

# AGENDA

## City of Sedona Planning and Zoning Commission Meeting

3:30 PM

Tuesday, March 20, 2018

### NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a work session open to the public on Tuesday, March 20, 2018, at 3:30 pm in the City Hall Council Chambers.

### NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at:  
[www.SedonaAZ.gov/planning](http://www.SedonaAZ.gov/planning)

### GUIDELINES FOR PUBLIC COMMENT

#### PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- Please note that this is not a question/answer session.

#### PROCEDURES:

- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your Name and City of Residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

1. CALL TO ORDER & ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. Discussion/possible direction regarding the update of the Land Development Code.
4. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

5. ADJOURNMENT

Physical Posting: March 15, 2018 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: [www.SedonaAZ.gov/planning](http://www.SedonaAZ.gov/planning) or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

**MEETING LOCATION:**  
CITY HALL COUNCIL CHAMBERS  
102 ROADRUNNER DR, SEDONA, AZ



## City Of Sedona Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • [www.sedonaaz.gov/cd](http://www.sedonaaz.gov/cd)

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### Memorandum

**Date:** March 13, 2018  
**To:** **Planning and Zoning Commission**  
**From:** Michael Raber, Senior Planner  
**Meeting Date:** March 20, 2018  
**Subject:** Sedona Land Development Code Update

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### **Background**

The City and the City's consulting team, Clarion Associates, kicked off the Land Development Code (LDC) update project in November 2016 with a series of stakeholder meetings, a public open house, a public meeting with the Planning and Zoning Commission and a field tour of the City. In December 2016 and January 2017, Clarion and staff worked to identify a detailed list of issues compiled from many contributors over the past several years. Clarion provided an issue identification memorandum and, in February and March 2017, worked with staff to develop an analysis document that also included a detailed outline for a new LDC "roadmap". An early draft of the analysis and outline was introduced to the Commission on March 2, 2017, with a follow up presentation on April 18, 2017. The draft of Part One, which contained the Zoning Districts and Use Regulations, was introduced to the Commission on July 18, 2017, with a follow-up work session on September 5, 2017. The draft of Part Two, the Development and Subdivision Standards, was introduced to the Commission on November 30, 2017, with follow-up work sessions on January 16 and February 6, 2018.

This agenda item provides for a work session regarding the update of the LDC. There are two parts to this agenda item:

- Continuation of the Commission's November 30, 2017, January 16, 2018, and February 6, 2018 discussion regarding Part Two – Draft Development and Subdivision Standards, including overview of focus group input regarding Part Two.
- Introduction to Part Three – Administration and Procedures. The City's consulting team, Clarion Associates, will provide an overview of Part Three of this draft of the LDC.

### **Continued Discussion: Part Two – Development and Subdivision Standards**

For the January 16 and February 6 work sessions, staff prepared a summary of questions and comments received regarding the draft. The summary was organized by the sections provided in the draft and included recommended topics for further discussion. On February 6, the Commission finished their discussion on this draft, except for density. The Commission indicated that they would also like to continue the specific discussion regarding Firewise concepts and landscaping requirements.

#### **Section 5.6 – Landscaping, Buffering and Screening**

- Section 5.6.F. – Wildfire Mitigation Standards (page 58). The proposed revisions to this section (attached) include removal of Section 5.6.F – Wildfire Mitigation standards as a mandatory provision. Additional proposed edits to Section 5.6 are also included.

- Section 5.6.C.D. and E. – Minimum Landscaping, Rear and Side Lot buffers and General Landscaping Standards (pages 51-57). Clarify and discuss how the landscaping requirements are proposed to be reduced and discuss retention of mature, deciduous trees on site.

#### Article 7 – Subdivision Standards - Density

- Discuss how density is calculated and applied. This affects both this section of the LDC and the zoning Districts (Part One).
- Discuss maximum density (in units per acre) and minimum lot size (square feet) in the consideration of simple land divisions or larger subdivisions.

#### Focus Group Comments – Part Two LDC

Staff conducted two Focus Group Sessions on January 23 and 24, 2018, regarding Part Two of the LDC update (notes from these meetings are attached). The following key issues from the Focus Group sessions are provided for the Commission’s information and consideration. For a complete list, see the attached notes from the Focus Group meetings.

- Throughout this part of the LDC, there should be a clearer distinction between the items that apply to single-family residential vs. other uses (e.g. commercial). This is not always clear.
- The height and alternate standards sections (from Part One of the update) should go in this section (Part-Two – Development Standards).
- Section 5.6 – Landscaping
  - General agreement to remove the Wildfire Mitigation standards.
  - Building materials should address Fire Mitigation (i.e. metal, tile roofs).
  - There should be more discussion on requiring removal of dead trees (and defining what “dead” means).
  - More deciduous trees on street fronts should be required.
  - The section on landscaping maintenance seems complicated to administer. Does this belong in the LDC?
  - Can the LDC include more standards focused on xeriscape principles?
  - Stormwater management features should incorporate Low Impact Development into both Stormwater Management and the Stormwater Management Features of the Landscaping Section. It is unclear what the “Stormwater Management Features” Section really means.
  - Should there be more proactive limits to the water features in the landscaping section?
  - Re-think prohibiting artificial lawn or turf as a water conservation measure.
- In the site and building design sections, there is concern that it is difficult to codify elements on building massing that may have originally included guidelines from the Design Review Manual. The articulation sections are also not clear.
- Cluster subdivisions should allow for density increases.

#### Attachments, Part Two

1. Draft – Part Two of the LDC Update
2. Revisions to Section 5.6 – Landscaping, Buffering and Screening; removes the Wildfire Mitigation standards as a mandatory provision (Section 5.6F), with additional related edits to Section 5.6.
3. Firewise adoption memorandum from legal staff
4. Notes from January 23 and 24 Focus group meetings regarding Part Two of the LDC
5. Additional public comment on Part Two of the LDC, also including landscaping comments

## **Introduction to Part Three - Administration and Procedures**

Part Three, the draft Administration and Procedures section of the LDC update allows for discussion and possible direction. The draft includes Article 1, General Provisions, Article 9, Administration and Procedures and Article 10, Definitions (partial).

### **Attachments, Part Three**

1. Clarion Memorandum – Part Three Draft
2. Part Three – Draft Administration and Procedures of the LDC Update

## **Next Steps**

Consolidated Draft LDC

## **Attachments, Part 2:**

1. Draft – Part Two of the LDC Update
2. Revisions to Section 5.6 – Landscaping, Buffering and Screening; removes the Wildfire Mitigation standards as a mandatory provision (Section 5.6F), with additional related edits to Section 5.6.
3. Firewise adoption memorandum from legal staff
4. Notes from January 23 and 24 Focus group meetings regarding Part Two of the LDC
5. Additional public comment on Part Two of the LDC, also including landscaping comments

## **Attachments, Part 2:**

1. Draft – Part Two of the LDC Update



## **PART 2 – DEVELOPMENT STANDARDS**

Article 5: Development Standards

Article 7: Subdivision

Article 10: Definitions (partial)

**PUBLIC DRAFT – November 2017**

**CLARION**





# Table of Contents

<b>Article 1: General Provisions</b> .....	<b>1</b>
<b>Article 2: Zoning Districts</b> .....	<b>2</b>
<b>Article 3: Use Regulations</b> .....	<b>3</b>
<b>Article 4: Wireless Communications Facilities</b> .....	<b>4</b>
<b>Article 5: Development Standards</b> .....	<b>6</b>
<b>5.1. Purpose</b> .....	<b>6</b>
<b>5.2. Applicability</b> .....	<b>6</b>
A. New Development .....	6
B. Redevelopment Activities .....	6
<b>5.3. Grading and Drainage</b> .....	<b>8</b>
A. Purpose.....	8
B. Applicability .....	8
C. Compliance Required .....	9
D. General Standards.....	10
<b>5.4. Access, Connectivity, and Circulation</b> .....	<b>12</b>
A. Purpose.....	12
B. Applicability .....	12
C. Circulation Plan Required .....	12
D. Street Connectivity.....	13
E. Driveways and Access.....	14
F. Visibility Triangles .....	18
G. Cross-Access between Adjacent Uses .....	19
H. Pedestrian Circulation .....	20
I. Bicycle Circulation .....	22
<b>5.5. Off-Street Parking and Loading</b> .....	<b>23</b>
A. Purpose.....	23
B. Applicability .....	23
C. Calculation of Parking and Loading Requirements .....	25
D. Minimum Off-Street Parking Spaces Required.....	26
E. Maximum Off-Street Parking Spaces.....	37
F. Parking Alternatives, Credits, and Adjustments .....	37
G. Off-Street Parking Layout and Design .....	40
H. Loading and Stacking Areas .....	46
I. Parking and Loading Area Maintenance .....	47
<b>5.6. Landscaping, Buffering, and Screening</b> .....	<b>48</b>
A. Purpose.....	48
B. Applicability .....	48
C. Minimum Landscaping Required.....	51
D. Minimum Rear and Side Lot Buffers Required.....	53
E. General Landscaping Standards.....	54
F. Wildfire Mitigation Standards.....	58
G. Landscape Area Use and Maintenance .....	59
H. Tree Preservation and Protection .....	60
I. Screening .....	62

