discussion of Chapters 1 and 4.

8. ADJOURNMENT – 6:19 p.m.

Motion by Ruth Mayday, **second by** All replied with Aye **to:** *Adjourn the meeting.*

Vote: - 9/9

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

Chairperson
Zoning Code Advisory Committee

Assistant Town Manager, Ruth Mayday



Staff Report

Item Number: 5.A.

Agenda Item:**Chairperson Selection**

Discuss, consider and act upon the selection of a new Chairperson for the Zoning Code Update Citizen Advisory Committee.

Staff Contact:

Ruth Mayday, Assistant Town Manager/Community Development Director

Meeting Date:

April 30, 2025

Strategic Goal:

This agenda item supports the following Clarkdale Strategic Goal Area:

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

Background:

Each year the Commission as a whole selects a chairperson for the group.

The role of the Chairperson is:

- Ensure that meetings operate efficiently, and that decorum is maintained.
- Work closely with the staff liaison to develop agendas and review the requested agenda items.
- Ensure that the meetings are run as closely as practical by Robert's Rules of Order and that they move along without delay.
- Be open enough to allow individuals to speak without being unfairly restrictive.
- Make sure that items that are not on the agenda are not discussed.
- See that the Commission considers the major issues and does not become sidetracked by insignificant concerns.
- Attempt to educate the public as to the process and policies of the Town.
- Attempt to bridge the differences that may exist among the opinions of the Commissioners to reach a consensus.
- Build an atmosphere where it is okay to disagree, as long as you are not disagreeable.
- Be the last representative to give his/her opinion after all others have

spoken.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Commission select a Chair for the Zoning Code Update Citizen Advisory Committee.



Staff Report

Item Number: 5.B.

<u>Agenda Item:</u>	Vice Chairperson Selection Discuss, consider and act upon the selection of a new Vice Chairperson for the Zoning Code Update Citizen Advisory Committee.
<u>Staff Contact:</u>	Ruth Mayday, Assistant Town Manager/Community Development Director
<u>Meeting Date:</u>	April 30, 2025
<u>Strategic Goal:</u>	This agenda item supports the following Clarkdale Strategic Goal Area: • Goal Area 1 – Enhance the quality of life for residents, businesses, and visitors to Clarkdale. • Goal Area 2 – Enhance the quality and availability of parks, recreation and cultural opportunities.
<u>Background:</u>	Each year the Commission selects a Vice Chairperson. The Vice Chairperson's role is to complete the tasks of the Chairperson if they are not available. The role of the Chairperson is: • Ensure that meetings operate efficiently, and that decorum is maintained. • Work closely with the staff liaison to develop agendas and review the requested agenda items. • Ensure that the meetings are run as closely as practical by Robert's Rules of Order and that they move along without delay. • Be open enough to allow individuals to speak without being unfairly restrictive. • Make sure that items that are not on the agenda are not discussed. • See that the Commission considers the major issues and does not become sidetracked by insignificant concerns. • Attempt to educate the public as to the process and policies of the Town. • Attempt to bridge the differences that may exist among the opinions of the Commissioners to reach a consensus. • Build an atmosphere where it is okay to disagree, as long as you are not disagreeable. • Be the last representative to give his/her opinion after all others have

spoken.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Commission select a new Vice Chair for the Zoning Code Update Citizen Advisory Committee.



Staff Report

Item Number: 6.A.

<u>Agenda Item:</u>	Zoning Code Chapter 2: Definitions Discussion only regarding Chapter 2, Definitions.
<u>Staff Contact:</u>	Ruth Mayday, Assistant Town Manager/Community Development Director
<u>Meeting Date:</u>	April 30, 2025
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Review and discussion of Chapter 2, Definitions.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Discussion only. No recommendation.

CHAPTER 2

DEFINITIONS

Articles:

2-010 Definitions

Section 2-010 Definitions

Accessory Structure or Use: A subordinate structure or use customarily incidental to and located on the same lot as the principal use.

Acre: A measure of 43,560 square feet.

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

Agriculture Tourism. The act of visiting croplands, horticulture activity for the purpose of enjoyment, education or active involvement in the croplands or horticulture that also adds to the economic viability of the Croplands. Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.

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

Apartment: See "Dwelling Unit."

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

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

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

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

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

Boutique: Designating a small exclusive producer or business providing consumable products. (Created by Ordinance #358 on 3/11/14; Effective 4/11/14)

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

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

Building Principal: A building in which is conducted the primary or predominant use of the lot on which it is located. **Building Coverage:** The ratio of the horizontal area measured from the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

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

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

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

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

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

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

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

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

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

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

Chemical Synthesis: Means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

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

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

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

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

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

Community Supported Agriculture (CSA): A food distribution network consisting of growers and shareholders. (Created by Ord #368; Res 1507; Adopted 10/13/15; Eff 11/13/15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Day Care Center: An establishment providing for the care, supervision, and protection of its clients.

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

Deliver, delivery: The transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

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

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

Department: The state of Arizona Department of Health Services or its successor agency. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Detention Pond: A pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such waters.

District: Any area or areas of the town of Clarkdale, whether contiguous or not, wherein the same zoning or development standards apply.

Drip/Micro-Irrigation: A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of tubes or pipes, for the purpose of water conservation. Revised by Resolution #1543, Ordinance #384, approved 5-9-17, effective 6-9-17.

Dual licensee: An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

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

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

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

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

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

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

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

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

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

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

Enclosed area: A building, greenhouse, or other structure that has:

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

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

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

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

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

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

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

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

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

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

Floor Area: The sum of the square footage of all of the floors of a structure or building.

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

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

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

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

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

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

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

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

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

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

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

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

Hardship: A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

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

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

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

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

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

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

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

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

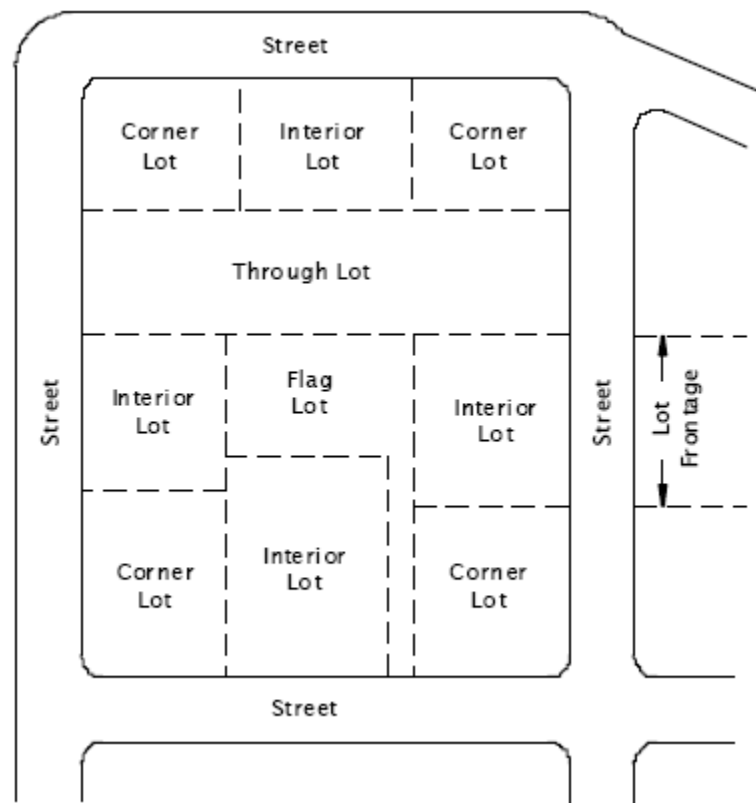
Kennel: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

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

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

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

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



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

Lot, Flag: A large lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

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

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

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

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

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

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

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

Lot Line, Front: The property line dividing a lot from a public or private street and from which the required front setback is measured.

Lot Line, Rear: The lot line(s) opposite and most distant from the front lot line. On triangular lots a line a minimum of ten feet in length located entirely within the lot, parallel with and at a maximum distance from the front lot line.

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

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

Manufactured Home: A residential structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974, as amended, excluding mobile homes and factory-built buildings and certified by a regulatory agency of the State of Arizona.

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

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

Marijuana:

1.

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

2. Includes cannabis as defined in A.R.S. § [13-3401](#).

3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination,

or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Marijuana concentrate:

1. Resin extracted from any part of a plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Marijuana establishment: An entity licensed by the Department to operate all of the following:

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

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

Marijuana testing facility: The Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

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

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

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

Medical Marijuana Processing Facility: A facility that: (i) engages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending; (ii) is operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and, (iii) is associated with a Medical Marijuana Dispensary. (Created Ordinance #331 - Effective 04/08/11)

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

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

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

Mobile Home: A structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a single family dwelling unit when connected to on-site utilities, excluding recreational vehicles, manufactured homes and factory-built buildings.

Motel: An establishment providing sleeping accommodations with a majority of the rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

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

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

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

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

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

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

Nonprofit medical marijuana dispensary: A nonprofit entity as defined in A.R.S. § [36-2801\(12\)](#). (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

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

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

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

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

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

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

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

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

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

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

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

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

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

Park Model Trailer: A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, and manufactured to comply with ANSI A119.5 standards, except that it does not include travel trailers, campers, or fifth wheel trailers as defined herein.

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

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

Party (Shared) Driveway: A single access way providing access to more than one property.

Permitted Use: A use allowed in a zoning district without a public hearing and subject to the restrictions applicable to that zone district.

Person: An individual, partnership, corporation, association, or any other entity of whatever kind or nature. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Principal Use: The primary or predominant use of any lot or parcel of land.

Process, processing: To harvest, dry, cure, trim or separate parts of the marijuana plant. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Prohibited Use: A use which is not permitted in a zone district.

Property: A lot or parcel of land together with all structures located thereon.

Public Hearing: A meeting announced and advertised in advance and open to the general public wherein the public has an opportunity to comment and participate.

Public Place: Has the same meaning prescribed in the Smoke-Free Arizona Act, A.R.S. § [36-601.01](#) and further regulated in Chapter [10](#), Offenses, Article [12-2](#), Smoking, of the Town Code. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Rational Nexus: The clear, direct and substantial relationship between a particular development and the public improvement needs generated by the development.

Recreational Vehicle or RV: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use; which either has its own motive power or is mounted on or drawn by another vehicle, including the following types of vehicles:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping;

2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle;
3. A park model trailer or tiny house built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers;
4. A travel trailer or tiny house mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than three hundred twenty (320) square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in the American National Standards Institute Code; or
5. A portable truck camper constructed to provide temporary living quarters for recreational, travel, or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Recreational Vehicle Park or RV Park: Any lot, parcel, or tract of land used, designed, maintained, and intended for the parking of recreational vehicles and temporary occupancy or use of such as living quarters, except that it does not include a mobile or manufactured home park as defined herein.

Residential Density: The number of dwelling units per acre of land.

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

Restaurant: An establishment where food or beverages are prepared and served and where consumption takes place primarily within the principal structure.

Restaurant, Fast Food: An establishment where food and beverages are sold in a form ready for consumption, and where consumption or a significant portion of consumption takes place off the premises, or where ordering and pickup of food takes place from within an automobile.

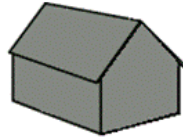
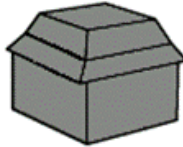
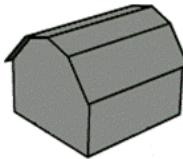
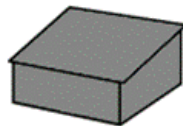
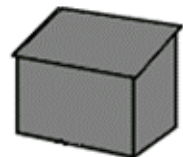
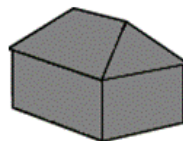
Retail Sales: The selling of goods or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.

Retention Basin: A pond or pool used for the permanent storage of water runoff.

