

Design Review and Site Plan Review (Rev. Ord. 310)

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Section 11-1 Purpose and Applicability of Design Review

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

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

Section 11-2 Application Procedure for Design Review

- A. Applications for Design Review shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by the following:
1. The proposed Site Plan, including, but not limited to, a north arrow, name and address of owner, address of property and legal description, all property lines dimensioned and marked as property lines, site contours, existing structures, and enclosures, all proposed development, name of proposed development, easements, and other development abutting property, proposed parking areas, all improvements affecting the appearances, such as walls, walks, terraces, landscaping, accessory buildings and lights.
 2. Plans and exterior elevations, drawn to scale, on one or more sheets of paper with sufficient detail to show, as far as they are related to exterior appearances, the design, the proposed materials, textures and colors.
 3. Building material and color samples.
 4. Any other information which the Board may find necessary to establish compliance with this section.
- B. An application for approval of demolition, partial demolition or removal of an existing building or structure shall be filed with the Community Development Director on a form prescribed by the Director. The application shall be accompanied by the following:
1. Legible photograph showing all sides of the building or structure for which the application is made.
 2. Legible photograph showing the adjoining properties.
 3. Any other information which the Board may find necessary to establish compliance with this section.

- C. An application for approval of a sign shall be accompanied by the following:
1. Plans to scale with sufficient detail to show the size, design, lighting, materials, textures, colors and placement of the sign.
 2. If applicable, legible photograph showing the face of the building on which the sign is to be mounted or vicinity photograph for a free standing sign.
 3. Any other information which the Board may find necessary to establish compliance with this section.
- D. Upon receipt of an application for Design Review, the Community Development Director shall place the application to be reviewed on the Agenda at a Special Meeting of the Design Review Board within thirty (30) days of submitting the application. The Community Development Director shall notify the applicant of the time and place of the meeting and shall also provide the applicant with a copy of the staff report.

Section 11-3 Filing Fee for Design Review

The application for design review shall be accompanied by a non-refundable filing fee in an amount established by resolution of the Town Council.

Section 11-4 Review Criteria for Design Review

- A. The Design Review Board shall review applications for design approval of new construction, alterations, additions, or renovations to existing buildings or structures and shall have the power to approve, conditionally approve, or disapprove all such requests. The decisions will be based on the following criteria:
1. **ARCHITECTURAL MERIT:** The architecture and design shall be visually compatible with the buildings, structures and places to which it is related.
 2. **PROPORTION:** The relationship of the width of the building or structure to its height shall be visually compatible with the buildings, structures and places to which it is related or shall be maintained as original whenever feasible.
 3. **OPENINGS:** The relationship of the width of the windows and doors, to the height of windows and doors in the building shall be visually compatible with buildings, structures and places to which it is related.
 4. **PATTERN:** The relationships of solids to voids in a facade of a building or structure shall be visually compatible with buildings, structures and places to which they are related.
 5. **SPACING:** The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible to the buildings, structures and places to which it is related.

6. **ENTRANCES, PORCHES AND PROJECTIONS:** The height, projection, supports and relationship to streets and sidewalks, of entrances, porches, awnings, canopies and balconies of a building shall be visually compatible to the buildings, structures and places to which it is related.
 7. **MATERIAL, TEXTURE AND COLOR:** The materials, textures and colors of the facade of a building shall be visually compatible with the predominant materials, textures and colors used in the buildings and structures to which they are related.
 8. **ROOFS:** The roof shape and materials of a building shall be visually compatible with the buildings to which it is related.
 9. **ARCHITECTURAL DETAILS:** Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with buildings and structures to which they are related.
 10. **ACCESSORY FEATURES:** Garages, carports, sheds, enclosures, walkways, stairways, and landings shall be visually compatible with buildings and structures to which they are related.
 11. **LANDSCAPING:** Landscaping shall be visually compatible with the landscaping around the buildings, structures and places to which it is related.
 12. **LIGHTING:** Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties.
- B.** The Design Review Board may review applications for design approval of signs and shall have the power to approve, conditionally approve, or disapprove all such requests based on the following criteria:
1. The sign shall be in appropriate scale, proportion, color and overall design relative to the exterior architectural character of the building, structure or site.