J. Fences and Walls .....	63
<b>5.7. Site and Building Design .....</b>	<b>68</b>
A. Purpose.....	68
B. Applicability .....	69
C. Administration .....	71
D. Site Design .....	73
E. Building Placement and Orientation.....	75
F. Building Form.....	77
G. Architectural Style and Character.....	82
H. Building Materials .....	83
I. Building Color.....	84
<b>5.8. Exterior Lighting .....</b>	<b>87</b>
A. Purpose.....	87
B. Applicability .....	87
C. Administration .....	88
D. General Lighting Standards.....	90
E. Supplemental Class 3 Lighting Standards .....	92
F. Parking Area Lighting .....	92
G. Pedestrian-Scale Lighting .....	92
H. Exterior Building Lighting .....	93
I. Sign Illumination.....	93
J. Supplemental Lighting Standards for Specific Uses.....	93
K. Installation and Maintenance.....	94
<b>5.9. Public Art .....</b>	<b>95</b>
A. Purpose.....	95
B. Applicability .....	95
C. Public Art Requirement.....	96
D. Evaluation of Public Artwork Plans .....	97
E. Installation and Maintenance.....	97
<b>Article 6: Signs.....</b>	<b>99</b>
<b>Article 7: Subdivision.....</b>	<b>100</b>
<b>7.1. Purpose .....</b>	<b>100</b>
<b>7.2. Applicability .....</b>	<b>101</b>
A. General.....	101
B. Conflict with Other Standards.....	101
C. Existing Subdivision Agreements and Covenants .....	101
<b>7.3. Subdivision Standards.....</b>	<b>101</b>
A. General.....	101
B. Minimal Standards.....	102
C. Lot Planning.....	102
D. Sensitive Lands .....	103
E. Block Layout .....	105
F. Street Design.....	105
G. Street Naming & Traffic Control Signs.....	106
H. Easement Planning .....	107
I. Reservation of Land for Public Use.....	107
J. Alternatives to Subdivision Standards.....	107
<b>7.4. Improvement Standards.....</b>	<b>110</b>
A. Purpose.....	110

B. Required Improvements for Subdivisions.....	110
<b>Article 8: Administration and Procedures .....</b>	<b>112</b>
<b>Article 9: Rules of Construction and Definitions .....</b>	<b>113</b>
<b>9.1. Rules of Construction.....</b>	<b>113</b>
A. Meanings and Intent.....	113
B. Headings, Illustrations, and Text.....	113
C. Lists and Examples.....	113
D. Computation of Time .....	113
E. Technical and Non-Technical Terms .....	113
F. Mandatory and Discretionary Terms.....	113
G. Conjunctions.....	114
H. Tenses, Plurals, and Gender .....	114
<b>9.2. Definitions of Use Categories and Specific Use Types.....</b>	<b>114</b>
<b>9.3. Terms of Measurement .....</b>	<b>114</b>
<b>9.4. Other Defined Terms.....</b>	<b>114</b>

# Article 1: General Provisions

[TO BE DRAFTED IN PART 3]

# Article 2: Zoning Districts

[PART 1]

# Article 3: Use Regulations

[PART 1]

# Article 4: Wireless Communications Facilities

[CURRENTLY BEING REVISED IN A SEPARATE PROJECT].





# Article 5: Development Standards

## Commentary

This article contains standards that address development quality, such as grading and drainage, parking, landscaping, and building design. The current Code contains extensive development quality standards in multiple locations, primarily Article 9 and Article 10 (the Design Review Manual). The primary tasks in drafting this article were to consolidate the various related and overlapping provisions from Articles 9 and 10, to convert guidelines into standards, and to remove unnecessary material (either because it is outdated, or duplicative, or because it belongs in separate administrative or design review guidelines).

This proposed draft also contains a substantial amount of new material based on the Assessment Report and Annotated Outline and follow-up discussions with staff and other community stakeholders.

Historic preservation is not included, since all those provisions are administrative in nature (e.g., designation of historic resources, procedures for a certificate of appropriateness). They will be included in the draft of the third part, Administration.

## 5.1. Purpose<sup>1</sup>

This article includes standards that regulate the physical layout and design of development within Sedona to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Sedona Community Plan vision for a more attractive, efficient, and livable community.

## 5.2. Applicability<sup>2</sup>

### A. New Development

The requirements of this article shall apply to all new development pursuant to Section ---, *Jurisdiction and Applicability*, unless otherwise exempted in this article.

### B. Redevelopment Activities

A modification to a structure existing as of the effective date of this Code shall require compliance with all or portions of the standards in this article to the maximum extent practicable, based on the following scaled implementation approach.

#### (1) Exterior Renovation

Any exterior renovation of a building shall comply with the site and building design standards in Section 5.7 for that renovation. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure.

#### (2) External Additions

External additions to existing structures shall trigger compliance with the development standards in this article pursuant to Table 5.1. Additions shall be calculated based on the gross

<sup>1</sup> New.

<sup>2</sup> This new section summarizes the applicability of the various development standard sections throughout this article.

floor area of that structure (and not gross floor area of all structures per lot). Additional information on applicability is provided in the referenced sections.

**Table 5.1**  
**Applicability Thresholds for External Additions**

Section	Residential	Mixed-Use and Nonresidential
Section 5.3, <i>Grading and Drainage</i>	All development; see Section 5.3.B	
Section 5.4, <i>Access, Connectivity, and Circulation</i>	All development; see Section 5.4.B	
Section 5.5, <i>Off-Street Parking and Loading</i>	15 percent increase in gross floor area; 25 percent for non-primary uses; or any expansion that requires a Conditional Use Permit; see Section 5.5.B	
Section 5.6, <i>Landscaping, Buffering, and Screening</i>	25 percent increase in gross floor area; change of use requiring an increase in required parking by 25 percent or more; or any expansion that requires a Conditional Use Permit; see Section 5.6.B	
Section 5.7, <i>Site and Building Design</i>	Varies; see Section 5.7.B	
Section 5.8, <i>Exterior Lighting</i>	50 percent increase in gross floor area for single-family, or 25 percent for other residential use; or if cumulative cost of addition is greater than 25 percent of valuation of building, as determined by Director; see Section 5.8.B	25 percent increase in gross floor area, or if cumulative cost of addition is greater than 25 percent of valuation of building, as determined by Director; see Section 5.8.B
Section 5.9, <i>Public Art</i>	Expansion of a multifamily building by 10 dwelling units or more; see Section 5.9.B	Increase by 2,500 square feet gross floor area; see Section 5.9.B

**Notes:**

## 5.3. Grading and Drainage

### Commentary

This section is based on the current Article 8: Grading and Drainage. While no major substantive changes are proposed, this section includes the general standards related to earthwork construction needed during the early planning stages of a project. This section also incorporates relevant drainageway standards from Article 10, the Design Review Manual, and incorporates comments received from the Engineering staff. The technical grading and drainage standards found in Article 8 and Article 10 are proposed for relocation to a separate engineering manual. The administrative and procedural content was removed from Article 8 and will be included in Part 3 of the LDC Update.

### A. Purpose<sup>3</sup>

The section establishes standards that regulate earthwork construction, including excavation, embankments, grading, and drainage on property located within the city, in order to reduce siltation into Oak Creek and to protect, preserve, and enhance the natural environment, including natural land forms and vegetation.

### B. Applicability<sup>4</sup>

#### (1) Generally<sup>5</sup>

- a. No person shall do any work in or over any drainage way or floodplain, nor shall any person do any grading, filling, excavating, cutting, or other site earthwork, without first obtaining the proper permit and/or authorization pursuant to **Section --**.
- b. In no case shall alteration of any drainage way identified on a USGS topographic map as a permanent or intermittent watercourse be permitted, except as allowed in 5.3.B(2).<sup>6</sup>
- c. Submittals for development of individual residential lots within flood-prone areas shall comply with the city's adopted standards.

#### (2) Exemptions<sup>7</sup>

##### a. Generally

Unless otherwise provided in this Code, written authorization shall not be required, nor shall the city prohibit:

1. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, public roads, and streets intersecting a watercourse;

<sup>3</sup> From Article 8, Section 800 and Section 801. Minor edits to streamline.

<sup>4</sup> From Article 8, Section 801. Pulls in the applicability language from the purpose statement. This section has been reorganized for clarity. The current LDC has multiple permit requirements that appear to overlap.

<sup>5</sup> Article 8, Section 803. Removed the AZ State Standard 6-05 language, which we understand is outdated. We also removed the site plan checklist and supplementary information checklist, which should be in a separate manual. Did not carry forward language specific to submittal requirements (plans; drawings; engineering studies; supporting data, including the quantity of cut and the quantity of fill; and such other information as required by the City Engineer and Director). This information will be addressed in Part 3, Admin & Procedures.

<sup>6</sup> Further discussion required related to the relevance of the USGS map. Instead, the city may consider referencing the 1994 SCS Floodplain Management Study drainage ways.

<sup>7</sup> This exemptions section may be relocated to the general code provisions in Part 3, or removed from the LDC entirely.

2. Any flood control district, county, city, or town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Flood Control Districts; or
3. The construction of streams, waterways, lakes, and other auxiliary facilities in conjunction with the development of public parks and recreation facilities by a federal or state public agency or a political subdivision of the State of Arizona.

**b. Existing Development<sup>8</sup>**

Unless otherwise provided in this Code, this Section 5.2 shall not apply to:

1. Existing legal uses of property or the right to continuation of such legal use, and reasonable repair or alteration of such property pursuant to **Section ---**, *Nonconformities*;
2. Reasonable repair of structures constructed with the written authorization required by A.R.S. Section 48-3613;
3. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2, Power Plant and Transmission Line Siting Committee; and
4. Improvements to existing streets or highways, or improvements to existing fill slopes, that do not conform with this Section 5.2 that is authorized in writing by the City Engineer.<sup>9</sup>

**c. Liability<sup>10</sup>**

These exemptions do not preclude any person from liability if that person's actions increase flood hazards to any other person or property. Neither the issuance of a building permit under the provisions of **Section --**, nor compliance with the provisions of this Section 5.2, or with any conditions imposed in the building permit, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the city for damage to other persons or property.