Right-of-Way: An area of land dedicated or conveyed to the Town of Clarkdale in fee simple and used primarily for roadway, circulation or utility purposes.

Roof: The outside covering of a building or structure.

ROOF TYPES:

**Gable Roof****Mansard Roof****Gambrel Roof****Shed Roof****Flat Roof****Simple Hip Roof**

Row House: A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

Salvage Yard: A lot or parcel of land used for the collection, keeping or abandonment of discarded or waste materials.

Scale of Development: The relationship of a particular project in terms of size, height, bulk, intensity of use and aesthetics to its surroundings.

Scenic Easement: An easement which limits development in order to preserve a view or scenic area.

School: Any building or part thereof used or constructed for education or instruction in any branch of knowledge including, private, public or vocational schools.

Screening: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.

Seating Place: In churches or other assembly areas where benches or pews are used in place of seats, each 24 inches of bench or pew shall be counted as one seat.

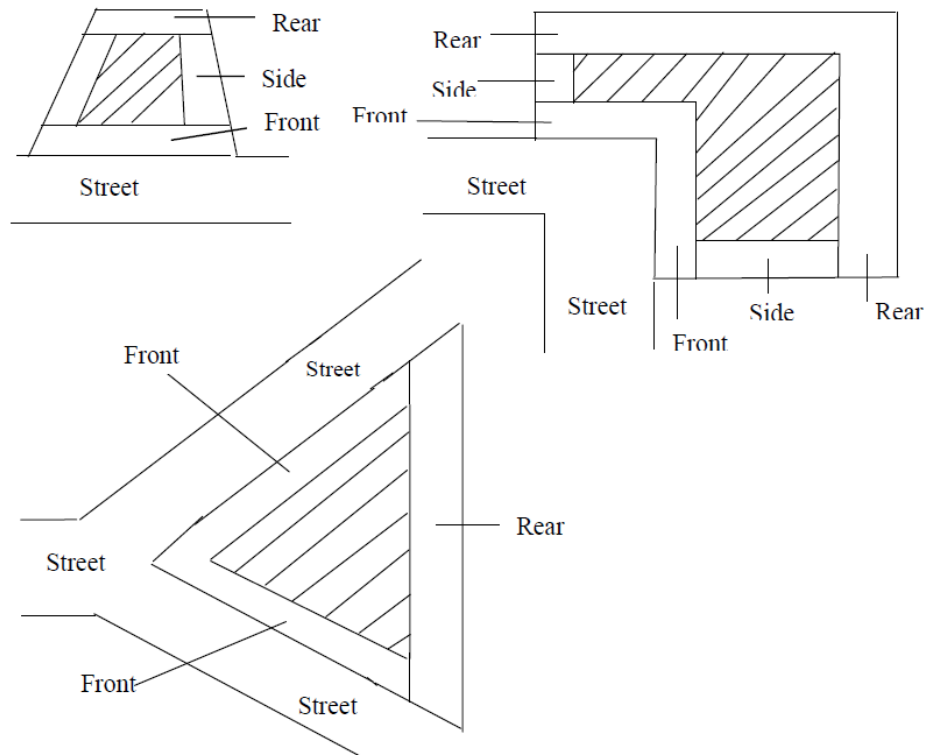
Self-Storage: (See Mini-Warehouse)

Sensitive Land Area: Any land area containing (as an example) one, or more, of the following: 1) steep slopes; 2) flood plain; 3) soils having high water tables; 4) highly erodible soils; 5) lands incapable of meeting minimum percolation standards; 6) former landfill or industrial waste areas; 7) stream corridors; 8) aquifer recharge or discharge areas; 9) wetlands; 10) scenic view corridors and 11) architectural areas of significant consequence.

Service Station: A commercial establishment conducted primarily for the purpose of retailing lubrication oils, gasoline or other motor vehicle fuels for internal combustion engines from storage tanks located below the ground.

Setback: The line which establishes the minimum distance from any lot line to a permitted principal building and defines the area within which the principal structure may be placed or erected.

Odd-shaped lot setback examples



Setback, Front: The minimum distance from the front lot line to the nearest point of the allowable principal building measure perpendicular to the front lot line.

Setback, Rear: The minimum distance from the rear lot line(s) to the nearest point of the allowable principal building measured perpendicular to the rear lot line(s).

Setback, Side: The minimum distance from the side lot lines to the nearest point of the allowable principal building measured perpendicular to the side lot lines.

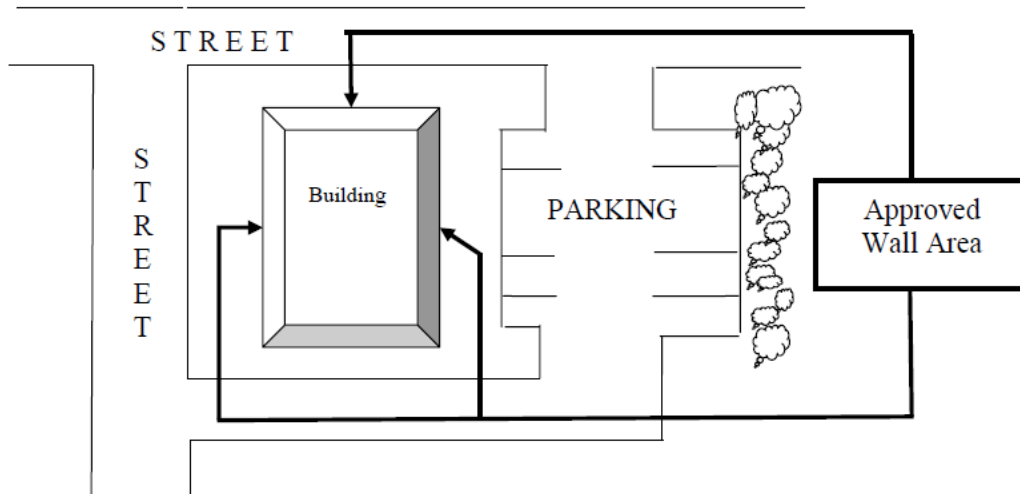
Sight Triangle: An area of land at the intersection of streets, or a street and a driveway, within which nothing may be erected, planted, placed or allowed to grow in a manner which will obstruct vision of motorists entering or leaving the intersection.

Sign: Any object, device, display or structure, or part thereof, which is situated outdoors or visible outdoors, and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign, Animated: Any sign or part of a sign which changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.

Sign, Approved Wall Area: Any exterior wall facing a publicly dedicated street, or containing a primary public entrance/exit to the building, or facing the parking lot of the building.

Approved wall area example



Sign, Construction: A temporary sign placed by a licensed contractor to advertise the work done on that property.

Sign, Flashing: Any directly, or indirectly, illuminated sign which exhibits changing natural or artificial light or color effects by any means.

Sign Freestanding: Any non-movable sign not attached to a building.

Sign, Home Occupation: A sign listing only the name or occupation of a permitted home occupation.

Sign, Ideological: Any sign announcing or supporting the personal views of the property owner or tenant of the lot on which the sign is located.

Sign, On-Site Information: Signs limited to providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances and exits, parking areas, loading zones or circulation direction.

Sign, Political: A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.

Sign, Projecting: A sign attached to a building or structure and which extends more than 18 inches from said building or structure.

Sign, Real Estate: A sign pertaining to the sale or lease of the premises on which the sign is located.

Sign, Roof: A sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, above the eave line of a building with a hip, gambrel or gable roof or the deck line of a building with a mansard roof.

Sign, Temporary: Any sign constructed of cloth, canvas, fabric, plywood or other light materials and intended for display for a short period of time.

Sign, Wall: Any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign and which does not project more than 18 inches from the wall.

Site Plan (Plot Plan): A development plan for one or more lots showing existing and proposed conditions of the lot including, but not limited to: topography, vegetation, drainage, landscaping and open space, access and circulation, utility services, buildings and signs, lighting and other information pertinent to the review of the proposal.

Smoke: To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Steep Slope: Land areas where the slope exceeds 20 percent.

Storefront Location: A permanent building on an established foundation adhering to Town Building Codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle. (Created by Ordinance #409 on 11/10/20; Effective 12/10/20)

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it then the space between such floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing living quarters shall be counted as a full story.

Street, Arterial: A street with signalized or controlled intersections which channels traffic to and from collector streets and whose primary function is to provide for crosstown or regional traffic movements.

Street, Collector: A street with controlled intersections whose main function is to carry traffic between arterial and local streets, but, which may also provide primary access to abutting properties.

Street, Local: A street with, or without, controlled intersections whose main function is to provide primary access to abutting properties.

Street, Private: An easement providing the principal means of access to a lot or parcel, owned and maintained by an individual or group of individuals, exempt from management, maintenance and liability on the part of the Town.

Street, Public: An existing state, county or municipal roadway; or a street or way shown on a plat heretofore approved pursuant to law or approved by official action; or a street on a plat filed and recorded in the County Recorder's Office which affords the principal means of access to a lot or parcel.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but not limited to; fences, signs, kiosks or similar uses.

Structural Alterations: Any change in the supporting member of a building such as bare walls, columns, beams, floor joists, roof joists, girders, rafters or changes in roof or exterior building lines.

Temporary Structure: A building or other structure intended to be placed on a property for a pre-defined, limited duration.

Temporary Use: A land use intended for a pre-defined, limited duration.

Temporary Use Permit: A permit to allow for a temporary use or structure on a property.

Tiny House: A dwelling unit that is four hundred (400) square feet (thirty-seven (37) m²) or less in floor area excluding any loft area, that has been constructed on site or on skids, and not on wheels.

Tiny House on Wheels: A dwelling unit that is four hundred (400) square feet (thirty-seven (37) m²) or less in floor area excluding any loft area, that has been built on a chassis, trailer, or wheels and not licensed as a trailer, travel trailer, camper/tent trailer, recreational vehicle, or similar.

Tiny House Recreational Vehicle: A dwelling unit that is four hundred (400) square feet (thirty-seven (37) m²) or less in floor area excluding any loft area, that has been built on a chassis, trailer, or wheels and is licensed as a trailer, travel trailer, camper/tent trailer, recreational vehicle, or similar.

Transfer of Development Rights (TDR): The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one lot or parcel to another, or from a portion of a lot to another part of the same lot.

Transitional Use: A permitted land use or structure of an intermediate level of intensity or scale placed between a higher and lower intensity use.

Use: The purpose for which land or a structure is arranged or intended, or for which either land or a building is occupied or maintained.

Variance: Permission to deviate from the literal standards of the Zoning Ordinance.

Variance, Bulk: Departure from any zoning standard except use.

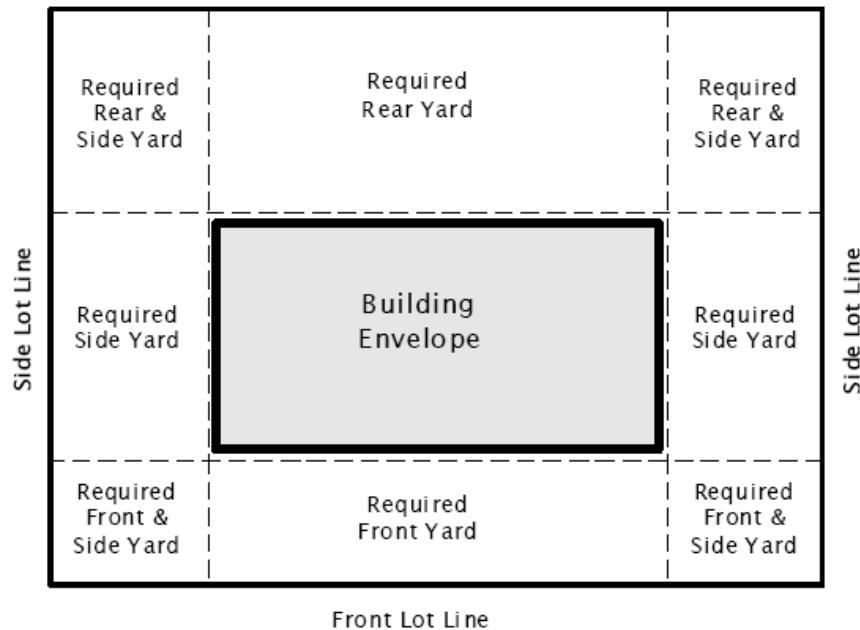
Variance, Use: A variance granted to allow a use not permitted by the Zoning Ordinance. Use variances are prohibited by State Statute.

