

General Provisions

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Section 4-1 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.

Section 4-2 Campers and Motor Homes

- A. Self-powered vehicle or travel trailers not designed for attachment to a lot shall not by any definition be deemed a residence or be used as such in any zoning district except in accordance with Section 10-1-21B of the Town Code of the Town of Clarkdale, Arizona, or during construction and only so long as a 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 RV's or travel trailer shall be provided through the establishment of a temporary power connection of adequate amperage, on a free-standing pole of adequate construction.

Section 4-3 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.

Section 4-4 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.

Section 4-5 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.

Section 4-6 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 4-6A 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.

Section 4-7 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.

Section 4-8 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 4-8 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 4-8 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 4-8 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 4-8 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.

Section 4-9 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.

Section 4-10 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.

Section 4-11 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 4-12. 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.

Section 4-12 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 & 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	½ sleeping units + 1/employee

b. Office and Service Uses:

General Offices	1/250 square feet
Medical Offices	4 /practitioner + ½ employees
Day Care Centers	1 /each 8 clients + 1 / employee
Veterinary Hospitals, Clinics	3 / practitioners
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 sp. per drive-through lane
Hospital	1 / bed + 1 / 2 Employees

c. Retail Sales and Services:

General Retail	1 / 200 square feet
Banks, Financial Institutions	1 / 250 square feet + 5 stacking spacer per Drive-through lane
Motor Vehicle & Machinery Sales	1/ 200 square feet of Indoor office/display area.
Motor Vehicle Repair, Accessory Installation	2 / service stall, min. of 6 spaces
Furniture, Major Appliance Stores	1/ 400 square feet
Car Wash	4 / bay + 1 /employee

d. Education, Religious, Recreation, Assembly:

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

e. Industrial Uses:

Manufacturing, Fabrication	1 / 1000 sq. ft., or 1.5 employees, which-ever is greater
Warehouse	1 / 2000 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 - 10, Block 44, the westerly ½ of Lot 10 and Lots 11 - 16, Block 45 Clarkdale Subdivision are exempt from the standards specified in Section 4-12 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 ten (10) feet wide for one-way travel and twenty (20) feet wide for two-way travel.
 - c. Each parking space shall consist of an area of not less than nine (9) feet in width by twenty (20) feet in length, except that the length may be reduced to eighteen (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 ten (10) feet in width, thirty-five (35) feet in length, and fourteen (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 (10) 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.
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 three hundred (300) feet distant in a direct line from the nearest part of such use.
 - b. Spaces utilized for ingress and egress for a parking area shall not exceed forty (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.
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 more in depth reports if needed. 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.

Section 4-13 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.

Section 4-14 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.

Section 4-15 Bed and Breakfast Establishments

- A. Homestay Regulations: Bed & Breakfast Homestays, as defined in Chapter 2, Section 2-1, 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 2-1, 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.
- B. Country Inn Regulations: Country Inns, as defined in Chapter 2, Section 2-1, 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.

Section 4-16

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.

Section 4-17-1 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 4-17-4](#).
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.

Section 4-17-2 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.

Section 4-17-3 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.

Section 4-17-4 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

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

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

1. $Additional\ Leaching = (1 / (1 - (ECw / (5ECe - ECw)))) - 1 * CU / .75 Allotment$
2. Where: ECw = Electrical Conductivity of the water used
 ECe = Tolerance of the crop to soil salinity in electrical conductivity of the soil saturation extract (millimhos per centimeter)
 CU = Consumptive use of the crop.

- C. Effective Precipitation - Precipitation that is effective in offsetting the irrigation water demands is included in the water allotments in the table above. Consideration will be given if the applicant can demonstrate an additional amount of precipitation is effective in offsetting irrigation demands.
- D. Additional Precipitation Allowance - If the applicant plans to capture additional runoff or off-site precipitation for use on the golf course, the applicant shall demonstrate adequate storage capacity, probability and volume of the captured water, and legal right to conduct the capture activity.
- E. Effluent Production - The standard water requirements of a new housing development shall be computed according to the standard water use rates specified in the Prescott AMA Third Management Plan. Only the interior water use requirements (interior gallons per capita-day) will be considered to be a contribution to the effluent re-use system. Outside water use will be considered lost and non-recoverable. An average value of 2.5 persons per household will be the standard housing unit occupancy level. Consideration will be given if the applicant has good evidence that the development water use and effluent capture rates are different from the values presented.

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

- 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).

Section 4-18 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 except for properties located within the 89A Overlay District protected viewshed. 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 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.