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**C. Compliance Required**

- (1) All earthwork construction and stormwater management systems shall be designed and constructed in accordance with the provisions of this Code, the Sedona Engineering Standards Manual, and the standards of other applicable regulating authorities.<sup>11</sup>
- (2) In the case where requirements in this Code conflict with requirements in the Sedona Engineering Standards Manual, Yavapai County Flood Control District, or Coconino County

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<sup>8</sup> Relocated here from current 803.02. Did not carry forward "...However, if a nonconforming use of land or building or structure is discontinued for 12 months, or is destroyed to the extent of 50 percent of its value, as determined by a licensed appraiser, any further use shall comply with this section; Reasonable repair or alteration of property for the purposes for which the property was legally used on September 10, 1991, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential shall be either floodproofed or elevated to or above the regulatory flood elevation." That information will be relocated to the nonconformities section with Part 3 of the LDC Update. In that section we will clarify that floodproofing is not an option for residential structures (shall be raised above the regulatory flood elevation). Also need to confirm statutory references.

<sup>9</sup> Previously 810.07L and 810.08K.

<sup>10</sup> Previously 803.02D. We propose this standard apply to all exemptions listed in this section.

<sup>11</sup> Modified to include reference to the Engineering Standards Manual and standards from other regulating authorities.

Flood Control District conflict, the more stringent requirement as determined by the City Engineer shall apply.<sup>12</sup>

- (3) The provisions in this Section 5.2 shall not be construed to prevent the enforcement of other laws that prescribe more restrictive limitations, nor be presumed to waive any limitations imposed by other statutes or ordinances.

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## **D. General Standards<sup>13</sup>**

### **(1) Grading and Slope Protection<sup>14</sup>**

In addition to the grading standards in Sedona Engineering Standards Manual, the following general standards shall apply:

- a. All buildings, structures, driveways, and roads shall, to the maximum extent practicable, follow the natural contours of the land to minimize disturbed area.
- b. Grading and cut-and-fill practices shall be minimized and shall blend scale, form, and visual character into the natural landforms and minimize exposed scars. Level grading of entire lots without respect for existing landforms or neighboring development is prohibited. *(graphic removed)*<sup>15</sup>
- c. Sharp angles shall be rounded off, in a natural manner, at the top and ends of cut and fill slopes (within approximately five feet of the sharp angle) unless steep angles are a natural character of the site. Where this would damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.
- d. Except for driveways, cut-and-fill slopes shall be entirely contained within a lot and natural grade at the lot lines shall be maintained.
- e. Where the existing terrain is generally level, slopes greater than 1:3 are prohibited within five feet of property lines. *(graphic removed)*
- f. Finished floor elevations of buildings and parking areas shall transition with the grades of the site.
- g. On sloped properties, structures shall be designed to step down with the existing topography. Building placement on slopes shall incorporate stepped vertical massing and plan view offsets to save existing vegetation and landforms. *(graphic removed)*

### **(2) Storm Drainage Facilities<sup>16</sup>**

In addition to the stormwater management standards in the Sedona Engineering Standards Manual, the following general standards shall apply:

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<sup>12</sup> Previously 803.01A.

<sup>13</sup> Previously 805. Renamed from Permit Requirements.

<sup>14</sup> Consolidates grading standards from Article 8 and Article 10.

<sup>15</sup> Previously 810.07A and 810.08A and combined with similar grading requirements in Article 10. Replaced "should blend scale..." with "shall blend scale..." These standards will be included in the Engineering Standards Manual.

<sup>16</sup> New language regarding MDS4 inserted by staff. Precipitation data removed and will be located in the Engineering Standards Manual.

**a. Generally**

1. All developments shall be designed with considerations for existing, temporary, and post-development drainage impacts and flows. These considerations shall include quantity, quality, and method of delivery of drainage flows.
  2. Project designs shall provide drainage measures on the project site so that off-site storm drainage flows do not increase, are not more polluted, or differently delivered than existing flows, unless adequate provisions satisfactory to the City Engineer are made to accommodate the flow off site.<sup>17</sup>
- b.** Design measures shall be implemented to prevent non-storm drainage flows from flowing between or off of properties.
- c.** All development proposals shall, to the maximum extent feasible, preserve existing drainage courses in as natural a manner as possible.<sup>18</sup>
- d.** No obstruction, including walls and fences, shall be placed within a drainage facility, roadside ditch, wash, or drainage easement, unless authorized by the City Engineer.<sup>19</sup>
- e.** Maintain existing riparian areas in undisturbed form unless authorized by the City Engineer.<sup>20</sup>

**Sedona Community Plan says...**

Preserve and restore natural drainages and open space areas with native plants to provide wildlife habitat, reduce erosion, and improve stormwater retention. (p.78)

**(3) Detention Basins<sup>21</sup>**

Detention basins can serve multiple purposes, including removing sediment from storm water runoff and reducing runoff. Detention basins shall be designed as natural-looking and usable resources and shall:

- a.** Be designed in free-form shapes to blend with the natural landscape. They may be integrated into usable open space with controlled access and signage that provides for the safe public use of such areas.
- b.** Be landscaped to serve as areas of visual interest, and to soften their appearance.
- c.** Incorporate landscape materials that are consistent with the overall landscape palette of the project and shall comply with the standards in **Section --**.

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<sup>17</sup> Removed "to the extent practicable" and added "satisfactory to the City Engineer."

<sup>18</sup> Previously 2.3 of Design Manual. Replaced "should" with "shall."

<sup>19</sup> Previously 803.01.

<sup>20</sup> Replaced "should" with "shall" and included statement granting authority to the City Engineer.

<sup>21</sup> Previously 2.3.2 of Article 10. Replaced "should" with "shall."

## 5.4. Access, Connectivity, and Circulation

### Commentary:

This section includes standards from Sections 706, 906, 912, and Article 10 related to access, connectivity, and circulation of automobiles, pedestrians, and bicycles. In cases where the current LDC merely encourages a sound development practice, this draft requires such practice. The majority of this section contains new standards. Footnotes indicate where existing language has been modified. Some illustrations in this draft have been carried forward from the current Code; however, some illustrations will be replaced with more legible and higher-quality graphics prior to the final adoption draft.

### A. Purpose<sup>22</sup>

The purpose of this Section 5.4 is to support the creation of a highly connected transportation system within the city in order to:

- (1) Promote multimodal travel in Sedona by providing options for automobiles, transit, bicycles, and pedestrians;
- (2) Connect neighborhoods to each other;
- (3) Connect neighborhoods to local destinations such as employment, schools, parks, and shopping centers;
- (4) Reduce vehicle miles of travel and travel times;
- (5) Mitigate the traffic impacts of new development;
- (6) Improve air quality;
- (7) Reduce emergency response times;
- (8) Increase effectiveness of local service delivery;
- (9) Free up arterial capacity to better serve regional long-distance travel needs; and
- (10) Avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

#### Sedona Community Plan says...

Create a network of pedestrian and bicycle improvements and connections linking neighborhoods, activity centers, and popular destinations, and promote walkable, bike-able connections to transit stops. (p.66)

### B. Applicability<sup>23</sup>

Except as otherwise provided in this Section 5.4, the standards in this section shall apply to all development.

### C. Circulation Plan Required<sup>24</sup>

- (1) All development, except for single-family residential uses within previously platted subdivisions<sup>25</sup>, shall prepare a circulation plan. The circulation plan shall meet the requirements of the Administrative Manual, which at minimum shall include:

<sup>22</sup> New.

<sup>23</sup> New.

<sup>24</sup> New.

<sup>25</sup> This threshold is proposed for discussion purposes. It is intended to accommodate infill and redevelopment on smaller parcels.

- a. Street connectivity;
  - b. Emergency and service vehicle access;
  - c. Parking movements;
  - d. Loading operations;
  - e. Turning radii;
  - f. Traffic calming measures where future “cut-through” traffic is likely; and
  - g. Other similar issues identified by the Director.
- (2) The Director may waive the requirement for a circulation plan on a case-by-case basis in the event that a development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.
- (3) A circulation plan shall be submitted with the respective site plan or subdivision application, as appropriate.

## D. Street Connectivity

### (1) Purpose<sup>26</sup>

Street and block patterns shall include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping.

**Sedona Community Plan says...**

Provide street connections as low-speed alternatives to the highways that will maintain neighborhood safety and integrity. (p.66)

### (2) Standards<sup>27</sup>

- a. The vehicular access and circulation for a development shall incorporate the continuation and connection of public street roadways and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved abutting developments.
- b. The vehicular access and circulation for a development shall provide for the extension or connection of proposed internal public street roadways and associated rights-of-way to those boundaries of the development site whenever such extensions or connections are or may be necessary to ensure that the development site or the abutting property will have:
  - 1. At least two vehicular access points to and from an external through street system;

<sup>26</sup> New.

<sup>27</sup> New.



2. Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and
3. Convenient and efficient access by vehicles needed to provide other public services.
- c. An extension or connection of a public street roadway and right-of-way to an abutting property shall include the extension or connection of associated bikeways and sidewalks.
- d. The Director and/or the City Engineer may require a temporary turnaround at the end of a roadway extension if needed to facilitate traffic flow or to accommodate emergency vehicles pending the roadway's connection to other roadways.
- e. The Director and/or the City Engineer may waive or modify the requirements or standards for extension or connection of a public roadway from or to an abutting property if such extension is impractical or undesirable because it would:
  1. Require crossing a significant physical barrier or environmentally sensitive area (e.g., watercourses, floodplains, riparian areas, steep slopes; wildfire hazard areas);
  2. Require the extension or connection of a proposed internal public street to an abutting property with existing development whose design makes it unlikely that the street will ever be part of a network of public streets (for example, the abutting existing development has no public streets, or there are no "stubbed-out" street rights-of-way or open corridors between the proposed development site and public streets in the abutting development to accommodate a current or future extension or connection);
  3. Require the extension or connection of a proposed internal public street to an abutting property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by easement or deed; or
  4. Require the extension or connection of a proposed internal public street to an abutting property that is developed or zoned for a use whose level and type of generated traffic would be incompatible with the proposed development.

**(3) Cul-de-Sacs and Dead-End Streets<sup>28</sup>**

- a. Where residential developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sacs in adjoining subdivisions via a sidewalk or multi-use path, except where deemed impractical by the Director.
- b. All stub streets and temporary dead-end streets greater than 150 feet in length shall terminate in a cul-de-sac.