Wall: The vertical exterior surface of a building or structure.

Wireless Communication Tower: Any structure built or attached to a building for the sole or primary purpose of supporting antennas used to provide services licensed by the Federal Communications Commission or for other transmission of information through the air. "Wireless Communication Tower" also includes the supporting facilities, buildings, or enclosures associated with the structure, including power supplies, electronic equipment housed in cabinets and antennas. (Created 7/9/13 by Ordinance #352; Effective 8/10/13)

Wholesale: Establishments engaged primarily in selling merchandise to retailers or other industrial, commercial, institutional or professional businesses.

Yard: An open area that lies between the principal building (s) and the lot lines. The minimum required yard area as set forth in the Zoning Ordinance shall remain unoccupied and unobstructed from the ground up except as may be specifically provided for in this Code.



Yard, Front: An open area extending the full width of the lot or parcel between the front lot line and any building, measured perpendicular to the lot line and the closest point of the building.

Yard, Rear: An open area extending the full width of the lot or parcel between the rear lot line and any building, measured perpendicular to the lot line and the closest point of the building.

Yard, Side: An open area extending from the front yard to the rear yard between the principal building and the nearest side lot line measured perpendicular from the side lot line to the nearest point of the principal building.

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

Zone: A specifically delineated area or district within which uniform development standards govern the use, placement, spacing and size of land and buildings. (Revised by Ordinance #427 on 8/13/24; effective 9/14/24; Revised by Ordinance #411 on 6/8/21; effective 7/9/21; Added by Ordinance #410 on 2/9/21; effective 3/11/21; Revised by Ordinance #409 on 11/10/20; effective 12/10/20; Added by Resolution #1605 on 7/9/19; effective 8/8/19; Added by Ordinance #397 on 7/9/19; effective 8/8/19; prior code § 2-1)

The Clarkdale Zoning Code is current through Ordinance #430, passed August 13, 2024.

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

[Town Website: www.clarkdale.az.gov](http://www.clarkdale.az.gov)

[Town Telephone: \(928\) 639-2400](tel:(928)639-2400)

[Hosted by General Code.](#)



Staff Report

Item Number: 6.B.

<u>Agenda Item:</u>	Zoning Code Chapter 4: General Provisions Discussion only regarding Chapter 4, General Provisions.
<u>Staff Contact:</u>	Ruth Mayday, Assistant Town Manager/Community Development Director
<u>Meeting Date:</u>	April 30, 2025
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Review and discussion of Chapter 4, General Provisions.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Discussion only. No recommendation.

CHAPTER 4

GENERAL PROVISIONS

Articles:

- 4-010** **Accessory Structures**
- 4-020** **Campgrounds and Recreational Vehicle Parks**
- 4-030** **Lots in Two Districts**
- 4-040** **Corner Lots**
- 4-050** **Reducing Lot Areas**
- 4-060** **Swimming Pools**
- 4-070** **Payment By Owner Of Professional Services Deemed Necessary By Town Council**
- 4-080** **Fence Height**
- 4-090** **Miscellaneous Projections of an Architectural Member**
- 4-100** **Yard Encroachments**
- 4-110** **Home Occupation Standards**
- 4-120** **Off-Street Parking and Loading**
- 4-121** **Traffic and Pedestrian Access**
- 4-130** **Parking Lots and Driveways Abutting Residence District**
- 4-140** **Rear Yards In Business and Commercial Zones-Loading and Unloading**
- 4-150** **Bed and Breakfast Establishments**
- 4-160** **Sidewalk Café Permit**
- 4-170-010** **Standards for Golf Course Developments**
- 4-170-020** **Design and Construction Standards**
- 4-170-030** **Construction Documents**
- 4-170-040** **Water Balance Study**
- 4-180** **Wireless Communication Tower**
- 4-190** **Temporary Uses and Temporary Structures**
- 4-200** **Noise**
- 4-210** **Hazardous, Special, and Radioactive Materials**
- 4-220** **Storage of Materials**
- 4-230** **Recreational and Medical Marijuana (Created by Ordinance #409 11-10-20 – Effective 12-10-20)**
- 4-240** **Tiny Houses; Tiny Houses on Wheels; Tiny House Recreational Vehicles**
- 4-250** **Commercial and Residential Flagpoles**
 - 4-250-010** **Purpose and Intent**
 - 4-250-020** **Permissible Locations**
 - 4-250-030** **Construction Standards**

4-250-040 Permit Requirements**4-250-050 Preexisting Nonconforming Flagpoles****Section 4-010 Accessory Structures****A. Accessory Structures Standards**

1. Accessory structures, if permitted in a district, are approved, provided:
 - a. They are not in a front yard.
 - b. They shall be distant at least three (3) feet from all alley lines.
 - c. They shall be distant at least three (3) feet from adjoining lot lines with exception of zone R1A, where they may be distant at zero (0) feet from all alley lines.
 - d. They are not erected more than six (6) months prior to the erection of the principal building.
 - e. They are located as specified in a Conditional Use Permit.
 - f. They do not exceed fifteen (15) feet in height.
2. Multiple dwelling units are required to have storage facilities as follows:
 - a. Minimum of twenty-four (24) square feet per unit.
 - b. One (1) side must be at least four (4) lineal feet.
 - c. Minimum of one (1) exterior entrance.
 - d. Conform to all other requirements of codes in effect. (Prior code § 4-1)

Section 4-020 Campgrounds and Recreational Vehicle Parks

- A. Purpose and Intent.** The purpose of this section is to provide regulations and standards for development of campgrounds and recreational vehicle parks, and accessory uses such as recreational and community sanitary facilities. For the purposes of this section, the words “space,” “stall,” or “site” shall indicate the individual area used by a single RV or as a single campsite and shall be used interchangeably.
- B.** No recreational vehicle shall by any definition be deemed a residence, and use of such as a residence is prohibited in all zoning districts except in accordance with Section [10-1-20](#) of the Town Code.
- C.** Recreational vehicles may be used as temporary residences during construction and only so long as a valid building permit for construction remains in force, and not to extend beyond the date of the issuance of a

certificate of occupancy. Power for the recreational vehicle shall be provided through the establishment of a temporary power connection of adequate amperage, on a freestanding pole of adequate construction.

D. General Requirements.

1. Campgrounds and recreational vehicle parks shall be developed in accordance with Chapter [6](#), Standards for Planned Unit Development and Planned Area Development, Section [6-020](#), Standards for Planned Area Development.
2. No certificate of occupancy shall be issued until the developer can demonstrate compliance with all health laws and regulations of the State of Arizona and Yavapai County.
3. Each lot, parcel, or tract of land used for a campground or RV park shall have a minimum of three (3) acres.
4. Service buildings associated with the campground or RV park, including utilities, management office, repair shop, equipment storage, sanitary facilities, laundry facilities, and recreational facilities are permitted accessory uses. Maximum building height shall not exceed two (2) stories or 35 feet, regardless of zoning district.
5. Campgrounds shall provide plumbed sanitary facilities in a permanent structure and shall provide one (1) men's and one (1) women's, or two (2) all-gender (separately locking) toilets, lavatories, and showers for each fifteen (15) spaces, subject to the requirements of the adopted building and plumbing codes.
6. No campground or RV park space, site, or plot shall be occupied unless and until thirty percent (30%) of the total planned area or ten (10) spaces, sites, or plots are completely prepared and equipped for use in all respects, as well as all driveways, on-site circulation features, laundry facilities, and bath, wash, and toilet facilities.
7. A financial assurance may be required at the discretion of the Community Development Director.

E. Development Standards.

1. Each RV space shall have an area of not less than 1,800 square feet, and a width of no less than 25 lineal feet.
2. Each camping space shall have an area of not less than 1,000 square feet, and a width of no less than 25 lineal feet.
3. Maximum lot coverage, including all buildings, RV spaces and campsites, and paved areas shall not exceed the greater of sixty percent (60%) of the lot area or the maximum allowable lot coverage of the lot's zoning designation.
4. The maximum density shall be twelve (12) sites per acre.
5. All utility lines, cable TV and electric transmission lines under 12,000 volts shall be placed underground within a campground or park.

6. On-site circulation and parking shall be as follows:
 - a. A minimum of two (2) off-street parking spaces will be provided on each camping or RV site. The parking spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material and may be configured in a tandem design.
 - b. Guest parking shall be provided at a minimum ratio of one (1) parking space for each five (5) camping or RV spaces and surfaced with dust-free materials.
 - c. Interior drives or roadways within a campground or RV park shall be paved to a minimum width of 22 feet.
 - d. A minimum of two (2) vehicular entrances shall be provided; one (1) entrance may be used as an emergency access and closed to the public.
 - e. Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Chapter [8](#), Outdoor Lighting Code.
7. The minimum distance from any portion of the camping or RV space from lot lines shall be as follows:
 - a. From front space line: 5 feet from the nearest edge of an interior drive or roadway.
 - b. From the rear space line: 5 feet.
 - c. From other space boundaries not in common with the edge of an interior drive or roadway: 5 feet.
 - d. From an exterior boundary of the park abutting public streets: 20 feet; from all other exterior park boundaries: 10 feet.
 - e. From another recreational vehicle on an adjoining space: 10 feet.
8. Landscaping and signage requirements are as follows:
 - a. Landscaping shall be installed in accordance with Chapter [9](#), Landscape Design Standards.
 - i. Refuse collection areas shall be central to the campground or RV park and screened from public view.
 - ii. Campgrounds and RV parks shall be screened in an attractive manner from surrounding lots by a solid wall, fence, or suitable planning as follows:
 - A. Front yards and street facing yards: not less than 4 feet in height nor greater than 6 feet in height;
 - B. Any other yard: 6 feet in height;
 - C. A 20-foot landscaping strip shall be maintained as a landscaped area on the perimeter of all campgrounds or RV parks; and

D. When adjacent to any single-family residential district, the finished side of the fence or wall shall face the residential use and be set back from the property boundary by a 20-foot buffer area. The buffer area shall be landscaped in accordance with the requirements of Chapter [9](#), Landscape Design Standards.

b. Signage shall be in compliance with Chapter [7](#), Signs. (Revised by Ordinance #411 on 6/8/21; effective 7/9/21; prior code § 4-2)

Section 4-030 Lots in Two Districts

A. Where a district boundary line divides a lot which was in single ownership and of record at the time a district boundary line becomes effective thereon, the other district requirements applying to the most restricted portion of such lot shall be considered as extending to the entire lot. (Prior code § 4-3)

Section 4-040 Corner Lots

A. On every corner lot there shall be provided, along the side street adjacent to the side containing the front entry door, a side yard equal in depth permitted in the R4A Zoning District.