Section 11-5 Expiration of Design Review Approval

Design approval automatically expires if a building permit has not been issued within one (1) year of the date of final approval. The Board may grant an extension of approval provided the applicant files for an extension within the one (1) year approval period.

Section 11-6 Violations and Enforcement

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

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

Section 11-7 Appeals

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

Section 11-8 Severability

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

Section 11-9 Purpose and Applicability for Site Plan Review

The Site Plan Review procedures are intended to protect the public health and safety and promote the general welfare of the community. These processes are intended to facilitate the organization of development of commercial and industrial property. They are also intended to insure that new development and redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale, as applicable.

- A.** A person who has right, title, or interest in a parcel of land must obtain SPR approval prior to commencing any of the following activities on the parcel:
1. The construction or placement of any new building or structure for a commercial or industrial use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of one thousand (1,000) square feet or more.
 2. The expansion of an existing commercial or industrial building, structure, or uses including accessory buildings that increases the total floor area by 1,000 square feet or more.
 3. The conversion of an existing building in which five hundred (500) or more square feet of total floor area are converted from residential to commercial or industrial use, except in the case of home occupations.

4. The establishment of a new commercial or industrial use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural commercial or industrial uses.
 5. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet.
 6. Any other new, amended, modified or expanded use, including commercial/industrial Planned Area Development (PAD) if so stipulated by other Sections of the Code.
 7. Any new or modified public structure or facility.
- B.** The following activities shall not require SPR approval, however building permits, plumbing permits, electrical permits or other state or local approvals are applicable as required by code or ordinance:
1. The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.
 2. The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
 3. Agricultural activities, including agricultural buildings and structures.
 4. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

Section 11-10 Review and Approval Authority

The Design Review Board is authorized to conduct Site Plan Reviews and
1) Approve as filed; 2) Deny as filed; 3) Approve the request with conditions/stipulations. The Design Review Board is also authorized to conduct Design Reviews for all new buildings and redevelopment as defined in the Town of Clarkdale Zoning Code. The decision of the Design Review Board is final unless an appeal is filed in accordance with the proper procedures identified in Article 17 of the Town Code.

Section 11-11 Site Plan Application Submission and Review Procedures

A. Pre-application

A pre-application conference is not mandatory, but can be helpful to the applicant in identifying potential issues that will need to be addressed.

The purposes of the pre-application conference are to:

1. Allow the Community Development Department to understand the nature of the proposed use and the issues involved in the proposal.

2. Allow the applicant to understand the development review process and required submissions.
3. Identify issues that need to be addressed in future submissions.
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Department may schedule a site inspection if deemed necessary and resolve any requests for waivers and variations from the submission requirements. Applicants for pre-application conference will need to provide the information indicated on Table 1 in Section 11-12, in order to facilitate a meaningful discussion.

B. Persons applying for Site Plan Review will be required to submit a Site Plan Review application and up to twelve (12) copies of the Site Plan, including the development plan and supporting documentation that meets the minimum submission requirements set forth in Section 11-8. This material shall be submitted to the Community Development Director, who shall determine that the application is complete. If the application is complete, the Community Development Director will date stamp the materials, notify the applicant of this and the date the Design Review Board will review the application.

1. If the application is determined to be incomplete, the Community Development Director shall notify the applicant by letter that the application is incomplete. In this letter the Community Development Director will specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Design Review Board until this additional information is provided.
2. After the application has been accepted the Community Development Department will distribute copies of the Site Plan to the Public Works, Engineering Departments, Town Manager, Fire Chief, and Police Chief, County Flood Control, and County Health for review and comment. **THIS PROCESS OF REVIEW BY THESE AGENCIES DOES NOT REPLACE ANY RESPONSIBILITY TO OBTAIN APPROVALS BY THESE AGENCIES WHERE REQUIRED.**

Site Plans shall also be provided to all other affected utility companies as well as to adjoining governmental entities as required by statute, for planning and coordination purposes. Comments returned shall pertain to the agency's area of specific authority and shall contain specific requirements from these reviewing agencies.