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**E. Driveways and Access****(1) General<sup>29</sup>**

- a. Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles and for those needing access to the property for its intended use.

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<sup>28</sup> These standards are new. Standards related to turnarounds, cul-de-sac radius, and islands from 706.04.A(10) were not carried forward and will be relocated to the Engineering Standards Manual.

<sup>29</sup> New.

- b.** All driveway entrances and other openings onto streets shall be constructed so that:
  - 1.** Vehicles may safely enter and exit the property;
  - 2.** Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
  - 3.** Shared driveways are provided to the maximum extent feasible to minimize the number of access points to streets.
- c.** Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive.
- d.** All driveways shall be surfaced with materials that have textures and colors that would enhance visual compatibility with native site surroundings. Such materials may include paving blocks or bricks, exposed aggregate concrete and asphalt, but specifically does not include uncolored concrete.<sup>30</sup>

**(2) Driveways Fronting Highway 89A<sup>31</sup>**

Unless otherwise approved by the City Engineer, driveways providing ingress and/or egress from Highway 89A shall comply with the following:

- a.** Only one driveway access point per property shall be allowed.
- b.** Driveways along Highway 89A shall not be located closer than 40 feet from another driveway.

**(3) Residential<sup>32</sup>**

In addition to the above general requirements, all residential development shall be subject to the following:

- a.** There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.
- b.** Multi-family development sites shall include a minimum of two access points to the maximum extent practicable. An exception may be made where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.
- c.** Driveways shall be no less than 20 feet in length from the face of a garage, carport, or other structure intended to house vehicles to the near edge of the sidewalk or public right-of-way.
- d.** Within the front setback, each driveway at its widest point shall be not more than 30 feet in width, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii.

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<sup>30</sup> Previously 906.02.

<sup>31</sup> New.

<sup>32</sup> New unless otherwise noted.

- e. Driveways providing access to single-family residential lots shall be located a minimum of 30 feet from any road intersection.<sup>33</sup>

**(4) Non-Residential<sup>34</sup>**

In addition to the above general requirements, all non-residential development shall be subject to the following:

**a. Vehicle Maneuvering**

Vehicles shall not be allowed to back out or otherwise maneuver from a property into a city arterial or roadway if, in the opinion of the City Engineer, a potential traffic safety concern is present.<sup>35</sup>

**b. General Driveway Standards**

Each driveway providing access to a public right-of-way shall comply with the following:

1. For radiused driveway entrances, minimum curb radii shall be 25 feet, any reduction in width below 28 feet shall be at the discretion of the City Engineer.<sup>36</sup>
2. Driveways intersecting with city streets shall have a minimum width of 28 feet and shall not exceed 40 feet in width, unless ingress/egress lanes are separated by a median island a minimum of four feet in width.<sup>37</sup>
3. The total number of access connections from parking lots to adjacent roadways shall be subject to the approval of the agency having jurisdiction over the right-of-way being accessed.
4. Where sidewalks are installed across driveways, such sidewalks and driveways shall comply with the relevant Maricopa Association of Governments Standard Drawings and Specifications (MAG specs).

**c. Minimum Driveway Clearances to Street Corners<sup>38</sup>**

1. Driveways located near intersections shall maintain the corner clearances as indicated in 5.4.F, *Visibility Triangles*.
2. At locations where the recommended corner clearances are not attainable because property frontages are narrow, a minimum corner clearance of 50 feet shall be maintained. At such locations, left turns into and out of the driveway shall be prohibited, if in the opinion of the City Engineer or Director, a potential traffic safety concern is present.

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<sup>33</sup> Previously 912.05.F.

<sup>34</sup> Some of these standards should be considered for relocation to the Engineering Standards Manual.

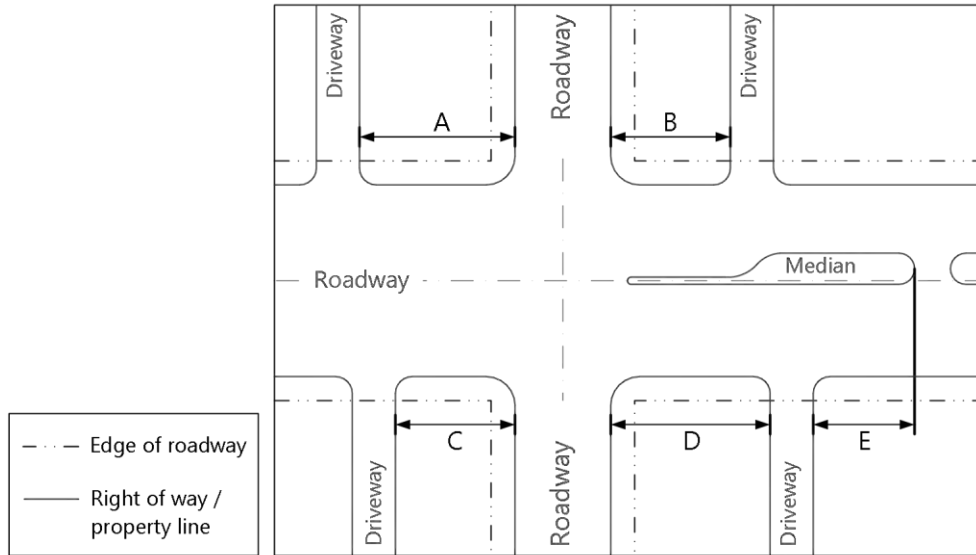
<sup>35</sup> Previously 912.05.B.

<sup>36</sup> Previously 912.05.C.

<sup>37</sup> Previously 912.05.C.

<sup>38</sup> Previously Figure 9-44 and 9-45 in 912.08.

**Figure 1: Minimum Driveway Clearances to Street Corners at Signalized Intersections**



**Table 5.2**  
**Signalized Intersections: Required Driveway Clearance (in feet)**

Item	Functional Classification of Road		
	Arterial	Collector	Local
<b>A</b>	230	175	50
<b>B</b>	115	85	50
<b>C</b>	230	175	50
<b>D</b>	230	175	50
<b>E</b>	75	0	0

**Figure 2: Minimum Driveway Clearances to Street Corners at Stop Sign Intersections**

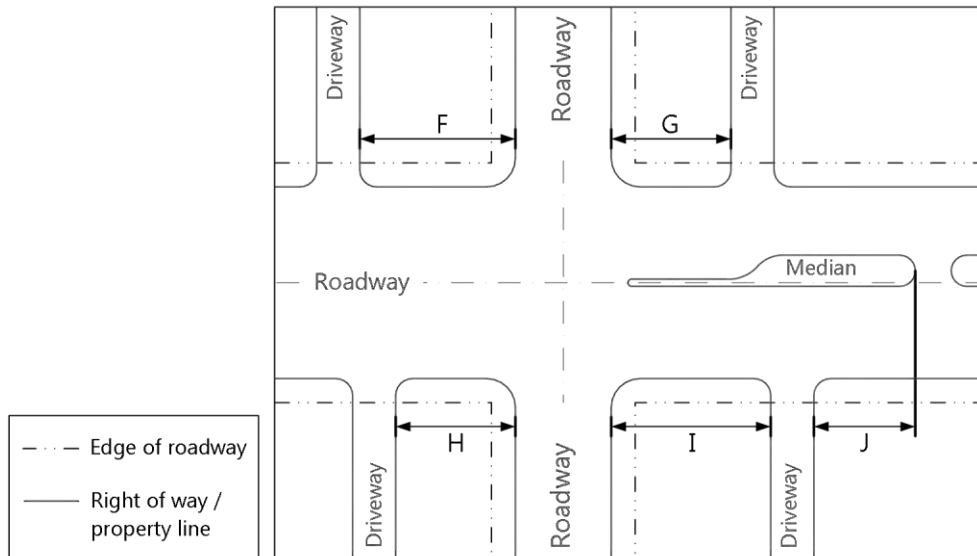


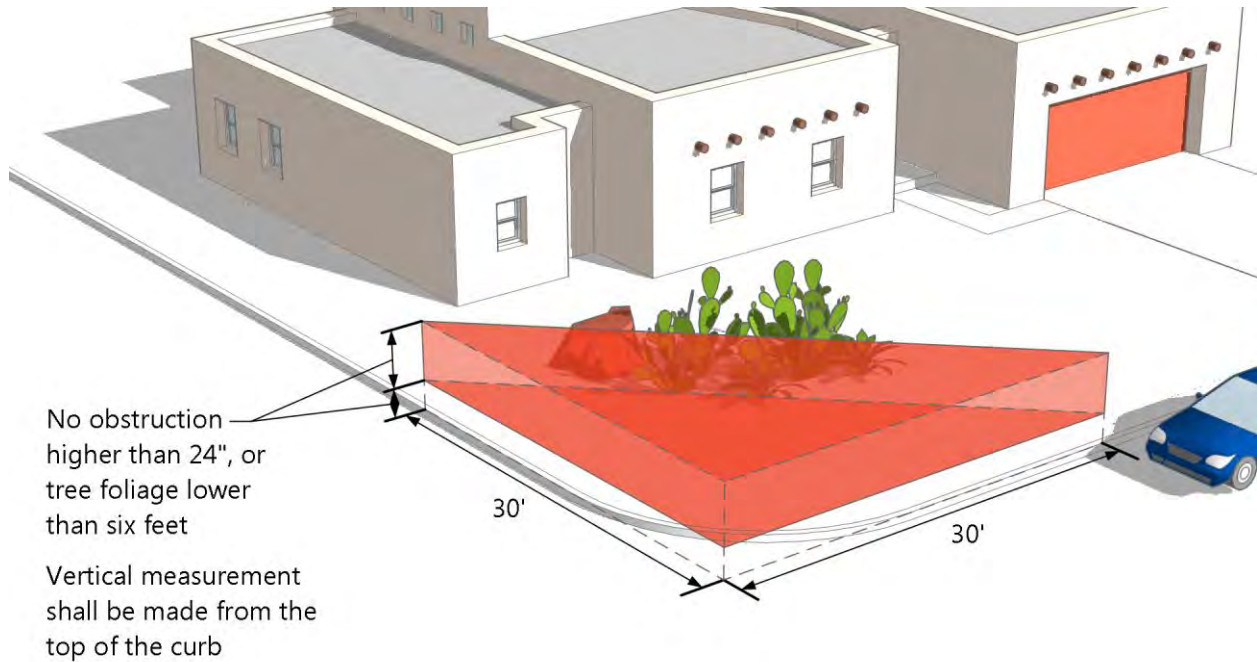
Table 5.3 Stop Sign Intersections: Driveway Clearance (in feet)			
Item	Functional Classification of Road		
	Arterial	Collector	Local
F	115	75	50
G	115	85	50
H	85	85	50
J	115	75	50
K	75	0	0

## F. Visibility Triangles<sup>39</sup>

- (1) On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by joining points measured 30 feet along the property line from the intersection of two streets, or by joining points measured 10 feet back along a driveway and lot line from the point of intersection of the driveway and lot line. AASHTO standards may alternatively be applied.
- (2) Within the area of the triangle there shall be no sight-obscuring or partly obscuring wall, fence, sign or foliage higher than 24 inches above curb grade or, in the case of trees, foliage lower than six feet.
- (3) Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the triangle or, if no curb exists, from the edge of the nearest traveled way.