B. Corner Visibility: On any corner lot in a "Residence" District, no building, fence, structure, shrubbery or planting, such as will obstruct street traffic visibility, within a radius of twenty (20) feet of the intersection of any two (2) street lines shall be permitted higher than four (4) feet. (Prior code § 4-4)

Section 4-050 Reducing Lot Areas

A. No lot shall hereafter be so reduced in area after a building permit is granted as to cause any open space required by this Ordinance to be less in any dimension that is herein required for the District and lot in question. (Prior code § 4-5)

Section 4-060 Swimming Pools

A. In a Residential District:

1. Shall be owned and operated by a public agency, or
2. Shall be an accessory to a residential use, or
3. Shall be an accessory to a non-residential use which is permitted in such a district,
4. Shall be located no nearer than ten (10) feet to any property line

5. Shall be so walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property.

B. In a Commercial or Business District:

1. Shall comply with the regulations set forth in Section [4-060A](#) above if the pool is for residential use.

2. If the pool is for commercial use, it shall be enclosed by a solid wall, fence, or chain link fence a minimum of six (6) feet in height. (Prior code § 4-6)

Section 4-070 Payment By Owner Of Professional Services Deemed Necessary By Town Council

A. In the event the Building Official or the Town Council finds it necessary to use the professional services of any person, either in their regular employ or retained outside of their regular employ, in connection with approval and acceptance of any lot, structure, or performance standard, said services shall be paid for by the owner of the property under consideration. (Prior code § 4-7)

Section 4-080 Fence Height

A. Fence height in the R1L and RS3 zone districts shall be as follows:

1. Fences exceeding four (4) feet in height may be permitted in required front yard areas adjacent to streets provided:

a. They are a minimum 80% open (chain link, split rail, pipe, wrought iron and stock fences are examples);

b. A sight distance triangle is maintained at the intersection of two (2) street, or a street and alley, measured thirty-five (35) feet along the edges of easement or right-of-way, the third side being a diagonal connection the first two (2);

c. A sight distance triangle is maintained at the intersection of a street and a driveway measured twenty (20) feet along the edge of the right of way or easement, and driveway, the third side being a diagonal connecting the two (2); and

d. The property is developed such that access to streets may be taken in a forward manner.

2. Fences may not exceed four (4) feet in height in required front yard areas adjacent to streets or exterior side yards of a reverse corner lot, if they:

a. Are less than 80% open; or

- b. They are located within a sight distance triangle as defined in Section [4-080](#) A 1. b or c are maintained.
- B. Fence height in residential districts other than the R1L or RS3 zone districts shall be as follows:
 - 1. Fences may not exceed four (4) feet in height in required front yard areas.
 - 2. Fences may exceed four (4) feet in height along the exterior side yard of a corner lot provided sight distance triangles as defined in Section [4-080](#) A 1. b or c are maintained;
 - 3. Fences may not exceed four (4) feet in height along the exterior side yard of a reverse corner lot;
 - 4. Fences may exceed four (4) feet in height along the rear yard of a through lot provided:
 - a. All adjacent through lots have their front yards facing the same street; and
 - b. Sight distance triangles as defined in Section [4-080](#) A 1.b or c are maintained.
- C. Maximum fence height in residential districts may not exceed six (6) feet, except at gated entryways, where pillars or posts and a single crossbar only, may exceed such 6 foot height.
- D. Fences adjacent to streets in the Commercial (C) and Industrial (I) zone districts may exceed four (4) feet provided sight distance triangles as defined in Section [4-080](#) A 1. b or c. are maintained.
- E. All fences exceeding six (6) feet in height must meet minimum standards for wind load and design standards, as certified by a State of Arizona licensed engineer.
- F. The use of barbed wire and similar materials is not allowed unless specifically approved, in writing, by the Community Development Department. The use of electric fences is strictly prohibited.
- G. Height Limit Exceptions: Height limitations shall not apply to fire stations, church spires, domes, belfries, monuments, water tank towers, fire towers, observation towers, transmission towers. (Prior code § 4-8)

Section 4-090 Miscellaneous Projections of an Architectural Member

- A. Any architectural member or feature otherwise permitted to project into a yard shall be distant not less than three (3) feet from any lot line. (Prior code § 4-9)

Section 4-100 Yard Encroachments

- A. Cornices, canopies, eaves, or any architectural features may extend into a front yard for a distance not to exceed two (2) feet, six (6) inches.

- B. A landing or uncovered porch may extend into the front yard to a distance of six (6) feet measured from the front line of the building, across one-half (½) the width of the lot.
- C. Open, unroofed stairs leading from the ground to said landing or porch may project beyond the said six (6) feet. An open-work railing no higher than three (3) feet may be placed around said landing or porch. Outside stairways, unroofed and unenclosed, shall not project more than four (4) feet into any rear yard or side yard, or be closer than three (3) feet to any lot line. Terraces, steps, uncovered porches, or other similar features not over three (3) feet above the average natural grade and distant at least five (5) feet from every lot line, may project into a required side yard.
- D. In the R4A zoning districts the stairs leading from the ground to the landing shall be installed to ensure pedestrian traffic be directed away from the street adjacent to the structure. Landings and stairs shall be permitted to encroach on the established ten (10) foot side yard setback a maximum of three (3) feet. (Prior code § 4-10)

Section 4-110 Home Occupation Standards

- A. Home Occupations, where permitted, shall be subject to all of the following provisions:
1. HOME OCCUPATIONS: The business shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes; and not change the character of the exterior of the structure.
 2. AREA: No more than twenty-five percent (25%) of the gross floor area of the dwelling and no more than twenty-five percent (25%) of the property shall be devoted to the Home Occupation.
 3. EMPLOYEES: There shall be no more than two (2) part-time employees, each working no more than thirty-two (32) hours per week.
 4. DELIVERY VEHICLES: No business shall be conducted which requires delivery vehicles or other services not customary to a residence.
 5. NUISANCES: there shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, fumes, vibrations, or other nuisances discernable beyond the property line.
 6. SIGNS: One non-illuminated sign, not to exceed two (2) square feet in area.
 7. TRAFFIC: The business shall not generate traffic which unreasonably disrupts the neighborhood.
 8. HOURS OF OPERATION: Noise shall not be generated before sunrise or after sunset.
 9. PARKING: Off-street parking is required as set forth in the Town Zoning Code Section [4-120](#). For one (1) family and two (2) family dwellings, two (2) parking spaces per family dwelling unit. For multi-family dwellings or condominiums of three (3) or more family units, one & one-half (1 ½) parking spaces per family dwelling unit.

10. FIRE INSPECTIONS: The Town shall conduct fire safety inspections of all structures where Home Occupations will be conducted. (Prior code § 4-11)

Section 4-120 Off-Street Parking and Loading

A. In all zoning districts there shall be provided at the time any new building or structure is erected off-street parking spaces as set forth in the following subsections. Any existing building or use which is enlarged, altered, increased in capacity, or in which the use or occupancy is changed to the extent of increasing off-street parking requirements shall provide additional off-street parking space.

1. *Standards for Off-Street Parking.*

a. *Residential Uses.*

Multi-Family, Efficiency and 1-Bed	1.5/dwelling unit
2 or More Bedroom Units	2/dwelling unit
Manufactured Home Units	2/dwelling unit
Fraternity, Boarding House	1/sleeping unit
Group Care Facilities	1/2 sleeping units + 1/employee

b. *Office and Service Uses.*

General Offices	1/250 square feet
Medical Offices	4/practitioner + 1/2 employees
Day Care Centers	1/each 8 clients + 1/employee
Veterinary Hospitals, Clinics	3/practitioner
Hotel, Motel	1/sleeping unit
Beauty, Barber Shop	3/practitioner
Mortuary	1/3 seats + 1/business vehicle
Self-Service Laundry	1/4 machines
Restaurant, Bar, Nightclub	1/4 seating capacity + 5 stacking spaces per drive-through lane

Hospital	1/bed + 1/2 employees
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c. Retail Sales and Services.

General Retail	1/200 square feet
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Banks, Financial Institutions	1/250 square feet + 5 stacking spaces per drive-through lane
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Motor Vehicle and Machinery Sales	1/200 square feet of indoor office/display area
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Motor Vehicle Repair, Accessory Installation	2/service stall, min. of 6 spaces
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Furniture, Major Appliance Stores	1/400 square feet
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Car Wash	4/bay + 1/employee
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d. Education, Religious, Recreation, Assembly.

Elementary and Jr. High Schools	2/classroom
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High Schools	1/4 students
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Colleges, Universities	10/classroom
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Place of Worship	1/4 seats + assembly
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Fitness Center	3/4 capacity
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Golf Course	59/9 holes
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Commercial Recreation Facility	1/4 total capacity
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Fraternal Lodge	1/4 total capacity
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Auditorium, Sports Arena, Theater,	1/4 seats (24"/seat)
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Stadium	
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Exhibition Hall, Assembly	1/100 sq. ft., or
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(Nonfixed seating)	1/5 occ. (Fire code)
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e. Industrial Uses.

Manufacturing, Fabrication	1/1,000 sq. ft., or 1.5 employees, whichever is greater
Warehouse	1/2,000 sq. ft. + parking for vehicles used on site
Self-Storage, Mini-Warehouse	24-ft.-wide aisles + caretaker parking

f. For mixed use developments: Required off-street parking spaces shall be the sum of those for individual uses, unless it is demonstrated that intended uses are compatible for shared parking facilities.

g. *Uses Not Mentioned.* The required off-street parking for any building, structure or use of land of a type not listed in this subsection shall be determined by the Zoning Administrator. The Zoning Administrator shall be guided by comparison with the parking standards for similar uses which are listed in this or other zoning codes.

h. *Exempted Areas.* Lots 1 through 10, Block 44, the westerly half of Lot 10 and Lots 11 through 16, Block 45, Clarkdale Subdivision, are exempt from the standards specified in subsection [A.1.a](#) above.

2. *Design Standards for Off-Street Parking.*

a. All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas adjacent to parking spaces shall be arranged in accordance with the diagrams contained in this section.

b. All driveways shall be of sufficient width to permit access into spaces, but in no case less than 10 feet wide for one (1) way travel and 20 feet wide for two (2) way travel.

c. Each parking space shall consist of an area of not less than nine feet in width by 20 feet in length, except that the length may be reduced to 18 feet where the front or rear of a vehicle hangs over a berm or curb. No part of the vehicle shall extend over or beyond any property line. Parking spaces shall be exclusive of driveways required to make such space accessible from a street, alley or public thoroughfare.

d. A minimum space of 10 feet in width, 35 feet in length, and 14 feet in height with access useable at all times to a street, alley, or public thoroughfare shall be deemed a loading space for one (1) vehicle.

e. *Surfacing.* All off-street parking areas, except residential dwelling units, shall be surfaced with a permanent, dust free pavement striped to requirements herein.

f. *Illumination.* All light used to illuminate parking space shall be so arranged as to reflect the light away from adjoining lots in residential districts.

g. Parking areas with more than two (2) spaces must be arranged so that it is not necessary for vehicles to back into the street.

- h. Parking stalls and aisle layout must conform to the following standards:

Parking Angle	Stall Width	Stall Depth	Lane Width	Direction
90 degree	9'-0"	20'-0"	24'-0"	two-way
60 degree	9'-0"	20'-0"	18'-0"	one-way only
45 degree	9'-0"	20'-0"	12'-0"	one-way only
30 degree	9'-0"	20'-0"	12'-0"	one-way only

- i. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.

- j. Parking areas for nonresidential use must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack (tandem) parking may be permitted for resident parking in conjunction with residential uses if both spaces are assigned to the occupants of the same dwelling unit.

- k. Provisions must be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways.

3. *Location Standards for Off-Street Parking.*

- a. Off-street parking space required herein shall be located on the lot, except that required parking space for any use amounting to ten (10) such spaces or more may be located in any permissible location not farther than 300 feet distant in a direct line from the nearest part of such use.
- b. Parking lots should be located to the side or rear of the building. Parking lots should not be located between the building and the street.
- c. The use of shared parking, shared driveways, and the cross-connection of parking lots is encouraged.
- d. Parking lots on adjoining lots may be connected by access ways not exceeding 24 feet in width. No parking or maneuvering will take place in the setback areas.
- e. Spaces utilized for ingress and egress for a parking area shall not exceed 40 feet in width measured along the street frontage and shall not constitute more than fifty percent (50%) of the total frontage of the parking area.
- f. All parking spaces, access drives, and impervious surfaces must be located at least five feet from any side or rear lot line, except where standards for buffer yards require a greater distance.
- g. No parking spaces or asphalt type surface shall be located within five feet of the front property line.