As part of this review, the Community Development Department may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal.

4. Following receipt of the comments from the various departments and agencies, the Community Development Director shall prepare a staff report for the Design Review

Board. The staff report will contain all of the comments received from the various agency representatives, as well as Town staff. The applicant will receive a copy of this report after it has been distributed to the Design Review Board.

Staff shall post two signs at the site for the purpose of notifying the public with the date and time of the public meeting, the site of the meeting and the requested action before the Design Review Board. The notice signs shall be of a size not less than 18 inches X 18 inches, and shall be placed in a reasonable location on the site to be accessible by the public. A Public Notice shall be placed in the official Publication not less than 15 days prior to the public hearing and notice shall be sent to all of the property owners within 200 feet of the property scheduled for site plan review consideration.

5. The Board upon completion of their review, shall, at their public meeting, approve the request, deny the request or approve the request with conditions. The Community Development Director shall notify the applicant, by letter of the Board's decision including its findings, and any conditions or stipulations.
6. Site Plans that are approved or approved with conditions or stipulations shall expire after one year from the date of the Board meeting at which they are approved.

NOTE:

It is strongly suggested that applicants for Site Plan Review hold a Neighborhood Meeting to inform the public of the proposals prior to formal submission of an application and plans. If no neighborhood meeting is held, at the time of formal submittal, the applicant must provide the Zoning Administrator with a written acknowledgment of their knowledge of this recommendation and the reasons for declining to hold the meeting.

C. Site Plan Review: approval with conditions/stipulations, or changes

1. If an application is approved with conditions/stipulations or changes to the Site Plan, the applicant shall make all changes to the Site Plan and submit one correct copy and one digital copy to the Community Development Department within 30 days of the Design Review Board's decision.
2. The Community Development Department shall conduct a review of the submittal to assure that all Board conditions have been incorporated into the corrected plan and update the Design Review Board on the progress at their next meeting.
3. Any Site Plan approved with conditions shall expire if after two (2) years from the date of the approval construction on the site has not commenced.
4. All time limits provided for in this section may be extended by mutual agreement of the applicant and Design Review Board.

D. Establishment of Fees

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

Section 11-12 Site Plan Submission Requirements

All applications for Site Plan Review must contain the information indicated as being required in Table 1 (below).

Submittal Requirements Checklist

Table 1

	Pre-app 2 copies	SPR 12 copies	Required Materials:
1.		X	Fully executed and signed copy of the application and fees paid in full
2.		X	A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
3.	X	X	Legal Description and Boundary Survey to scale
4.		X	The parcel #(s) and lot # on which the project is located
5.		X	Vicinity map showing general location of the site within the Town
6.		X	The name, registration number, and seal of the person who prepared the plan, if applicable (Strongly Recommended)
7.		X	Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time
8.		X	Site photos/map from all directions at corners (standard prints)
9.		X	The maps or drawing must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 500 feet to the inch for that portion of the tract of land being proposed for development. Applicant must also provide copies of all drawings submitted on 8 1/2" X 11" sheets
10.		X	Digital copy of Site Plan materials (using control supplied by the Community Development Department)
11.		X	Location of all required building setbacks, yards, and buffers
12.		X	Zoning Classification(s) of property and surrounding property
13.		X	The bearings and length of all property lines of the property to be developed and the source of this information
14.		X	Location & size of any existing utility lines & easements
15.		X	Location, names, and present widths of existing public and/or private