<sup>39</sup> Previously 706.04.D(2). Added language limiting the applicability of this provision to parcels of land where a front setback is required.

**Figure 3: Minimum Driveway Clearances to Street Corners at Stop Sign Intersections**



### G. Cross-Access between Adjacent Uses<sup>40</sup>

- (1) All non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets. This may be established by one or more of the following:
  - a. Connecting streets and drives;
  - b. Coordinating parking structure and parking lot entrances;
  - c. Common service/delivery areas;
  - d. Legally shared parking structures and parking lots;
  - e. Linkages between parking lots and parking structures; or
  - f. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts.
  
- (2) When cross-access is deemed impractical by the Director and/or City Engineer on the basis of topography, the presence of natural features, or vehicular or pedestrian safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.

<sup>40</sup> Replaces 912.02.F. Cross-access between adjacent uses is currently encouraged in the LDC, we recommend requiring cross-access unless otherwise exempted.

- (3) Cross-access and maintenance agreements associated with such interconnections shall be provided, if necessary, with the associated subdivision or development application.

**H. Pedestrian Circulation**

**(1) Sidewalks Required<sup>41</sup>**

- a. Unless exempted in paragraph b below, sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, including cul-de-sacs, and within and along the frontage of all new development or redevelopment.
- b. This requirement shall not apply to:
  - 1. Local streets in residential zoning districts unless called for in an applicable CFA Plan; and
  - 2. Steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

**(2) Required On-Site Pedestrian Connections<sup>42</sup>**

- a. All developments shall provide an on-site system of pedestrian walkways with a minimum width of five feet designed to provide direct access and connections to and between the following:
  - 1. The primary entrance or entrances to each building, including pad site buildings;
  - 2. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development. Interconnected walkways should be designed with similar and/or complementary details, colors, finishes, etc.;<sup>43</sup>
  - 3. Any parking areas intended to serve the development;
  - 4. Any sidewalk system along the perimeter streets adjacent to the development;
  - 5. Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street.
  - 6. Any adjacent residential neighborhoods (planned or existing); and
  - 7. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.
- b. Multi-use trails, as designated in the Transportation Master Plan (TMP), shall require a minimum width of 10 feet unless an alternative width is required by an adopted CFA plan.<sup>44</sup>

<sup>41</sup> New.

<sup>42</sup> New.

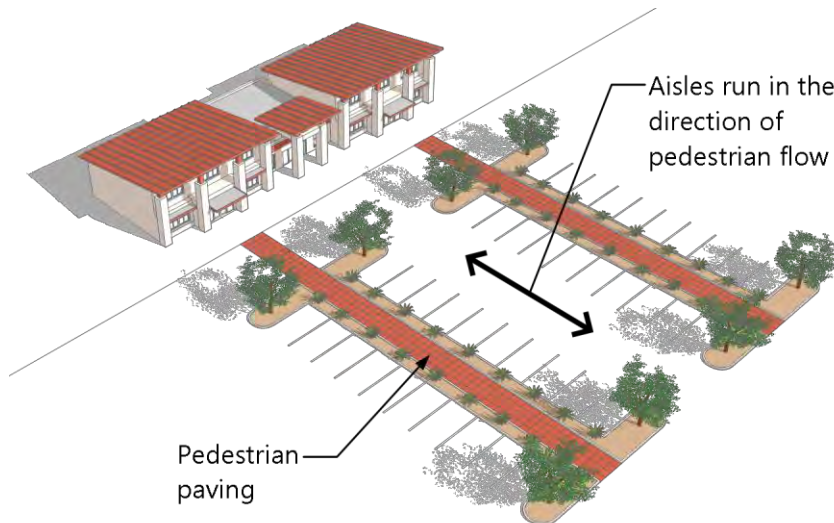
<sup>43</sup> Did not carry forward graphic from 2.5.1 of Article 10, *Street sidewalk continuity*.

<sup>44</sup> The Transportation Master Plan (TMP) is currently underway and further guidance developed as part of that plan will be reflected in the consolidated draft of the LDC Update.

**(3) Pedestrian Access through Parking Areas<sup>45</sup>**

All parking lots that contain more than 50 parking spaces shall include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150 foot intervals, whichever is less.

**Figure 4: Example Pedestrian Access through a Parking Lot**



**(4) On-Site Pedestrian Walkway Standards<sup>46</sup>**

Required on-site pedestrian walkways shall:

- a. Be a minimum of six feet in width;
- b. Be distinguishable from areas used by vehicles using one or more of the following techniques:
  - 1. Changing paving material, patterns, and/or paving color, but not including the painting of the paving material;
  - 2. Changing paving height;
  - 3. Decorative bollards;
  - 4. Raised median walkways with landscaped buffers;
- c. Have adequate lighting for security and safety;
- d. Be conveniently and centrally located on the subject property;
- e. Be ADA accessible; and

<sup>45</sup> Replaces current standards in 2.5.3 of Article 10. Graphic from "landscaped islands" in Article 10 will be updated to reflect the new policy.

<sup>46</sup> Replaces language in "crosswalks and pathways" in 2.5.3 of Article 10 which is currently "encouraged."



- f. Not include barriers that limit pedestrian access between the subject property and adjacent properties.

**(5) Pedestrian Access through Parking Garages<sup>47</sup>**

Pedestrian walkways shall be provided through parking garages from the parking area to the abutting public right-of-way and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

**(6) Trails<sup>48</sup>**

In addition to on-street facilities, multi-use trails may be used to enhance pedestrian and bicycle travel where the existing circulation system does not serve these needs well, or where other open spaces provide corridors free of obstacles. Trails shall:

- a. Connect to the street system in a safe and convenient manner;
- b. Be well-signed with destination and directional signing;
- c. Comply with the Transportation Master Plan and adopted CFA plans;
- d. Connect origin and destination points such as residential areas, schools, shopping centers, parks, etc.;
- e. Be built in locations that are visible and easily accessible, for the personal safety of users; and
- f. Be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized.

**(7) Use and Maintenance of Sidewalks, Walkways, and Trails**

**a. Restrictions on Use**

Sidewalks, walkways, and trails are intended to provide pedestrian access. Vehicle parking, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum clear width of any required sidewalk, trail, walkway, or other pedestrian way. Pedestrian amenities including bollards and trash receptacles for pedestrians are exempt from this requirement.

**b. Maintenance and Snow Removal**

Sidewalks, trails, and walkways required by this title shall be maintained in usable condition throughout the year.

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**I. Bicycle Circulation<sup>49</sup>**

Designated bicycle lanes are required in the design of all arterial and collector streets where low traffic speeds and volumes allow bicyclists and motorists to share the road safely.

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<sup>47</sup> New.

<sup>48</sup> The Transportation Master Plan (TMP) is currently underway and further guidance developed as part of that plan will be reflected in the consolidated draft of the LDC Update.

<sup>49</sup> New. The Sedona Community Plan indicates a pedestrian and bicycle master plan will be developed to identify potential linkages, barriers and gaps, bike lanes and routes, sidewalks, separated pathways, and implementation strategies. In the future, this language could be modified to refer to that plan when it is created.

## 5.5. Off-Street Parking and Loading

### Commentary:

This section includes standards for how much parking and loading is required, and the layout and design of parking areas. Table 5.1, *Required Off-Street Parking Spaces* mirrors the land use table delivered in Part 1 of the LDC Update, making it clear how much parking is required for each proposed land use. The current parking requirement for each use is listed (if one exists) in the second column for comparison against the new proposed requirement. That column will be removed prior to the adoption draft.

There are several new exemptions from off-street parking requirements, including properties smaller than 5,000 square feet (except single-family and duplex dwellings) and expansions of a use less than 25 percent. These exemptions, coupled with new and revised parking alternatives, attempt to make it easier to redevelop properties in Sedona and encourage sustainable practices such as shared parking, bicycle parking, and pervious pavement surfaces.

**Maximum Parking Standards.** We have proposed maximum parking standards to reduce stormwater runoff, minimize negative impacts associated with large expanses of vacant parking areas, and to maintain the character of Sedona. The maximum parking standards allow developers to build up to 25 percent more parking than the minimum required, with some exceptions to allow more.

**Other.** Other new and revised sections include off-street parking layout and design, loading and stacking areas, parking and loading area maintenance, and bicycle parking. Revisions from the current standards are footnoted.