4. The Town will require engineered plans for grading, parking space and striping design, drainage retention/detention facilities, culvert location and size, etc., for off-street parking facilities within the Town of Clarkdale and must be designed by a registered professional engineer. These plans may require the need for a hydrologic study by a licensed professional in conformance with the Yavapai County Drainage Criteria Manual.
5. The Town Engineer shall review such plans for adequacy and may require additional documentation. If the submitted plan is approved by the Town Engineer, no design changes for construction will be permitted unless approved by the Town Engineer.
6. Upon completion of the development of the parking area and other required physical improvements, the developer's engineer of record shall provide and certify a set of "as-built" construction plans to the Town Engineer, stating that all the required improvements have been completed in conformance to the specifications and standards as submitted for construction. This shall include horizontal as well as vertical verification of improvements.
7. No certificate of occupancy shall be issued until the "as-built" plans have been submitted and approved by the Town Engineer. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; prior code § 4-12)

Section 4-121 Traffic and Pedestrian Access

A. *Pedestrian Circulation.* The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with sidewalks, if they exist or are planned in the vicinity of the project.

1. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.
2. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.
3. *Sidewalks.* Where a proposed project driveway interrupts an existing or planned public sidewalk, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk.

B. *Vehicular Circulation.*

1. *Adequacy of Roadway System.* Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development. The developer shall be responsible for the acquisition of any private easements necessary to provide adequate access to the proposed

development. Each commercial/multi-family development shall provide for adequate traffic circulation based on average daily traffic (ADT) and the classification system below.

STREET CLASSIFICATION AND MINIMUM DESIGN STANDARDS

STREET CLASS	STREET CATEGORY	TRAVEL LANE WIDTH	PARKING LANE WIDTH	TOTAL IMPROVED WIDTH	CURB OR SHOULDER	GRADED AREAS OR SIDEWALK	SURFACE	ROW/EASEMENT WIDTH	MAXIMUM AVG. DAILY TRAFFIC (ADT)	DESIGN SPEED MPH
I	ARTERIAL	12'	NONE	60'	VERTICAL	SIDEWALK		76'	3,000+	55
II	INDUSTRIAL	12'	12'	48'	ROLLED	GRADED		64'	3,000	40
III	COMMERCIAL	12'	8'	40'	VERTICAL	SIDEWALK		60'	3,000	40
IV	RESIDENTIAL COLLECTOR	16'	NONE	28'	VERTICAL	SIDEWALK	2" W/6" BASE OR 3"W/4" BASE	40'	3,000	40

- a. Any streets determined to be necessary to support the new development shall be constructed, by the developer, to the street classification and minimum design standards set below herein and adopted by the Town or any other standards adopted by the Town. Upon completion of any access roads to these standards, the roadway, upon acceptance by the Town, shall be dedicated to the Town as public right-of-way.
 - b. Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development.
 - c. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a level of service of C or better prior to the development must function at a minimum level of service D after development.
 - d. If any such intersection is functioning at a level of service D or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Site Plan Review Committee if the Committee determines that the project will not have an unnecessary adverse impact on traffic flow or safety.
 - e. A development not meeting this requirement may be approved if the applicant demonstrates that:
 - i. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
 - ii. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.
2. *Access into the Site.* Vehicular access to and from the development must be safe and convenient.
- a. Any driveway or proposed street must be designated so as to provide the minimum sight distance according to the Town's standards, to the maximum extent possible.
 - b. Points of access and egress must be located to avoid conflicts with existing turning movements and traffic flows. Shared entryways are strongly encouraged.
 - c. The grade of any proposed drive or street must be not more than +/- three percent (3%) for a minimum of two (2) car lengths, or 40 feet, from the intersection.
 - d. The intersection of any access/egress drive or proposed street must function:
 - i. At a level of service of C following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or

- ii. At a level that will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
 - e. Where lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards.
 - f. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets. special care to be given to ensure traffic does not directly impact adjoining residential street system.
 - g. Access ways must be designated and have sufficient capacity to avoid queuing of entering vehicles on any public street.
 - h. The following criteria must be used to limit the number of driveways serving the proposed project:
 - i. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) driveway onto a single roadway. Such driveway must be no greater than 30 feet wide.
 - ii. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of egress to a single roadway. The combined width of all access ways must not exceed 60 feet.
- 3. *Access Way Location and Spacing.* Access way must meet the following standards:
 - a. Private entrances/exits must be located at least 120 feet from the closest unsignalized intersection and 160 feet from the closest signalized intersection, as measured from the point of tangency from the corner to the point of tangency for the access way.
 - b. Private access ways in or out of a development must be separated by a minimum of 120 feet where possible.
- 4. *Internal Vehicular Circulation.* The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
 - a. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of forty (40) foot wheelbase vehicles.
 - b. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane – no parking).
 - c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

- d. All roadways must be designed to harmonize with the topographic and natural features of the site.
(Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)

Section 4-130 Parking Lots and Driveways Abutting Residence District

A. Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a R1, R2, R3, R4, or R4A District so as to adjoin the side or abut the rear line of a lot in one (1) of these listed Districts, a solid masonry wall, or substantial solid fence six (6) feet high, shall be constructed and maintained along said side or rear lot line up to, but not beyond, the front setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings of R1, R2, R3, R4, or R4A Districts. (Prior code § 4-13)

Section 4-140 Rear Yards In Business and Commercial Zones-Loading and Unloading

A. In a business and industrial district, every building erected on an interior lot, extending back to an alley or on a lot eighty (80) feet or more in depth, located at the intersection of a street with an alley shall provide on such lot, adequate space for loading and unloading of trucks and commercial vehicles serving such building. Such loading space, unless otherwise adequately provided for, shall include a rear yard space extending at least fourteen (14) feet in height above the grade of the alley and at least twenty-five (25) feet in depth back from the alley line, along fifty percent (50%) of such alley frontage of an interior lot and along twenty percent (20%) of such alley frontage of a lot eighty (80) feet or more in depth located at the intersection of a street with an alley.

B. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall or other buildings of limited loading space requirements. (Prior code § 4-14)

Section 4-150 Bed and Breakfast Establishments

A. Homestay Regulations: Bed & Breakfast Homestays, as defined in Chapter 2, Section 2-010, are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, & C-B. Said Bed & Breakfast Homestay facility shall comply with the following regulations and performance standards:

1. Facility shall be owner-occupied with no more than 50% of the floor area of the primary structure used for guest quarters or Bed and Breakfast purposes.
2. State and County Health Department approval and permits are required.
3. Building shall meet the requirements of the International Building Code.

4. When changing the use or occupancy, both zoning compliance check and building safety clearance is required prior to commencement of the use.

5. No more than three (3) guest units shall be available for rent at any time.

A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

6. In addition to the required parking for the owner of the Homestay, per zoning code district, one (1) parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance.

7. One (1) sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three (3) feet above grade.

8. Necessary to have a current business license.

B. Bed & Breakfast Inn Regulations: Bed and Breakfast Inns, as defined in Chapter [2](#), Section [2-010](#), are permitted in the following Zones: R1, R1L, R2, R3, R4, R4A, C, I, and C-B. Said Bed & Breakfast Inn facility shall comply with the following regulations and performance standards.

1. Facility shall be owner-occupied with no more than seventy five percent (75%) of the floor area or structural coverage to be used for guest quarters or Bed and Breakfast purposes.

2. Building shall meet the requirements of the International Building Code.

3. When changing the use of or occupancy, both zoning compliance check and building safety clearance are required prior to commencement of the use.

4. No more than five (5) guest units shall be available for rental at any time.

A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

5. In addition to the required parking for the owner of the Bed & Breakfast Inn, per zoning code district, one (1) parking space per guest unit shall be provided on site in accordance with the parking standards of the Ordinance

6. One (1) sign, for identification purposes, not exceeding the size permitted per zoning code district, may be attached to the primary structure or placed in the front yard no higher than three (3) feet above grade.

7. Necessary to have a current business license.

C. Country Inn Regulations: Country Inns, as defined in Chapter [2](#), Section [2-010](#), are permitted in the following Zones: C, I, & C-B. Said Country Inn facility shall comply with the following regulations and performance standards.

1. Installation of commercial kitchen facilities, as well as acquisition of necessary permits per County and State Health Department requirements.
2. Building shall meet the requirements of the International Building Code.
3. When changing the use of or occupancy, both zoning compliance check and building safety clearance required prior to commencement of the use.
4. Signage shall meet applicable sign code standards
5. In addition to the required parking for the owner of the Bed & Breakfast Country Inn, per zoning code district, one (1) parking space per guest unit and employee shall be provided on site in accordance with the parking standards of the Ordinance.
6. Necessary to have a current business license. (Prior code § 4-15)

Section 4-160 Sidewalk Café Permit

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

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

B. Definitions:

1. Furniture means tables, umbrellas, chairs, benches or other objects used for the purpose of seating or of supporting the dining business.
2. Sidewalk cafe means a dining experience created within a portion of the public right-of-way kept, used, maintained and held out to the public as a place for sidewalk dining, where food, beverages or other refreshments are served for consumption on the premises adjacent to a business licensed to operate as an eating and/or refreshment establishment.
3. Removable barrier or barrier means a physical separator that can easily be lifted and moved immediately without the assistance of tools.
4. Sidewalk means that area of public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines reserved for pedestrian traffic, not including street crossings.
5. Operator means the persons or businesses permitted to operate a specific sidewalk café.

6. Applicant means persons or businesses applying for a permit to operate a specific sidewalk café.

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

1. Permit application: The application shall 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 Design Review 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 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 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.

E. Signage: One temporary, single-sided sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding four feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall be placed within the permitted area and shall not be placed on the adjacent building or on any permanent structure and shall be displayed only while the sidewalk café is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations.

F. Hours: Sidewalk cafes may operate during the regular business hours of the restaurant operating the sidewalk café, but no later than 11:00 p.m. No orders for food and/or beverages shall be taken after 10:00 p.m. for service at the sidewalk cafe.

G. Lighting: Lighting shall be that from the existing business or street lamps. For safety reasons, no extension cords or free standing temporary lighting will be permitted. Battery operated lights attached to the umbrella poles so as to minimize impact on dark skies and adjacent properties will be permitted.

H. Other restrictions:

1. No outdoor cooking of any type is permitted within the sidewalk café area.
2. No amplified music is permitted within the sidewalk café area. Single acoustic instruments such as a guitar will be allowed so long as musicians have a contractual arrangement with the owner
3. *Liquor Service.* Each sidewalk cafe serving alcoholic beverages shall provide all services in compliance with relevant local, state, and federal laws, including but not limited to the compliance with State Liquor License requirements and the verification of the legal drinking age of all patrons. No alcoholic beverages shall be removed from the sidewalk café in which they were served. Food service shall be available at all times commensurate with alcohol service. The operator of the sidewalk café shall comply with all barriers as may be required with an extension of premises of the relevant liquor license.
4. *Health Codes Compliance.* Each sidewalk café shall ensure compliance with all applicable County Health Codes and obtain any necessary extension/expansion permits required by the County.
5. *Trash removal.* The operator of the sidewalk café shall ensure all trash is removed from the sidewalk café area at the close of operating hours daily.

