

ZONING CODE CHAPTER ONE

ZONING CODE OF THE TOWN OF CLARKDALE

**AN ORDINANCE ADOPTING A ZONING CODE FOR THE TOWN OF CLARKDALE ARIZONA; ADOPTING A ZONING MAP; DESCRIBING AND DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING ZONING DISTRICTS; SETTING FORTH PROVISIONS AND REGULATIONS COVERING THE USE OF LAND, BUILDINGS, STRUCTURES AND SPACES; PROVIDING BUILDING SITE AREA REQUIREMENTS FOR LOTS, BUILDINGS AND STRUCTURES; ESTABLISHING DENSITY REQUIREMENTS; PROVIDING FOR PARKING AND LOADING SPACES; PROVIDING FOR ADMINISTRATION, ADJUSTMENT AND ENFORCEMENT HEREOF; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PRESCRIBING A PENALTY FOR VIOLATION HEREOF AND DECLARING AN EMERGENCY.
BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE.**

Section 1-1 Identity

This Ordinance shall be known as and may be cited as: “The Zoning Code of the Town of Clarkdale.”

Section 1-2 Purpose and Interpretation

- A. This ordinance is adopted and enacted under the authority and power of Article 6, Chapter 4, Title 9, Arizona Revised Statutes, for every purpose permissible under such statutes, but is not intended to be contradictory thereto or in violation thereof, and every reasonable construction is intended which may be required to avoid any such contradiction or violation.

- B. The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of the public health, safety, morals, and welfare. Such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, and prevent undue concentration of population. Provide ample parking facilities, and to protect and enhance aesthetic appeal and general betterment of the Town of Clarkdale now and in the future.

Section 1-3 Scope

This Ordinance shall not repeal, abrogate, annul, impair, or interfere with existing provisions of other laws or ordinances unless specifically repealed by or in irreconcilable conflict with this Ordinance, with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposes greater restrictions upon the use of land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Ordinance shall control.

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Section 1-4 Zoning Map

The map attached hereto, dated herewith and entitled “Zoning Map of the Town of Clarkdale” is hereby adopted and made part of this Code and all information thereon is made a part hereof.

Section 1-5 Zoning Districts

A. Classifications: For the purpose of this Ordinance, the Town of Clarkdale is hereby divided into districts as follows:

- (1) Single Family Residential (R1) District
- (2) Single Family Residential (R-1A) District
- (3) Single Family Residential Limited (R-1L) District
- (4) Suburban Residential (RS3) District
- (5) Single Family Residential and Multiple Dwelling Units (R-2) District
- (6) Multiple Family Residential (R-3) District
- (7) Manufactured Home Residential (R-4) District
- (8) Manufactured Home Residential Alternate (R-4A) District
- (9) Commercial (C) District
- (10) Central Business (CB) District
- (11) Industrial (I) Districts

B. Boundaries and areas:

- (1) The boundaries and areas of these districts are here-by established as indicated by means of lines, symbols, figures expressing distance in feet otherwise on the Zoning Map adopted in Section 1-4 hereof, and declared to be part of this Ordinance.
- (2) The indicated boundary lines are intended generally to follow existing property lines or street lines or as may be otherwise indicated on the Zoning Map.

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- (3) Determination of doubtful lines: In case of doubt or disagreement concerning the exact location of a district boundary line, the determination shall be made by the Board of Adjustment, created by Ordinance No. 39, adopted October 6, 1975.
- (4) Interpretation of district boundaries: Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning map, the Board of Adjustment shall adopt the following rules in resolving the issue:
 - a. Where boundaries approximately follow streets, alleys or highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line or right-of-way line of highways, such lines shall be construed to be such district boundaries.
 - b. Where boundaries parallel street lines, alley lines, or highway right-of-way lines. Where district boundaries are so indicated that they are approximately parallel to center lines or street lines of street, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being the center lines of said streets, alleys or highways at the time of the adoption of this Zoning Code. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
 - c. Where boundaries approximately follow lot lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
 - d. Where the boundary follows a railroad line. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the middle of the R-O-W.
 - e. Where the boundary follows a body of water. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be at the limit of the jurisdiction of the Town of Clarkdale, unless otherwise indicated.