			streets and rights-of-way within or adjacent to the proposed development
16.		X	The location and dimensions of existing driveways, parking & loading areas, walkways, and sidewalks on or immediately adjacent to the site
17.		X	Location of intersecting roads or driveways within 200 feet of the site
18.		X	Location and dimensions of any existing easements and copies of codes covenants or deed restrictions
19.		X	The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection
20.		X	The location of open drainageways
21.		X	The direction of existing surface water drainage across the site
22.		X	The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties
23.		X	A grading and drainage plan that includes existing contours, proposed contours, drainage channels and directions of flow, as well as stormwater calculations, erosion and sedimentation control measures and water quality, see Town Code Section 7-11
24.		X	A traffic statement that includes an estimate of the peak hour and daily traffic to be generated by the project
25.		X	The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site
26.		X	The location, dimensions and elevations of all <u>existing buildings, proposed buildings and building expansion</u> on the site
27.		X	The location, front view, dimensions, and lighting of existing signs AND proposed signs
28.		X	A utility plan including estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal
29.		X	Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on- site collection or storage facilities
30.		X	Proposed landscaping and buffering plan including irrigation plan
31.		X	Include the percentage of total landscaping for the project

Section 11-13 Approval Standards and Criteria for Site Plan Review

The following criteria shall be used by the Design Review Board in reviewing applications for SPR and shall serve as minimum requirements for approval of the application.

The application shall be approved unless the Design Review Board determines that the applicant has failed to meet minimum acceptable standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

1. UTILIZATION OF THE SITE

- a. **Utilization of the Site:** The plan for the development must reflect the natural capabilities of the site to support development. Environmentally sensitive areas must be maintained and preserved.
- b. **Natural drainage** areas must also be preserved to the maximum extent. However, when requested, the applicant may choose to transfer density or intensity of the proposed use from these wash areas into areas more developable. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
- c. **Building Placement:** The site design should avoid creating a building surrounded by a parking lot. In urban, built-up areas and in villages, buildings should be placed close to the street, in conformance with existing, adjacent setbacks. Parking should be to the side or preferably in the back.
- d. **Building Entrances:** The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach, and should be clearly identifies as such through building and site design, landscaping, and/or signage.
- e. **Building Orientation:** New buildings within a built-up area should be compatible with the neighborhood such that they reflect the overall bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street.
- f. **Building Scale:** When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design

the new building or structure so that it is compatible with its neighbors. This may include making the building look small, using traditional materials, styles and/or proportions.

- g. **View Protection:** When a proposed development is located within the view shed of an identified view from a public street or facility, the development must be designated to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.
- h. **Ridgeline Protection:** When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that buildings, structures, and other improvements do not extend above the existing ridgeline or alter the ridge profile significantly when viewed from the public streets, roads, water bodies, or facilities. This provision may be waived for communication towers, spotting towers, and similar facilities that must be located above the ridgeline for operational reasons.
- i. **Hillside Development:** When proposed development is located on a hillside that is visible from a public street, water body, or facility, the development must be designated so that it fits harmoniously into the visual environment when viewed by the public from public areas.
- j. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearances of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.

2. TRAFFIC ACCESS AND PARKING

- a. **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.

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.

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 Design Review Board if the Commission determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

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.
- b. **Access into the Site:** Vehicular access to and from the development must be safe and convenient.
- I. 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.
 - II. Points of access and egress must be located to avoid conflicts with existing turning movements and traffic flows. Shared entry ways are strongly encouraged.
 - III. The grade of any proposed drive or street must be not more than +/-3 % for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
 - IV. 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.
 - V. 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.

- VI. 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 insure traffic does not directly impact adjoining residential street system.
 - VII. Access ways must be designated and have sufficient capacity to avoid queuing of entering vehicles on any public street.
 - VIII. 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 thirty (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 sixty (60) feet.
- c. **Access way Location and Spacing:** Access way must meet the following standards:
1. Private entrances/exits must be located at least one hundred twenty (120) feet from the closest unsignalized intersection and one hundred sixty 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.
 2. Private access ways in or out of a development must be separated by a minimum of one hundred twenty (120) feet where possible.
- d. **Internal Vehicular Circulation:** The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

1. 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 40 foot wheelbase vehicles.
2. 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).
3. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
4. All roadways must be designed to harmonize with the topographic and natural features of the site.

e. **Parking Layout and Design:** Off-street parking must conform to the following standards:

1. Parking areas with more than two (2) spaces must be arranged so that it is not necessary for vehicles to back into the street.
2. All parking spaces, access drives, and impervious surfaces must be located at least (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access ways not exceeding twenty-four (24) feet in width. No parking or maneuvering will take place in the setback areas.
3. 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

4. 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.
5. Parking areas for nonresidential use must be designated 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 parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

6. 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, or damage landscape materials.
- f. **Location of Off-Street Parking:** Within built-up areas, parking lots should be located to the side or rear of the building. Parking should not be located between the building and the street. The use of shared parking, shared driveways and the cross-connection of parking lots is encouraged.