6. *Sidewalk Café Location Restrictions.* The café shall not block or restrict the sidewalk to less than applicable Americans with Disabilities Act (ADA) requirements or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window. Clearances should take into consideration nearest immovable object on the sidewalk.
7. *Smoking.* The availability of smoking areas shall be in compliance with applicable federal, state and local laws.
8. Any outdoor heating devices need Fire District and Building Official review and approval.
- 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)

Section 4-170-010 Standards for Golf Course Developments

(Created 10/9/12 by Resolution 1414 – Ordinance 344; Effective 11/9/2012)

- A. *Purpose:* To ensure that every golf course be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part, and specifically to ensure that no depletions to the aquifer occur from the irrigation of golf courses, and to encourage the use or reuse of effluent.
- B. *General Requirements:* The following requirements shall apply to the development and processing of golf courses in conjunction with a Planned Area Development proposal or any other golf course development:
 1. Applicant will be required to submit plans that demonstrate that the proposed project meets the standards set by the Arizona Department of Water Resource for golf courses in the Active Management Areas including limiting water usage to no more than five (5) irrigated acres per hole times the turf water allotment presented in the water allotment table.
 2. Applicant to obtain a report of physical availability of water from the Arizona Department of Water Resources demonstrating an adequate water supply for the entire development including the golf course prior to recording the Final Plan/Final Site Plan and prior to construction of the golf course.
 3. Applicant to demonstrate that the proposed development will be of an appropriate size and scale and reasonable or appropriate for a given area to generate sufficient effluent or re-use water to meet the entire irrigation needs of the golf course or demonstrate that an alternative supply of effluent or other renewable source of water will be available.
 4. Applicant will be required to submit a water balance study to demonstrate that sufficient water supply other than groundwater will be available for use on the golf course. The format and standard assumptions

and criteria will be used as a guide to complete the water balance study. These format and standard assumptions and criteria are attached in Section [4-170-040](#).

5. Applicant will be required to conduct a monitoring program as it pertains to surface water and groundwater quality and quantity. The monitoring program will be developed in concert with the appropriate approval authorities.

6. Applicant will be required to conduct monitoring program as it pertains to the performance of the wastewater treatment plant including effluent discharge quality and quantity for review and approval by the Community Development Department and Building staff or other appropriate agencies. (Prior code § 4-17-1)

Section 4-170-020 Design and Construction Standards

A. Applicant will be required to submit plans demonstrating that the golf course is designed, constructed and maintained in accordance with environmental practices as set out in Environmental Principles for Golf Courses in the United States or United States Golf Association guidelines or similar and which meet the following conditions:

1. Emphasis shall be placed upon the design of irrigation, drainage and retention systems that provide for the efficient use of water. Drainage and storm water retention systems should be incorporated to help provide for both the short and long term irrigation needs of the maintained turf and the un-maintained areas of the course. Storm water retention systems may require an appropriate surface water right from the Arizona Department of Water Resources.
2. The course shall be designed with sustainable maintenance in mind. The design shall incorporate resource conservation strategies that are environmentally responsible, efficient and cost effective. (Prior code § 4-17-2)

Section 4-170-030 Construction Documents

Conceptual grading, drainage, irrigation, clearing and landscaping plans will be required as part of the Final Site Plan application and in conjunction with a development plan. Plans must have sufficient detail to demonstrate that the design, construction and maintenance will incorporate environmental principles and meet the intent of the water use standards for golf courses specified in this document. (Prior code § 4-17-3)

Section 4-170-040 Water Balance Study

The applicant shall conduct a water balance study to demonstrate that the development has a sufficient supply of water other than groundwater to meet the water requirements of the golf course.

A. Water Allotments-five (5) irrigated acres per hole is the maximum acreage allotment, except when considering a previous water right allotment for surface water rights. The allotments presented in the table are for purposes of calculating the water balance for the facility and assume a seventy-five percent (75%) efficient irrigation system. If the applicant cannot meet the water requirements of a typical golf course with effluent, consideration will be given for a demonstration of reduced water use (for example, reducing the area irrigated).

Water Allotments for Turf Facilities

Type of Use	Water Allotment Facilities at 4,000 to 5,500 feet above MSL (ac-ft/acre)	Water Allotment Facilities at 3,000 and up to 4,000 feet above MSL (ac-ft/acre)
Turf	4.9	5.2
New Turf (1st year)	5.9	6.2
Artificial Lakes	5.5	5.8
Low Water Use Landscaping	1.5	1.5

B. Leaching Requirement-Turf may require the occasional leaching of salts from the root zone. Although treated effluent may not be as efficient as groundwater, even low quality water can be appropriately used for leaching. If the applicant believes that a leaching allotment is necessary, the applicant will have to demonstrate a sufficient amount of renewable water supply. The standard equation utilizing electrical conductivity of the water shall be used to compute the leaching requirement.

$$1. \text{ Additional Leaching} = (1 / (1 - (EC_w / (5EC_e - EC_w)))) - 1) * CU / .75 \text{ Allotment}$$

2. Where: EC_w = Electrical Conductivity of the water used EC_e = Tolerance of the crop to soil salinity in electrical conductivity of the soil saturation extract (millimhos per centimeter) CU = Consumptive use of the crop.

C. Effective Precipitation - Precipitation that is effective in offsetting the irrigation water demands is included in the water allotments in the table above. Consideration will be given if the applicant can demonstrate an additional amount of precipitation is effective in offsetting irrigation demands.

D. Additional Precipitation Allowance - If the applicant plans to capture additional runoff or off-site precipitation for use on the golf course, the applicant shall demonstrate adequate storage capacity, probability and volume of the captured water, and legal right to conduct the capture activity.

E. Effluent Production - The standard water requirements of a new housing development shall be computed according to the standard water use rates specified in the Prescott AMA Third Management Plan. Only the interior water use requirements (interior gallons per capita-day) will be considered to be a contribution to the effluent re-use system. Outside water use will be considered lost and non-recoverable. An average value of 2.5 persons per household will be the standard housing unit occupancy level. Consideration will be given if the applicant has good evidence that the development water use and effluent capture rates are different from the values presented.

Type of Residential Unit	Interior Gallons per Capita-day	Average Persons per Housing Unit	Exterior use (Gallons per Housing Unit per Day)	Total Water Use per Housing Unit (Gallons per Day)
Single Family Homes	57	2.5	75	217.5
Town Homes	57	2.5	58	200.5

F. Seasonal fluctuations-Typical golf course water requirements have a peak water use period during the hot-dry part of the summer that is much greater than the average annual water use. However, effluent production does not typically match this high peak. The applicant should demonstrate that available effluent is sufficient to meet the summer peak water use requirements of the golf course (approximately 1 acre-foot/acre during the one month period from June 15-July 15, or 3 acre-feet/day for a 90 acre golf course). (Prior code § 4-17-4)

Section 4-180 Wireless Communication Tower

(Created 7/9/13 by Ordinance #352; Effective 8/9/13)

A. *Purpose.* To minimize the impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, compatibility, and appearance while encouraging the availability of broadband wireless connectivity for residents and visitors.

B. *Permitted Zones.* Wireless communication facilities are permitted in the Commercial and Industrial Zoning Districts with a Conditional Use Permit, but are not allowed to be placed within five hundred (500) feet on either side of the centerline of State Route 89A. Co-location of providers is encouraged. A Conditional Use Permit shall also be required for any substantial change to an existing Wireless Communication Tower; a substantial change means any change or cumulative changes over time: (1) changing the physical dimensions (height or width) of the Wireless Communication Tower or its supporting structures by more than ten percent (10%); or, (2) changing the design of the Wireless Communication Tower that would make it significantly more obtrusive.

A conditional use permit for Wireless Communication Tower shall include:

- An accurate site plan showing the exact location of the tower and supporting facilities with dimensions for each structure and setbacks from property boundaries.
- A map of all locations owned, leased or operated by the applicant and their coverage located within 10 miles of the proposed site.
- A detailed drawing, scaled to not less than one-inch equal to 100 feet, of the exterior of the proposed Wireless Communication Tower, including a cross-section detail of the tower, including height from grade,

number of poles and number of arms, and features to make the tower visually unobtrusive. Aerial photographs and renderings may augment the drawing.

- An environmental assessment of the site, per the specifications of Section 1.1307 of the rules of the Federal Communication Commission and the Federal Aviation Administration rules regarding antenna structures.
- Exterior paint or finish samples.
- Letter of authorization from the property owner.
- A signed statement stating the radio frequency emissions comply with the standards of the Federal Communications Commission.
- Proof of a license from the Federal Communications Commission to transmit/receive radio signals.
- A summary of any planned community outreach regarding the application.

C. General Requirements and Restrictions:

1. Towers and accessory structures shall, as much as feasible, be designed to be visually unobtrusive with the surrounding landscape and area. Landscaping from the Town's approved plant list shall be used to screen all structures. Stealth or concealed towers may be required as a condition of the Conditional Use Permit.
2. Outdoor storage of equipment shall not be permitted at the site.
3. Lighting shall be fully shielded and used for security reasons only unless otherwise regulated by the Federal Communication Commission or the Federal Aviation Administration.
4. Only signage required by the Federal Communications Commission is permitted.
5. All components of a Wireless Communication Tower shall be removed, at the expense of the property owner, the entity leasing or owning the tower, or the applicant's (or the applicant's successor), if not used for 180 consecutive days. If the facility is not removed, the Town shall remove at the cost of the property owner, the entity leasing or owning the tower, or the applicant's (or the applicant's successor) after 30-days' written notice. (Revised by Ordinance #427 on 8/13/24; effective 9/14/24; prior code § 4-18)

Section 4-190 Temporary Uses and Temporary Structures

A. *Temporary Uses and Temporary Structures.*

1. A temporary use permit (TUP) shall be required for all temporary uses and structures. Permits are provided through administrative review by the Community Development Department.

2. Permit applications shall be submitted at least thirty (30) days prior to commencement of temporary uses. The Community Development Director may waive this requirement if special circumstances are determined to apply.
3. Notices of the temporary use permit application will be sent to surrounding property owners with direction to provide comments to the Community Development Department.
4. Temporary use permits shall be issued for a specific time period. Permits may be extended for an additional time period upon submittal of an additional permit application and after review and approval of the Community Development Director.
5. The fee for a temporary use permit shall be as established by Clarkdale Town Council.

B. *Requirements for a Temporary Use or Structure.*

1. Temporary uses and structures shall comply with the following general requirements, as determined by the Community Development Director:
 - a. Shall not cause an unreasonable effect to surrounding properties;
 - b. Shall not negatively impact public health or safety;
 - c. Temporary signs associated with a temporary use are permitted and must be included in the TUP application for review and approval of the Community Development Director;
 - d. Temporary uses or structures must be in conformity with the underlying zoning district;
 - e. At the conclusion of a temporary use or structure, all material shall be removed from the site and/or revegetated with plants from the Town's approved plant list;
 - f. At the conclusion of a temporary use or structure, all disturbed areas shall be restored;
 - g. Off-street parking shall be sufficient to accommodate the proposed use.
2. Informal activities such as garage sales, neighborhood parties and other informal, noncommercial events do not require a temporary use permit.
3. Special events do not require temporary use permits but are subject to the requirements of Town Code Article [8-4](#).
4. Violations of the terms of a temporary use permit constitutes grounds for immediate revocation.
5. Decisions by the Community Development Director may be appealed to the Board of Adjustment.
(Created by Resolution #1605 on 7/9/19; effective 8/8/19; Created by Ordinance #397 on 7/9/19; effective 8/8/19)

Section 4-200 Noise

- A. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site has to be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four feet above ground at the property boundary of the source.
- B. Noise shall be measured by a meter set on a weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1-4-1961) American standards specification for general purpose sound level meters.
- C. No person shall engage in construction activities on a site abutting any residential use between the hours of 9:00 p.m. and sunrise. (Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)

Section 4-210 Hazardous, Special, and Radioactive Materials

- A. The handling and use of all materials identified by the standards of a Federal or State agency as hazardous, special, or radioactive must be done in accordance with the standard of these agencies.
- B. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage.
- C. Materials must be stored in a manner and location that is in compliance with appropriate rules and regulations of the Arizona Department of Public Safety and other Federal, State, and local agencies with jurisdiction. (Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)

Section 4-220 Storage of Materials

- A. Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals, other articles of salvage or refuse, or dead storage must have sufficient setback and screening to screen said uses from public view at a minimum eighty percent (80%) opacity.
- B. All dumpsters or similar large collection receptacles for trash or other waste must be located on level surfaces that are paved or graveled and enclosed with solid wall or fence and gates that screen it from public view.
- C. Where a potential safety hazard or attractive nuisance is likely to arise, physical screening sufficient to prevent entry to the premises must be provided and maintained in good and effective condition. (Created by Resolution #1621 on 2/25/20; Created by Ordinance #403 on 2/25/20; effective 3/26/20)

Section 4-230 Recreational and Medical Marijuana (Created by Ordinance #409 11-10-20 – Effective 12-10-20)

A. *Purpose.* This section is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this section is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

B. *Definitions.* The below words and phrases, wherever used in this section, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

Chemical extraction: The process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.