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### A. Purpose<sup>50</sup>

This section is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

- (1) Avoiding and mitigating traffic congestion;
- (2) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking;
- (3) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution;
- (4) Providing necessary access for service and emergency vehicles;
- (5) Providing for safe and convenient interaction between vehicles and pedestrians; and
- (6) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

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### B. Applicability

#### (1) New Development<sup>51</sup>

Unless otherwise exempted by 5.5.B(3), the standards in this Section 5.5 shall apply to all development and land uses established after the effective date of this Code.

#### (2) Expansions and Enlargements<sup>52</sup>

The off-street parking and loading standards of this Section 5.5 apply when the gross floor area of an existing structure or use is expanded or enlarged by 15 percent or more for primary uses

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<sup>50</sup> Replaces 912.01.

<sup>51</sup> Replaces 912.02.A.

<sup>52</sup> Replaces 912.02.A.

of the property, 25 percent or more for supportive non-primary uses of the property, or for any expansion or enlargement that requires a Conditional Use Permit. In such cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) shall equal 100 percent of the minimum ratio established Table 5.4, *Required Off-Street Parking Spaces*, and shall not exceed the maximum standards established in 5.5.E, *Maximum Off-Street Parking Spaces*.

**(3) Parking in the Uptown Area<sup>53</sup>**

Required parking for all uses in the Uptown area shall be one space per 500 square feet regardless of the requirements established in Table 5.4, *Required Off-Street Parking Spaces*.

**(4) Exemptions<sup>54</sup>**

The following shall be exempt from the requirements in Table 5.4, *Required Off-Street Parking Spaces*, but shall comply with parking area design standards if parking is provided:

**Sedona Community Plan says...**

Focus on making the most efficient use of existing parking facilities before creating new facilities and investigate the creation of additional public parking through lease, purchase, or development. (p.67)

- a. Properties containing less than 5,000 square feet of lot area, except for one-family and duplex dwellings.<sup>55</sup>
- b. Expansions or enlargements that increase the square footage of an existing structure or use by less than 15 percent gross floor area, provided that any existing off-street parking remains unaltered.<sup>56</sup>

**(5) Change in Use<sup>57</sup>**

Off-street parking and loading shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use as defined in this Section 5.5.

**(6) Mixed-Use Development<sup>58</sup>**

For new mixed-use development, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below.

- a. To reflect the reduced automobile use associated with mixed-use developments, all uses within a mixed-use zoning district shall be eligible for the following reductions from the minimum off-street parking requirements in Table 5.4, *Required Off-Street Parking Spaces*:
  - 1. M1 district: 10 percent parking reduction;
  - 2. M2 district: 15 percent parking reduction; and
  - 3. M3 district: 30 percent parking reduction.
- b. The total number of parking spaces required of a use or uses may be further reduced by the Director if the applicant prepares a parking demand study that demonstrates a

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<sup>53</sup> New. The Uptown area will require mapping prior to adoption of this standard. The city is also considering whether or not to establish a fee to fund future public parking in this area.

<sup>54</sup> New. Did not carry forward 912.02.J exempting single-family residential uses from parking provisions and requirements.

<sup>55</sup> New standard to promote infill and redevelopment.

<sup>56</sup> New standards to allow flexibility for redeveloping properties.

<sup>57</sup> New.

<sup>58</sup> New.

reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking and loading demand study shall be prepared pursuant to 5.5.C(5), *Discretionary Requirement Based on Demand Study*.

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### C. Calculation of Parking and Loading Requirements<sup>59</sup>

#### (1) Area Measurements

All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

#### (2) Fractions<sup>60</sup>

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next higher whole number.

#### (3) Parking and Loading for Multiple Uses<sup>61</sup>

- a. Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
- b. The total number of spaces may be reduced if the Director approves a parking and loading demand study, prepared by a professional traffic engineer, which shows that on a single auto trip, more than one land use is employed on one lot (see "Shared Parking" published by the Urban Land Institute and Chapter 7, "Parking and Service Facilities," published by the Institute of Transportation Engineers).

#### (4) Parking and Loading for Unlisted Uses<sup>62</sup>

For uses not expressly listed in Table 5.4, *Required Off-Street Parking Spaces*, the Director is authorized to:

- a. Apply the minimum off-street parking space requirement specified in Table 5.4, *Required Off-Street Parking Spaces*, for the listed use that is deemed most similar to the proposed use (based on operating characteristics, the most similar related occupancy classification, or other factors determined by the Director); or
- b. Establish the minimum off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data; or
- c. Establish the minimum off-street parking space and loading requirements based on a parking and loading demand study prepared by the applicant according to 5.5.C(5), *Discretionary Requirement Based on Demand Study*.

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<sup>59</sup> Did not carry forward 912.03.F giving the Director authority to increase parking requirements established in Table 5.3, *Required Off-Street Parking Spaces*, based on nature of proposed and existing land uses on the site and surrounding areas.

<sup>60</sup> Previously 912.03.C. Reworded for clarity and grammatical consistency.

<sup>61</sup> Previously 912.02.C.

<sup>62</sup> Replaces 912.03.D. Expanded Director's authority to base decision on published parking manuals or a parking and loading demand study.

**(5) Discretionary Requirement Based on Demand Study<sup>63</sup>**

Uses that reference this paragraph in Table 5.4, *Required Off-Street Parking Spaces*, have widely varying parking and loading demand characteristics, making it difficult to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this paragraph, the Director shall apply the off-street parking and loading standards on the basis of a parking and loading demand study prepared by the applicant. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

**D. Minimum Off-Street Parking Spaces Required**

**(1) Minimum Required Off-Street Parking**

- a. Unless otherwise provided in this Ordinance, off-street parking spaces shall be provided in accordance with Table 5.4, *Required Off-Street Parking Spaces*, below.
- b. Required parking for all uses in the Uptown area shall be one space per 500 square feet regardless of the requirements established in Table 5.4, *Required Off-Street Parking Spaces*<sup>64</sup>.

**Commentary:**

Table 5.3, *Required Off-Street Parking Spaces* mirrors the uses from the land use table delivered in Part 1 of the LDC Update, making it clear how much parking is required for each proposed land use. The current parking requirement for each use is listed (if one exists) in the second column for comparison against the new proposed requirement. That column will be removed prior to the adoption draft.

The proposed minimum number of parking spaces required for each use was derived by comparing the current standards with recommended standards published in the Institute of Traffic Engineers (ITE) parking demand manual, referencing our library of parking standards for cities across the nation, and professional best practices. Our general approach was to be conservative with the minimum of parking spaces required in the table, and to be more aggressive with the parking alternatives section to allow a greater degree of flexibility.

Similar to the Table of Allowed Uses delivered in Part 1 of the LDC Update, it is not uncommon for staff and stakeholders to spend a considerable amount of time reviewing the parking requirements to ensure they meet the City’s vision and goals.

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
<b>Residential</b>			
<b>Household Living</b>	Dwelling, Co-Housing		1.5 spaces per dwelling unit
	Dwelling, Duplex	2 parking spaces per	2 spaces per dwelling unit

<sup>63</sup> New requirement that we often include in codes to give staff the flexibility to determine appropriate parking rather than relying on a one-size-fits-all approach.

<sup>64</sup> New standard also included in the applicability section at the beginning of parking standards.

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		dwelling unit	
	Dwelling, Live/Work		1.5 space per dwelling unit (work area calculated as retail, office, or commercial use)
	Dwelling, Multifamily	<p>A minimum of 1 covered space per dwelling unit</p> <p>Efficiency units: 1.25 spaces per dwelling unit</p> <p>1 bedroom units: 2 parking spaces per dwelling unit for the first 5 units. After the first 5 units, 1.5 parking spaces per dwelling unit</p> <p>2 or more bedroom units: 2.5 parking spaces per dwelling unit for the first 5 units. After the first 5 units, 2 parking spaces per dwelling unit</p> <p>Active senior living accommodations: 1 parking space per dwelling unit</p>	<p><b>Studio:</b> 1 space per dwelling unit</p> <p><b>1 Bedrooms:</b> 1.25 spaces per dwelling unit</p> <p><b>2+ Bedrooms:</b> 1.75 spaces per dwelling unit</p> <p><b>Covered parking (all multifamily dwellings):</b> 1 space per unit</p>
	Dwelling, Single-Family Attached	2 parking spaces per dwelling unit	2 spaces per dwelling unit
	Dwelling, Single-Family Detached	2 parking spaces per dwelling unit	<p><b>Dwellings with 6 or fewer bedrooms:</b> 2 spaces per dwelling unit;</p> <p><b>Dwellings with more than 6 bedrooms:</b> 2 spaces per dwelling unit plus 1 space per bedroom over 6 bedrooms</p>
	Manufactured Home	2 parking spaces for each mobile home space	2 spaces per dwelling unit
	<b>Group Living</b>	Assisted Living Facility	1 parking space for each 2 patient beds
Dormitory		2 parking spaces for each 3 guest rooms	0.75 spaces per bedroom
<b>Public, Institutional, and Civic Uses</b>			
<b>Community and Cultural Facilities</b>	Cemetery or Internment Facility		No requirement
	Club or Lodge	1 parking space for each 3.5 fixed seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room	1 space per 50 square feet of assembly area
	Day Care	1 parking space for each staff member plus 1 space	1 space per employee on largest shift, plus 1 space per