In suburban and rural areas, smaller uses that may need public visibility from the street should be sited as close to the street as possible. In this case, not more than one (1) row of parking shall be allowed between the building and the street, with the balance of the parking located at the side and/or rear of the building. Larger scale uses and uses which do not require visibility from the road may be located further from the road with a landscaped buffer between the building and the street.

- g. **Design of Drive-Through Facilities:** Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. Where possible drive-through facility shall not be located in the area of the site adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

3. 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.

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.

- b. **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.

4. STORMWATER MANAGEMENT

- a. Stormwater Management: Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.
 - I. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
 - II. The flow from the site after development must not exceed the predevelopment rate.
 - III. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of downstream or adjoining properties, or the developer will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
 - IV. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the SPR.
 - V. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
 - VI. The design of the storm drainage systems must be fully cognizant of upstream runoff that must pass over or through the site to be developed and provide for this movement.
 - VII. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, may be required, especially where the development

stormwater discharges into a gravel aquifer area or other water supply source.

5. EROSION CONTROL

- a. **Erosion Control:** All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- b. Soil erosion and sedimentation of watercourses and water bodies must be minimized by the development of a sedimentation and erosion control plan that is submitted as part of the SPR package.

6. WATER SUPPLY PROVISIONS

- a. **Water Supply:** The development must be provided with a system of water supply that provides each use with an adequate supply of water.
- b. If the project is to be served by a private water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

7. SEWAGE DISPOSAL PROVISIONS

- a. **Sewage Disposal:** The development must be provided with a method of disposing of sewage that is in compliance with the State Plumbing and Health Codes.
- b. All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.
 - I. It is mandatory that when a public sewer becomes available within three hundred (300) feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of Section 11 of the Town Code for the Town of Clarkdale.

Connections are mandatory when any one of the conditions stipulated in Chapter 11 of the Town Code applies after the date specified for that condition.

This requirement may be waived if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system must occur if and when the subsurface system needs to be replaced.

- II. If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.
- III. When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association.

Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

- IV. Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution.

8. UTILITIES

- a. The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

9. NATURAL FEATURES

- a. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.

- b. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate. See Section 9 of the Zoning Code.
- c. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained.

10. GROUNDWATER PROTECTION

- a. Groundwater protection: the proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Arizona.

11. WATER QUALITY PROTECTION

- a. Water Quality Protection: All aspects of the project must be designed so that:
 - I. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
 - II. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Arizona Department of Environmental Quality (ADEQ) and the State Fire Marshall's Office.
 - III. If the project is located within the direct watershed of a 'body of water most at risk from development' or a 'sensitive or threatened region or watershed' as identified by the Arizona Department Environmental Quality (ADEQ), and is of such magnitude as to require a stormwater permit from the ADEQ, the project must comply with the standards of the ADEQ with respect to the export of total suspended solids and/or phosphorous.

If the project does not require a stormwater permit from the ADEQ, it must be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

12. HAZARDOUS, SPECIAL, AND RADIOACTIVE MATERIALS

- a. **Hazardous, Special, and Radioactive materials:** 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 standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All 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 appropriate federal, state, and local regulations.

14. SOLID WASTE MANAGEMENT

- a. **Solid Waste Disposal:** The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

15. HISTORIC AND ARCHAEOLOGICAL RESOURCES

- a. **Historic and archaeological Resources:** If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

16. FLOOD PLAIN MANAGEMENT

- a. **Flood Plain Management:** If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Flood plain management provisions.