Chemical synthesis: Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

Consume, consuming, and consumption: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.

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

Cultivate and cultivation: To propagate, breed, grow, prepare and package marijuana.

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

Department: The state of Arizona Department of Health Services or its successor agency.

Dual licensee: An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

Enclosed area: A building, greenhouse, or other structure that has:

- a. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
- b. Is secure against unauthorized entry;
- c. Has a foundation, slab or equivalent base to which the floor is securely attached; and

- d. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

Extraction: The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.

Manufacture and manufacturing: To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Marijuana:

- a. Means all parts of the plant of the genus Cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
- b. Includes cannabis as defined in A.R.S. § [13-3401](#).
- c. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus Cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana concentrate:

- a. Means resin extracted from any part of a plant of the genus Cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
- b. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

Marijuana establishment: An entity licensed by the Department to operate all of the following:

- a. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
- b. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- c. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

Marijuana products: Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

Marijuana testing facility: The Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

Medical marijuana: All parts of marijuana as defined by A.R.S. § [36-2801\(8\)](#), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Medical marijuana caregiver facility: A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical marijuana cultivation: The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical marijuana dispensary: A nonprofit entity as defined in A.R.S. § [36-2801\(11\)](#), and operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical marijuana processing facility: A facility that:

- a. Engages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending;
- b. Is operated by an individual or entity registered by the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and
- c. Is associated with a medical marijuana dispensary.

Medical marijuana qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § [36-2801.13](#) and is registered with the state of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Nonprofit medical marijuana dispensary: A nonprofit entity as defined in A.R.S. § [36-2801\(12\)](#).

Open space: A public park, public sidewalk, public walkway or public pedestrian thoroughfare.

Person: An individual, partnership, corporation, association, or any other entity of whatever kind or nature.

Process and processing: To harvest, dry, cure, trim or separate parts of the marijuana plant.

Public place: Has the same meaning prescribed in the Smoke-Free Arizona Act, A.R.S. § [36-601.01](#) and further regulated in Chapter [10](#), Offenses, Article [10-2](#), Smoking, of the Town Code of the Town of Clarkdale.

Smoke: To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

Storefront location: The use shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

C. Marijuana Establishments Permitted – Nonresidential.

1. If authorized by state law and a valid permit has been obtained from the Town, a marijuana establishment or a medical marijuana dispensary is permitted in Clarkdale, subject to the following conditions and limitations:

a. To the fullest extent allowable by law, shall be authorized in Clarkdale for:

i. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.

ii. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.

2. Shall be authorized in the Industrial Zoning District.

3. Shall be authorized in Commercial and Central Business District Zoning Districts, except that there shall be no cultivation.

4. Infusion of marijuana into food products by a marijuana establishment with a valid food establishment license shall be permitted as a conditional use in the Commercial and Central Business District Zoning Districts.

5. Shall not be located within 500 feet of a preschool, kindergarten, elementary, secondary or high school. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.

6. Shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

7. Shall be a total maximum 1,500 square feet. Maximum square footage may be expanded subject to use permit application and hearing procedures set forth under Chapter [5](#), Conditional Use Permit, of the Zoning Code of the Town of Clarkdale.

8. The secure storage area for the marijuana stored at the location shall not exceed 500 square feet of the total 1,500-square-foot maximum floor area of the facility. Maximum square footage may be expanded subject to use permit application and hearing procedures set forth under Chapter [5](#), Conditional Use Permit, of the Town of Clarkdale Zoning Code.
9. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
10. Shall allow on-site consumption or ingestion of food products infused with marijuana by a marijuana establishment only in the Commercial or Commercial Business Districts with a conditional use permit and with a valid food establishment license in the storefront location where the infused food product was produced.
11. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, Town trash can, bin or other Town facility, or in any park refuse container unless authorized by the Town.
12. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town of Clarkdale.
13. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.
14. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.
15. Shall be located in a storefront with windows facing the street. Window covers shall be open during business hours.
16. Shall utilize one (1) secure entrance/exit for customer use where purchasing area is located.
17. Shall comply with applicable county health regulations for food preparation and handling.
18. Shall submit a written security plan to the Community Development Department that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.
19. For a marijuana establishment located in the Industrial (I) Zoning District that engages in cultivation or manufacturing, shall submit a written operations plan to the Community Development Department that describes the following:
 - a. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
 - b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
 - c. The plan for addressing odor and other public nuisances that may derive from the establishment.

20. If the Department has not adopted final rules pursuant to this section at the time marijuana establishment licenses are issued pursuant to this section, licensees shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § [36-2854](#) except those that are inconsistent with this section.

D. Marijuana Testing Facility Permitted.

1. It shall be unlawful for a person to operate a marijuana testing facility at any location within the Town without obtaining a security plan approval and business license permit from the Town Clerk or his/her designee in accordance with Town Code, including any application and review procedures pursuant to regulations promulgated by the Arizona Department of Health Services.
2. A marijuana testing facility is permitted in the Town of Clarkdale subject to the following conditions:
 - a. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners or authorized agents.
 - b. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.
 - c. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
 - d. Shall maintain records, equipment and instrumentation as required by the Department.
 - e. Shall submit a written security plan to the Town that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.
 - f. If the Department has not adopted final rules pursuant to this section at the time marijuana testing facility licenses are issued pursuant to this section, licensees shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § [36-2854](#) except those that are inconsistent with this section.

E. Individual's Primary Residence for Personal Use.

1. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a Residential Zoning District in Clarkdale and is subject to the following conditions and limitations:
 - a. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.

- b. It shall be unlawful for two (2) or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.
 - c. Except as provided by A.R.S. § [36-2801](#) et al. and this section, it shall be unlawful for an individual to otherwise cultivate marijuana in a Residential Zoning District within the Clarkdale Town limits.
 - d. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.
 - e. Kitchens, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
 - f. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town of Clarkdale.
 - g. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
 - h. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.
2. If the Department has not adopted final rules pursuant to this section at the time the "Smart and Safe Arizona Act" is effectuated, individuals shall comply with the rules adopted by the Department to implement Chapter 28.1 of A.R.S. § [36-2854](#) except those that are inconsistent with this section. (Created by Ordinance #409 on 11/10/20; effective 12/10/20)

Section 4-240 Tiny Houses; Tiny Houses on Wheels; Tiny House Recreational Vehicles

- A. Tiny houses are permitted in any single-family residential zoning district as follows:
- 1. Tiny houses shall be sited on permanent foundations in compliance with IRC Appendix Q regulations.
 - 2. Tiny houses shall have wastewater systems sized for the occupancy and fixture count, or connect to the Town's wastewater system.
 - 3. Certificates of occupancy shall only be issued to tiny houses that comply with the provisions of this section. If the tiny house is moved from one site to another, a new certificate of occupancy will be required.
- B. Tiny houses on wheels and tiny house recreational vehicles are hereby regulated the same as travel trailers under this code, and shall be subject to all Clarkdale Town Zoning Code provisions applicable to travel trailers. (Created by Ordinance #410 on 2/9/21; effective 3/11/21)

Article 4-250

COMMERCIAL AND RESIDENTIAL FLAGPOLES

- 4-250-010 Purpose and Intent**
- 4-250-020 Permissible Locations**
- 4-250-030 Construction Standards**
- 4-250-040 Permit Requirements**
- 4-250-050 Preexisting Nonconforming Flagpoles**

Section 4-250-010 Purpose and Intent

The purpose of this article is to regulate the construction and installation of flagpoles on residential and commercial properties within the Town of Clarkdale, ensuring safety, aesthetic compatibility, and compliance with relevant regulations. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

Section 4-250-020 Permissible Locations

- A. Flagpoles may be erected on residential properties subject to the following conditions:
 - 1. The flagpole must be located within the boundaries of the residential property.
 - 2. The flagpole must not obstruct public rights-of-way, or utility easements, or impede visibility for vehicular or pedestrian traffic.
 - 3. The flagpole must comply with setback requirements specified in the zoning regulations.
- B. Flagpoles may be erected on commercial properties subject to the following conditions:
 - 1. The flagpole must be located within the boundaries of the commercial property.
 - 2. The flagpole must not obstruct public rights-of-way, or utility easements, or impede visibility for vehicular or pedestrian traffic.
 - 3. The flagpole must comply with the setback requirements specified in the zoning regulations unless it is engineered to collapse on itself, in which case it may be positioned within the setback boundaries. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

Section 4-250-030 Construction Standards

- A. Flagpoles must be constructed using durable and weather-resistant materials capable of withstanding environmental conditions and windspeeds eighty (80) miles per hour.
- B. The height of the flagpole shall not exceed fifteen (15) feet above ground level in residential zoning without obtaining a permit or twenty-five (25) feet above ground level in commercial zoning.
- C. Flagpoles must be securely anchored to the ground to prevent instability or collapse. The base must meet manufacturer specifications.
- D. Any lighting fixtures installed on or around the flagpole including those mounted on nearby structures or in the ground, must comply with the Town's dark sky requirements as outlined in Section [8-070](#), Lighting Requirements. All lighting shall be equipped with appropriate shielding. Additionally, any hard wiring for these fixtures must be installed underground in accordance with Section [8-070](#), Lighting Requirements.
- E. Installation of the flagpole must adhere to manufacturer specifications and industry best practices for safe assembly.
- F. On residential properties, flagpoles must be situated within the confines of the property lines to ensure that the height of the pole does not exceed the distance to the nearest property line. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

Section 4-250-040 Permit Requirements

- A. Prior to the construction or installation of a flagpole exceeding fifteen (15) feet in height on residential property, the owner must obtain a permit from the Town of Clarkdale's Community Development Department.
- B. Prior to the construction or installation of any flagpole on commercial property, the owner must obtain a permit from the Community Development Department.
- C. Permit applications shall include fully dimensioned plans materials, method of construction for the flagpole, and a site plan delineating the flagpole's location and its distance from property lines. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

Section 4-250-050 Preexisting Nonconforming Flagpoles

- A. Flagpoles that were legally installed prior to the adoption of the ordinance codified in this chapter and do not conform to the current regulations shall be considered preexisting nonconforming flagpoles.
- B. Such preexisting nonconforming flagpoles may continue to be used and maintained, provided they do not pose a safety hazard.

- C. Any modification, replacement, or relocation of a preexisting nonconforming flagpole shall comply with the current regulations set forth in the ordinance codified in this chapter.
- D. If a preexisting nonconforming flagpole is removed, any new flagpole installed on the property must conform to the current regulations. (Created by Ordinance #427 on 8/13/24; effective 9/14/24)

The Clarkdale Zoning Code is current through Ordinance #430, passed August 13, 2024.

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

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Staff Report

Item Number: 6.C.

<u>Agenda Item:</u>	Zoning Code Chapter 8: Outdoor Lighting Code Discussion only regarding Chapter 8, Outdoor Lighting Code.
<u>Staff Contact:</u>	Ruth Mayday, Assistant Town Manager/Community Development Director
<u>Meeting Date:</u>	April 30, 2025
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Review and discussion of Chapter 8, Outdoor Lighting Code.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Discussion only. No recommendation.