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- f. Submerged areas not included in district. All areas within the corporate limits of the Town which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.
- g. District regulations apply to schools, parks, etc. Any areas shown on the Zoning Map as park, playground, school, cemetery, water, streets, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulation of the most restricted adjoining district shall govern.
- h. Where property has not been included in a district. Where property has not been specifically within a district, or where territory has become a part of the Town by annexation, the same shall be classed as lying and being in a district until such classifications shall have been changed by an amendment to the Zoning Code, as provided by law.
- i. Vacation of public ways. Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area and that area shall then be subject to all regulations of the extended districts.

Section 1-6 General Provisions of Building and uses:

- A. **Future changes:** Zoning affects every structure and use. No building, structure, or premises shall be used or occupied, and no building or part thereof of other structures shall be erected, raised, moved, placed, maintained, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district, as shown on the official map, in which it is located.
- B. **Conformity of Buildings:** No building, structure or premises shall be erected, maintained, altered or used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.

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- C. **Conformity of Open Spaces:** No yard or open space, or part thereof, shall be included as part of the yard or open space similarly required for any other building, structure or dwelling under this Code.
- D. **Ordinance Not Retroactive:** If at the time of the enactment of this Ordinance any lot, building or structure is being used in the manner or for a purpose which does not conform to the provisions of this Ordinance and which is not prohibited by some other Ordinance, such manner or use or purpose may be continued as provided in ARS 9-462 (B). Except that any person or corporation who has notice of this Ordinance during the time it is being considered, process thereafter at his own peril if he thereafter proceeds contrary to this Ordinance
- E. **Extending Existing Uses:** Any existing, legal, nonconforming use may be extended throughout any part of a building which is arranged or designed for such use at the time of the enactment of this Ordinance.
- F. **Conditions Affecting Non-Conforming Uses:** The lawful use of any structure, or land existing at the time a provision of this Code becomes effective which provision makes the use or structure unlawful may be continued, although such use or structure does not conform with said provisions provided the following conditions are met:
- (1) Unsafe structures: Nothing in this Code shall prevent requiring the strengthening or restoring to a safe condition of any portions of a structure declared unsafe by a proper authority.
 - (2) Alterations: A structure devoted to a non-conforming use may be altered, improved or reconstructed, provided such work does not exceed in aggregate cost fifty percent (50%) of the appraised value of the structure.
 - (3) Changes: A nonconforming use may be changed to a no less restrictive nonconforming used provided all other zoning standards are met, including number of parking spaces, sign size, paved parking area, etc.
 - (4) Restoration: Nothing in this Code shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming structure damaged by fire, collapse, explosion, or Acts of God, wherein the expense of such work does not exceed 60% of the value of the structure immediately prior to the occurrence of such damage, provided such reconstruction, or rebuilding is started within six (6) months after damage is diligently pursued to completion.

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- (5) Abandonment: A non-conforming use of a structure or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
- a. When the intent of the owner to discontinue the use is apparent or non-use has continued for 12 months, or;
 - b. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within seven (7) months unless other facts show intention to resume the non-conforming use, or;
 - c. When it has been replaced by a conforming use, or when it has been replaced by another non-conforming use of a more restrictive zoning district.
- (6) Certificate of Non-Conforming Use:
- a. When a provision of this Article makes a legal use non-conforming and when a written application by the property owner is made to the Building Official within one (1) year after non-compliance, the Building Official shall issue a certificate of non-conforming use to the property owner.
 - b. No use of land, or structures, shall be made other than that specified on the “Certificate of Non-Conforming Use.”
 - c. A copy of each “Certificate of Non-Conforming Use” shall be filed with the office of the Town Clerk. No building occupation permit or license shall be issued to any property for which a “Certificate of Non-Conforming Use” has been issued until the certificate is filed and the permit or license has been approved by the Building Official.
- (7) District Change: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provision shall also apply to any use and structures made non-conforming by such change.