17. EXTERIOR LIGHTING

- a. **Exterior Lighting:** The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.
- b. **Building Illumination:** All new construction for which SPR is required shall also be required to submit a comprehensive lighting plan for review. The

lighting plan shall be developed in accordance with the requirements of Section 8 of the Town of Clarkdale Zoning Code.

- c. Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways.
- d. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5-foot candles at the lot line or upon abutting residential properties.
- e. All exterior lighting, except security lighting, must be turned off between 10 p.m. and 6 a.m. unless located on the site of a commercial or industrial use that is open for business during that period.
- f. Wiring to light poles and standards must be underground.

18. BUFFERING

- a. Buffering: The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas.
- b. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.
- c. A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:
 - I. Shield neighboring properties from any adverse external effects of the development, or
 - II. Shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

- d. **Landscaped Roadside Buffers:** Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way.

This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site. The width of the buffer strip must increase with the setback of the building as follows:

Building Setback Buffer Width

<50 feet	10 feet
50-74 feet	15 feet
75-99 feet	20 feet
100 feet or more	25 feet

Where the buffer cannot be achieved, a low wall, fence, or hedge may be used to create the buffer. Averaging of the buffers is permitted as long as the minimum of ten (10) feet is achieved.

19. NOISE

- a. **Noise:** The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.
- b. Noise shall be measured by a meter set on the 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.

20. STORAGE OF MATERIALS

- a. **Storage of Materials:** Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- b. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces that are paved or graveled.
- c. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

- d. Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

21. LANDSCAPING

- a. **Landscaping:** Landscaping must be provided as part of site design. The landscape plan for the entire site must conform to Section 9 of the Town of Clarkdale zoning Code.

22. BUSINESS SIGNS

- a. **Business Signs:** All new construction for which SPR is required shall also be required to submit a comprehensive sign plan for review. The sign plan shall be developed in accordance with the requirements the Town of Clarkdale Sign Code.

Section 11-14 Post Approval Activities

A. Limitation of Approval

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

B. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Community Development Director to address field conditions.

C. Improvement Guarantees

1. Application

- a. **Improvement Guarantee -** The Town Council may require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

- b. Upon substantial completion of all required improvements, the developer must notify the Town Council of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- c. The Town Council shall either approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.
- d. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Attorney.

- a. Security Bond-The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- b. Letter of Credit-The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- c. Escrow Account-The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the Town, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.
- d. Letter from the financial institution providing funding for the project, indicating commitment to the completion of the project.

D. Submission of As-Built Plans

Any project subject to Site Plan Review must provide the Community Development Director with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

E. Submission of Digital Copies of As-Built Plans

Where the applicant or their engineers utilize computer aided drafting (CAD) programs to develop the site plan, digital drawing files of the as-builts shall be submitted to the Community Development Director along with printed drawings.

F. Minor Changes to Approved Plans

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

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

G. Updates/Phased Site Plans

Site Plans for projects that are approved to be developed in phases must receive P&Z approval initially for all phases of the project, or receive P&Z approval through the full SPR process for an updated Site Plan for each phase as it is proposed to be built.

Section 11-15 Appeals

Appeal of any actions taken by the Town Council with respect to this section shall be to the Board of Adjustments. Pursuant to A.R.S. Section 9-462.06, any appeal taken with respect to this Section shall be in accordance with the provisions of said statute.

Section 11-16 Administration and Enforcement

This ordinance shall be administered and enforced by the Community Development Director.

If the Community Development Director or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The Community Development Director is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

The Town Council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Code and recovering fines without court action.

Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official

and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

Section 11-17 Interpretation of the Code

The Community Development Director shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the Community Development Director has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Board of Adjustment as an administrative appeal. If the Board finds that the Community Development Director erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

Section 11-18 Amendments to the Code

Amendments of this code may be initiated by the Design Review Board, or as specified in the Town Code.

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

The proposed amendments shall be adopted by a simple majority vote of the Town Council.

Section 11-19 Severability

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.