CHAPTER 8

OUTDOOR LIGHTING CODE

Articles:

8-010	Incorporation by Reference
8-020	Mission Statement
8-030	Purpose and Intent
8-040	Conflicting Regulations
8-050	Approved Materials and Methods of Construction or Installation/Operation
8-060	Preferred Source
8-070	Lighting Requirements
8-080	Parking Lot Lighting Standards
8-090	Temporary Lighting Permits
8-100	Nonconforming Uses
8-110	Variances
8-130	Definitions

Section 8-010 Incorporation by Reference

A.R.S., Title [49](#), Chapter 7, Light Pollution § [49-1101](#) det 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 8-040 Conflicting Regulations

A. In the event of conflict between the regulations set forth in this section of the Ordinance and any other regulations applicable to the same area, the more stringent limitations of requirement shall govern. (Prior code § 8-4)

Section 8-050 Approved Materials and Methods of Construction or Installation/Operation

A. The provisions of this section of the Zoning Ordinance are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this Ordinance, provided any such alternate has been approved.

B. The Planning Director may approve any such proposed alternate provided that such alternate:

1. Provides at least equivalence to the applicable specific requirements of this Ordinance; and
2. Is otherwise satisfactory and complies with the intent of this Ordinance. (Prior code § 8-5)

Section 8-060 Preferred Source

A. Due to their high energy efficiency, long life and spectral characteristics, low- pressure Sodium (LPS) lamps are the preferred illuminations source for outdoor lighting throughout the Town of Clarkdale. (Prior code § 8-6)

Section 8-070 Lighting Requirements

A. Outdoor floodlighting by floodlight projections above the horizontal is prohibited except for lamps specifically exempted under subsections [K](#) and [R](#) below and properly adjusted motion sensing security lighting fixtures as defined in Section [8-130.A.14](#).

B. All light fixtures which are required to be shielded shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures. Wiring to light poles and standards must be buried underground.

C. All light fixtures, including security lighting, except street lamps, shall be aimed or shielded so that the direction illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illuminations does not fall onto or across any public or private street or road. Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases. Direct or indirect lighting must not exceed one-half (0.5) foot candle (fc) at the lot line or upon abutting residential properties.

D. No new mercury vapor light fixtures nor replacement equipment other than bulbs shall be sold or installed for use as outdoor lighting within the Town of Clarkdale after the effective date of this Code and the use of mercury vapor light fixtures for outdoor lighting is prohibited after January 1, 2005.

E. *Search Light*. Laser source lights, strobe or flashing lights, motion or illusion lights or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel at their direction.

F. Class 1 lighting, including, but not limited to, sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operations until 10:00 p.m., or for as long as the area is in active use. This provision is not applicable to fixtures lawfully installed or implemented prior to the adoption of the ordinance codified in this section.

G. Class 2 lighting shall have no time restrictions unless stipulated as a condition of approval for new projects.

H. Class 3 lighting, except for flagpole lighting, must be extinguished after 10:00 p.m. or at the close of business, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15th to January 15th.

I. Multi-class lighting, except for security lights, must conform to the time limitations of the most strict class.

J. Except as permitted in subsections [K](#), [L](#), and [M](#) below, total outdoor light output, excluding streetlights used for illumination of public rights-of-way, of any development project shall not exceed one hundred thousand

(100,000) lumens per net acre, averaged over the entire property. No more than five thousand five hundred (5,500) lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in subsection [R](#) below.

K. Lighting, in all cases, for all outdoor athletic fields, courts, tracks or ranges shall be considered Class 1 (Color Rendition). When the proposed lumens per acre exceeds the limits of subsection [J](#) above, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the sport facility) to a maximum of one-half (0.5) fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this section.

All events shall be scheduled so as to complete all activity by 10:00 p.m. Illumination of the playing field, court, track or range shall be permitted after 10:00 p.m. only to conclude a scheduled event that was unable to conclude before 10:00 p.m. due to unusual circumstances. Fully shielded lighting shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:

1. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as required in Section [8-130.A.10](#); and
2. Are installed and maintained with aiming angles that permit no greater than two percent (2%) of the light emitted by each fixture to project above the horizontal.

L. Lighting for outdoor display lots shall be considered Class 1 (Color Rendition), and shall conform to the lumens per acre limits of subsection [J](#) above except as follows:

All such lighting shall utilize full shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics. When the proposed lumens per acre exceed the limits of subsection [J](#) above, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illumination Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the display lot) to a maximum of one-half (0.5) fc at any location on any nonresidential property, and one-twentieth (0.05) fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this section. Outdoor display lot lighting exceeding the lumens per acre cap of subsection [J](#) above shall be turned off at 10:00 p.m. or within thirty (30) minutes after closing of business or activity, whichever is later. Lighting in the outdoor display lot after this time shall be limited to Class 2 lighting, and shall conform to all restrictions of this section applicable for this class, including the lumens per acre caps in subsection [J](#) above.

M. Lighting for service station or similar canopies shall be considered Class 1 lighting. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy.

All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent (50%) of the lumen output of all lamps mounted within or under a canopy, except internally illuminated signs, is included in the lumen caps in subsection [J](#) above.

N. Lighting used for all externally illuminated signs shall conform to all restrictions of this section, shall be fully shielded, and shall be turned off at 10:00 p.m. or at the close of business, whichever is later.

O. All site lighting not directly associated with the special uses as permitted in Section [8-130.A.14](#) and subsections [K](#), [L](#), and [M](#) above shall conform to all lighting standards described in this section.

P. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illuminations source: the color of such opaque backgrounds is not restricted by this section. Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set in subsection [J](#) above. All illuminated signs shall be turned off at 10:00 p.m. or at the close of business, whichever is later.

Q. All outdoor neon lighting shall be fully shielded and shall be turned off at 10:00 p.m. or at the close of business, whichever is later.

R. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:

Shielding/Use Code: A = allowed, unshielded, F = allowed fully shielded

LAMP TYPE	SHIELDING
Class 1, 2 and 3 lighting	
All lamp types above 2,050 lumens	F (See Note #1)
All types below 2,050 lumens	A (See Note #2)
All neon tube lighting	F
Lamps in motion sensing security lights (Section 8-130.A.14)	A (subsection C above)

Note #1: Examples of lamp types of 2,050 lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage, check manufacturer's specifications):

- a. 100-watt standard incandescent and less.
- b. 100-watt midbreak tungsten-halogen (quartz) and less.
- c. 25-watt T-12 cool white fluorescent and less.
- d. 18-watt low-pressure sodium and less.

Note #2: Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties. Unshielded light (all types) are limited to a minimum of 5,500 lumens per net acre (see subsection [J](#) above). Residential parcels and development projects containing one net acre or less are allowed 5,500 lumens of unshielded light (all classes).

S. Uses other than single-family residential must have adequate exterior lighting to provide for their safe use during nighttime hours if such use is contemplated. (Revised by Resolution #1621 on 2/25/20; Revised by Ordinance #403 on 2/25/20; effective 3/26/20; prior code § 8-7)

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 specified by the Design Review Board for new projects. (Prior code § 8-8)

Section 8-090 Temporary Lighting Permits

A. The Community Development Director may grant a permit for temporary lighting if he/she finds all of the following:

1. The purpose for which the lighting is proposed is not intended to extend beyond (30) days,
2. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible;
3. The proposed lighting will comply with the general intent of this Ordinance, and
4. The permit will be in the public interest.

B. The Community Development Director shall rule on the application within five (5) business days from the date of submission of the request and notify the applicant in writing of his/her decision. The Planning Director may grant one (1) renewal of the permit for an additional thirty (30) days if he or she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Community Development Director is not authorized to grant more than one (1) temporary permit and one renewal for the same property within one (1) calendar year. (Prior code § 8-9)

Section 8-100 Nonconforming Uses

A. Mercury vapor lamps in use for outdoor lighting on the effective date of this Ordinance shall not be so used after January 1, 2005.

B. Bottom or side-mounted outdoor advertising sign lighting shall not be used after January 1, 2005.

C. No outdoor lighting fixture or use which was lawfully installed or implemented prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Ordinance, except that identical lamp replacement is allowed.

D. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Ordinance. Commercial light installations that are removed or relocated during a building remodel or expansion will be required to meet the provisions of this Ordinance. (Prior code § 8-10)

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 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 shingle detailed sheet which specifically lists all fixtures and outputs for the entire project to enable the Community Development Department to determine compliance to this Ordinance.

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

Section 8-130 Definitions

A. As used in this Ordinance, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

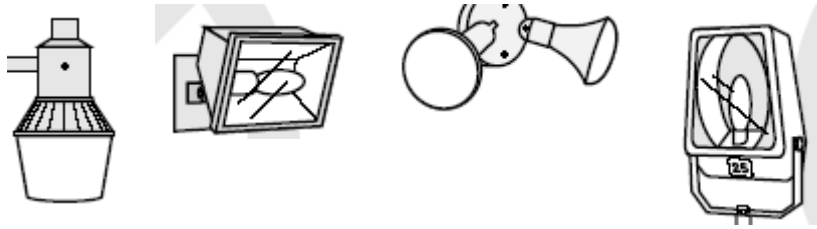
1. Discontinued: means the discontinuation of use for a period of six (6) months.
2. Class 1 Lighting: means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important.
3. Class 2 Lighting: means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination of the grounds is the primary concern.
4. Class 3 Lighting: means any outdoor lighting used for decorative effects, including but not limited to architectural illuminations, flag monument lighting, and illumination of trees, bushes, etc.
5. Planning Director: means the Planning Director for the Town of Clarkdale or his/her representative.
6. Development Project: means any residential, commercial, industrial, mixed use subdivision plan, individual building development or remodeling plan which is submitted to the Town for approval.
7. Direct Illumination: means illumination resulting from light emitted directly from a lamp. Luminary or reflector, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.
8. Fully Shielded Fixture: means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Examples of fixtures that are Fully Shielded:

(Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal)



Examples of fixtures that are NOT Fully Shielded:



9. Installed: means attached, or fixed in place, whether or not connected to a power source.
10. Light Trespass: is spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.
11. Lumen: is the unit used to measure the actual amount of visible light, which is produced by a lamp as defined by the manufacturer. A lumen is the light produced by one candle.
12. Luminary: means the complete lighting assembly, less the support assembly.
13. Multi-class Lighting: means any other outdoor lighting used for more than one (1) purpose, such as security and decorations, when those purposes fall under the definitions for two (2) or more lighting classes as defined for Class 1,2, and 3 Lighting above.
14. Motions Sensing Security Lighting: means a fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.
15. Neon Lighting: means lighting using luminous gas filled tubes often formed into text, symbols or decorative elements. Neon Lighting includes tubes with typical diameters of 10 to 20 millimeters filled with neon, argon, xenon, or other gasses and producing various colors of light. Not included are replaceable T-8 (1 inch diameter) and T-12 (1.5 inch diameter) or PL ("compact") fluorescent tubes.
16. Net Acreage: means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.
17. Outdoor Light Fixtures: means all outdoor illuminating devices, reflective surfaces, lamps and other devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:
 - a. Buildings and structures
 - b. Recreational areas
 - c. Parking lot lighting
 - d. Landscape and architectural lighting
 - e. Billboards and other signs (advertising or other)

- f. Street lighting
- g. Product display area lighting
- h. Building overhangs and open canopies
- i. Security lighting

18. Outdoor Recreation Facility: means an area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball, soccer or football fields, golf courses, tennis courts and swimming pools.

19. Person: includes a corporation, company, partnership, firm, association or society, as well as an individual.

20. Security Lighting: is lighting designed to illuminate a property or grounds for the purpose of visual security. This includes full shielded lighting designed to be left on during the night time hours as well as motion sensing lighting fixtures.

21. Temporary Lighting: means lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. holiday decorations, civic events, or construction projects.

22. Total Outdoor Light Output: means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a property. For lamp types that vary in their output as they age (such as high pressure sodium and metal halide), the initial output, as defined by the manufacturer, is value to be considered.

23. Unshielded Fixture: means a fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

24. Watt: is the unit used to measure the electrical power consumption (not the light output) of a lamp. (Prior code § 8-13)

The Clarkdale Zoning Code is current through Ordinance #430, passed August 13, 2024.

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