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		for each 10 students	15 students
	Funeral Facility	1 parking space per 3 fixed seats or 1 parking space per 20 square feet of assembly room area, plus 1 per each commercial funeral vehicle	1 space per 20 square feet of assembly area; plus 1 space per business vehicle
	Library	1 parking space for each 300 square feet of gross floor area	1 space per 300 square feet
	Museum	1 parking space for each 300 square feet of gross floor area	1 space per 300 square feet
	Park, Active		Discretionary, see 5.5.C(5) Playfields (soccer, baseball, etc.) shall have a minimum of 20 spaces per field.
	Park and Open Space, Passive		No requirement
	Religious Assembly	1 parking space for each 3.5 fixed seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room	1 space per 50 square feet of assembly area
<b>Educational Facilities</b>	School, Public or Private	Elementary or junior high schools: 2 parking spaces for each teaching station  High schools including auditoriums and stadiums: 7 parking spaces for each teaching station	<b>High school:</b> 6 per classroom plus 1 per 300 square feet of administrative office space <b>All others:</b> 2 per classroom
	School, Vocational or Trade		1 space per 300 square feet
<b>Healthcare Facilities</b>	Hospital	1 parking space for each patient bed	1 space per 400 square feet
	Medical or Dental Clinic	1 parking space per 200 square feet of gross floor area	1 space per 200 square feet
<b>Commercial Uses</b>			
<b>Agricultural and Animal Uses</b>	Agriculture, General		No requirement
	Agriculture, Urban		No requirement
	Kennel, Commercial		1 space per 1,000 square feet
	Stable, Commercial		1 per 5 animals boarding capacity
	Veterinary Hospital or Clinic		1 space per 500 square feet
<b>Recreation and Entertainment</b>	Campground		1 space per visitor site; plus 1 space per resident caretaker
	Indoor Recreation Facility	1 parking space for each 3	1 space per 300 square feet

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		<p>persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Director</p> <p>Art gallery: 1 parking space for each 350 square feet of gross floor area</p> <p>Billiard parlor: 1 parking space per 1.5 billiard tables</p> <p>Bowling alley: 4 parking spaces for each bowling lane</p> <p>Gymnasium and health studios, not on a school site: 1 parking space per 300 square feet of exercise area</p> <p>Skating rinks, dance halls/dance studios: 1 parking space per 250 square feet of gross floor area</p> <p>Theater or auditorium not on a school site: 1 parking space for each 3 seats in the main assembly room</p>	
	Outdoor Recreation Facility	<p>1 parking space for each 3 persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Director</p> <p>Golf courses: 6 parking spaces per green</p> <p>Miniature golf course: 2.5 parking spaces for each hole of the course</p>	<p>1 space per 250 square feet building area; plus 1 space per 10,000 square feet site area</p>
	RV Park		<p>1 space per visitor site; plus 1 space per resident caretaker</p>
<b>Food and Beverage Service</b>	Bar, Tavern, or Lounge	<p>Restaurant, cocktail lounge or similar use for sale or consumption of food or beverages on the premises</p>	<p><b>Bars, taverns, or lounges with more 16 seats or fewer:</b> 1 space per 250 square feet; <b>All other bars, taverns, or</b></p>



**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		with more than 16 seats: 1 parking space for each 100 square feet of gross floor area  Restaurant primarily for sale of food and beverages off-premises with 16 seats or less: 1 parking space for each 200 square feet of gross floor area	<b>lounges:</b> 1 space per 100 square feet
	Beverage Services <sup>65</sup>		1 space per 200 square feet
	Catering Establishment		3 space per 1,000 square feet
	Microbrewery, Distillery, or Winery		1 space per 200 square feet seating/tasting area
	Mobile Food Vending		1 space per vendor
	Restaurant	Restaurant, cocktail lounge or similar use for sale or consumption of food or beverages on the premises with more than 16 seats: 1 parking space for each 100 square feet of gross floor area  Restaurant primarily for sale of food and beverages off-premises with 16 seats or less: 1 parking space for each 200 square feet of gross floor area	<b>Restaurants with 16 seats or fewer:</b> 1 space per 250 square feet; <b>All other restaurants:</b> 1 space per 100 square feet
	Restaurant with Drive-Through	Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than 16 seats: 1 parking space for each 100 square feet of gross floor area. In addition, 4 spaces before the ordering area shall be required for vehicle stacking space  Restaurant primarily for sale of food and beverages off-premises with 16 seats or less: 1 parking space for	<b>Restaurants with 16 seats or fewer:</b> 1 space per 250 square feet; <b>All other restaurants:</b> 1 space per 100 square feet; All restaurants with drive-through shall provide 4 vehicle stacking spaces per service window

<sup>65</sup> New proposed use that was not included in Part 1, Districts and Uses. This use will be included in the consolidated draft table of allowed uses.

Table 5.4 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		each 200 square feet of gross floor area. In addition, 4 spaces before the ordering area shall be required for vehicle stacking space	
Office, Business, and Professional Services	Administrative, Professional, or Government Office	Government office: 1 parking space for each 200 square feet of gross floor area  1 parking space for each 250 square feet of gross floor area	1 space per 300 square feet
	Financial Institution	1 parking space for each 200 square feet of gross floor area  Drive through: 1 parking space for each 200 square feet of gross floor area, plus 5 vehicles per drive-through station for vehicle stacking space	1 space per 300 square feet; plus 4 stacking spaces per drive-through station
Lodging	Lodging, Fewer than Seven Units	1 parking space for each guest room or guest dwelling  Bed and breakfast: 1 parking space for each guest unit in addition to parking requirements for the owner/occupant	<p><b>Lodging units accessed from interior common areas:</b> 1 space per guestroom with direct access to common hallway space;</p> <p><b>Lodging units accessed from exterior:</b> 1.5 spaces per lodging unit, plus 1 space per resident caretaker.</p> <p>50% of spaces may be counted to satisfy parking requirements of accessory uses.</p>
	Lodging, Medium-Density	Hotels, motels, timeshares and other similar lodging uses as determined by the Director of Community Development. Total per unit of the following requirements:  a. 0.5 spaces per room within each lodging unit, but not less than 1 space per total unit (excluding kitchens, bathrooms, closets or similar rooms as determined by the Director of Community Development).  b. 0.25 spaces per total unit if the timeshare facility accommodates on-site sales	

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		<p>activities (this requirement may be waived by the Director if applicant provides adequate documentation indicating sales customers are also overnight guests at the facility).</p> <p>c. 0.25 spaces per lock-out suite.</p> <p>d. For projects under 60 units, an additional 5 parking spaces shall be provided. For projects with 60 or more units, an additional 10 parking spaces shall be added.</p>	
	Lodging, High-Density		
<b>Personal Services</b>	Personal Services, General	<p>Barber or beauty shop: 1.5 parking spaces for every 2 work stations</p> <p>Cleaners: 1 parking space for each 300 square feet of gross floor area</p> <p>Cleaners (drive through): 1 parking space for each 300 square feet of gross floor area, plus a minimum of 60 feet of stacking area to accommodate at least 3 vehicles at the window</p> <p>Commercial service uses, repair shops, garages, wholesale uses: 1 parking space for each 200 square feet of gross floor area (including display)</p> <p>Health and spa facility, massage therapy, yoga studio: 1 parking space for each 200 square feet of gross floor area</p> <p>On the same property in conjunction with a Lodging or Resort Commercial establishment, 1 parking</p>	1 space per 300 square feet; plus 3 stacking spaces per service window

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		space for each 400 square feet of gross floor area	
	Laundromat, Self-Service	1 parking space for every 2 washing machines	1 space per 300 square feet
<b>Retail Sales</b>	Auction House		Discretionary, see 5.5.C(5)
	Building Materials and Supply Store		1 space per 300 square feet
	General Retail, Less than 10,000 Square Feet	<p>General retail: 1 parking space for each 250 square feet of gross floor area</p> <p>Convenience markets and liquor stores: 1 parking space for each 200 square feet of gross floor area plus a minimum of 60 feet of stacking area to accommodate at least 3 vehicles at the window</p> <p>Furniture and/or appliance stores: 1 parking space for each 750 square feet of sales display area</p> <p>1 space for each 250 square feet for buildings less than or equal to 10,000 square feet of gross floor area</p>	1 space per 250 square feet; plus 3 stacking spaces per service window
	General Retail, 10,000 Square Feet to 25,000 Square Feet	1 parking space for each 200 square feet of gross floor area for buildings over 10,000 square feet of gross floor area	1 space per 200 square feet; plus 3 stacking spaces per service window
	General Retail, More than 25,000 Square Feet	<p>Planned shopping centers under unified control over 25,000 square feet:</p> <p>a. 1 parking space for each 250 square feet of gross floor area</p> <p>b. Parking spaces for restaurant space that exceeds 15% of the total square footage of the shopping center shall be calculated as required for restaurant</p>	1 space per 250 square feet; plus 3 stacking spaces per service window
	Medical Marijuana Dispensary		1 space per 250 square feet
	Medical Marijuana Dispensary, Off-Site Cultivation Location		Discretionary, see 5.5.C(5)

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
	Nursery or Garden Supply Store	5 parking spaces plus 1 additional parking space for each 2,000 square feet of sales or display area	1 space per 300 square feet of retail space
<b>Transportation, Vehicles, and Equipment</b>	Equipment Sales and Rental	Heavy equipment and machinery sales: 1 parking space per 750 square feet of gross floor area	1 space per 750 square feet
	Fleet Services		1 space per 1,000 square feet; plus 1 space per commercial fleet vehicle
	Parking Facility		No requirement
	Transit Terminal or Station	Bus depot: 1 parking space for each 1,000 square feet of waiting room space	1 space per 200 square feet of floor area
	Vehicle Fuel Sales	Convenience markets: 1 parking space for each 200 square feet of gross floor area	1 space per fueling pump; plus 1 stacking space per 2 fueling pumps; plus 1 space per 400 square feet of retail space
	Vehicle Repair, Major		1 space per 500 square feet
	Vehicle Repair, Minor		1 space per 500 square feet
	Vehicle Sales and Leasing	1 parking space for each 1,000 square feet of gross land used for sales and display purposes	1 space per 500 square feet of sales floor area
	Vehicle Service Station	1 stacking space per 2 pumps, plus 2 parking spaces per service bay	1 space per fueling pump; plus 1 stacking space per fueling plump; plus 2 spaces per repair bay
	Vehicle Wash	Parking spaces or reservoir parking equal to 5 times the capacity of the car wash	4 stacking spaces per service lane; plus 1 stacking space per detailing bay
<b>Adult Entertainment Establishments</b>	Adult Entertainment		1 space per 250 square feet
<b>Industrial Uses</b>			
<b>Manufacturing and Processing</b>	Food Processing		1 space per 1,000 square feet processing area; plus 1 space per 100 square feet retail area
	Manufacturing, Artisan		1 space per 1,000 square feet
	Manufacturing, Light	1 parking space per 750 square feet of gross floor area	1 space per 1,000 square feet
<b>Storage and Warehousing</b>	Contractor Office or Equipment Storage Yard		1 space per 1,000 square feet
	Outdoor Storage		1 space per 1,000 square feet

**Table 5.4  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
	Self-Storage Facility		1 space per 20 storage units; plus 1 space per 300 square feet of office area; plus 1 space per resident caretaker
	Warehousing and Wholesale Facility	Warehouse and distribution industry: 1 parking space for each 2,000 square feet for the first 20,000 square feet; 1 parking space for each 4,000 square feet of floor area of the remaining building area  Wholesale: 1 parking space for each 500 square feet of gross floor area	1 space per 2,000 square feet warehouse/wholesaling area; plus 1 space per 500 square feet office area
<b>Public and Semi-Public Utility Uses</b>			
	Flood Control Facility		No requirement
	Public Utility, Major	Public or private utility office: 1 parking space for each 200 square feet of gross floor area	Discretionary, see 5.5.C(5)
	Public Utility, Minor		Discretionary, see 5.5.C(5)
	Water Storage Tank		Discretionary, see 5.5.C(5)
	Wireless Telecommunications Facility		Discretionary, see 5.5.C(5)
<b>Accessory Uses</b>			
	Guest Quarters		Based on number of bedrooms; included in calculation for single-family detached dwelling
	Home Occupation		No requirement
	Outside Sales and Display		No requirement
	Outdoor Storage, Accessory		No requirement
<b>Temporary Uses</b>			
	Christmas Tree Sales		Determined on a case-by-case basis at time of temporary use permit
	Construction Support Activity		
	Filming-Related Activity		
	Model Home		
	Special Event		
	Temporary Housing		

**(2) Accessible Parking<sup>66</sup>**

The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in the Sedona City Code and the American Disabilities Act (ADA), as amended.

**(3) Bicycle Parking<sup>67</sup>**

**a. Minimum Required Bicycle Parking**

Unless exempted by 5.5.D(3)b, all multifamily and nonresidential development shall provide off-street bicycle parking spaces at a ratio of one bicycle parking space per 20 vehicle parking spaces, with no development providing less than two bicycle parking spaces.

**b. Bicycle Parking Reduction<sup>68</sup>**

The Director may reduce the number of bicycle parking spaces required due to building site characteristics.

**c. Bicycle Parking Location and Design**

**1. Location<sup>69</sup>**

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

- i.** Located in a visible, well-lit ground-level area;
- ii.** Conveniently accessible to the primary entrances of a development's principal building(s);
- iii.** Does not interfere with pedestrian traffic; and
- iv.** Is protected from conflicts with vehicular traffic.

**2. Multiple Building Developments**

For developments with multiple buildings, bicycle parking shall be distributed evenly among principal buildings.

**3. Design**

- i.** Bicycle parking areas shall not be used for any other purposes.
- ii.** Bicycle parking spaces shall be installed using bicycle racks that are effective for storage and are permanently anchored to a hard surface.

**(4) Bus and Large Vehicle Parking<sup>70</sup>**

- a.** For parking lots with a capacity of more than 50 parking spaces, applicants shall demonstrate ability to accommodate parking for buses, recreational vehicles, and other large, oversized vehicles.

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<sup>66</sup> Replaces 912.05.J(1)(c). Accessible parking standards were previously located in 912.09.

<sup>67</sup> New.

<sup>68</sup> New.

<sup>69</sup> Replaces 2.5.3 of Article 10.

<sup>70</sup> Previously 912.08.A and 912.08.C. Did not carry forward ability for the Director to waive the requirement.

- b. If separate oversized parking spaces are provided to accommodate buses and large vehicles, each oversized parking space may be credited as six standard spaces to satisfy the required number of off-street parking spaces.

## E. Maximum Off-Street Parking Spaces<sup>71</sup>

### (1) Applicability

- a. Uses shall not provide off-street parking spaces in an amount more than 125 percent of the minimum parking spaces required in Table 5.4, *Required Off-Street Parking Spaces*, unless:
  1. The applicant submits a parking and loading demand study pursuant to 5.5.C(5), and receives approval from the Director; and
  2. Permeable pavers or other porous materials are used for any parking spaces provided above the 125 percent maximum.
- b. Maximum parking standards shall not apply to single-family or duplex dwelling uses.

#### Water Quality

Impervious coverage limits help Sedona to reduce stormwater runoff and improve water quality. Reducing the amount of parking is an effective way to reduce impervious coverage.



### (2) Calculating Maximum Spaces

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

- a. On-street parking adjacent to the lot or lots on which the parking is located;
- b. Accessible parking;
- c. Electric vehicle charging stations;
- d. Vanpool and carpool parking;
- e. Required bus and large vehicle spaces;
- f. Fleet vehicle parking; and
- g. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

## F. Parking Alternatives, Credits, and Adjustments

### (1) Generally

- a. The Director may approve parking alternatives, credits, and adjustments to the off-street parking spaces required by Table 5.4, *Required Off-Street Parking Spaces*, in accordance with the following standards.
- b. Adjustments to required off-street parking spaces for multifamily dwellings shall not exceed 20 percent.

<sup>71</sup> New. Some communities introduce maximum parking standards to optimize the use of developable land and to minimize negative impacts associated with large parking areas.




**(2) Shared Parking or Off-Site Parking**

The Director may approve shared parking and/or off-site parking for developments and/or uses with different operating hours or different peak business periods, if the shared and/or off-site parking complies with the following:

**a. Location**

Every shared and/or off-site parking space for nonresidential uses shall be located within 500 feet (measured along a legal pedestrian route) of the property on which the shared parking is provided. The Director may authorize farther distances for shared parking facilities where shuttle services are available.<sup>72</sup>

**Shared Parking**  
 Shared parking and other parking alternatives promote mixed-use development and encourage alternatives to expansive surface parking areas, leading to improved water quality and better pedestrian circulation.



**b. Parking and Loading Demand Study Required**

1. Shared and/or off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of shared and/or off-site parking through a parking and loading demand study. Such study shall be prepared pursuant to 5.5.C(5), *Discretionary Requirement Based on Demand Study*.
2. For shared parking, separate uses located on the same or adjacent properties which are not operated simultaneously, a shared parking arrangement may be allowed if it is in accordance with the Institute of Transportation Engineers (ITE) Standards for shared parking (current edition) and the Urban Land Institute publication Shared Parking Second Edition (2005, Mary S. Smith et al.) and approved by the Director.<sup>73</sup>

**c. Parking Agreement Required<sup>74</sup>**

**1. Written Agreement**

The parties involved in the joint use of shared parking facilities and/or the use of off-site parking facilities shall submit a written agreement to the Director with the following:

- i. A legal written and recorded agreement;
- ii. Proof of continuing use and maintenance;

**2. Approval**

- i. Such agreement shall be approved by the Director prior to issuance of a building permit for any use to be served by the shared and/or off-site parking facility.
- ii. Subsequent revocation of such agreement may render any parking facilities that do not comply with this Code nonconforming.

<sup>72</sup> Current standard requires the property where off-site parking is located be a maximum of 300 feet from the property it serves. We recommend using a standard that limits the distance of each parking space to the distance to the property via a pedestrian route. Did not carry forward language in 912.03.A prohibiting off-site parking that is separated by an arterial or collector roadway; this is mitigated by the proposed distance requirements via a pedestrian route. The shuttle service alternative is new, proposed to increase administrative flexibility.

<sup>73</sup> Previously 912.03.B.

<sup>74</sup> Replaces 912.03.A. Added clarifying language and the process by which an agreement is approved.

**(3) Structured Parking<sup>75</sup>**

**a. Maximum Parking Waiver**

The Director may reduce off-street parking requirements for developments providing structured parking.

**b. Height of Parking Structure<sup>76</sup>**

The height of a parking structure shall not exceed the height of the principal building it is intended to serve. Where no principal building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

**(4) On-Street Parking<sup>77</sup>**

**a.** The Director may give credit for on-street parking spaces located on the street adjacent to the entry of the building in which the use is located. Credit may not be given for parking spaces located in a residential zoning district.<sup>78</sup>

**b.** Areas within required driveway clearance areas to street corners pursuant to 5.4.E(4)c shall not be counted toward required parking.

**c.** On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

**d.** Elimination of on-street parking for any reason may result in a requirement for the applicant to provide additional off-street parking to comply with this Code.

**(5) Public Parking Facilities in Uptown<sup>79</sup>**

The Director may reduce off-street parking requirements when public parking facilities are provided in the Uptown area within 500 feet of the subject use.

**(6) Compact Vehicle Parking<sup>80</sup>**

**a.** Up to 10 percent of the total number of required parking spaces may be used for compact vehicle parking, provided that the total number of required off-street parking spaces is provided on site.

**b.** Compact parking spaces shall be eight feet wide by 18 feet long for 90 degree parking or the equivalent dimensions required for an angle space to maintain the eight foot by 18 foot rectangle.

**c.** A total of 15 percent compact spaces may be permitted if an additional five percent of the total on-site parking spaces are provided as off-site shared parking, as approved by the Director or City Engineer.

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<sup>75</sup> New.

<sup>76</sup> This standard may be relocated to the measurements and exceptions section that was included in Part 1, Districts and Uses. Such relocation will be considered in the consolidated draft.

<sup>77</sup> New. Did not carry forward 912.05.B. prohibiting parking on sidewalks, streets or public rights-of-way.

<sup>78</sup> This may be revised following further review by City Engineering.

<sup>79</sup> New. The Uptown area will be mapped (likely through the CFA planning process) and that map will be included in this section.

<sup>80</sup> Previously 912.05.M.

- d. Compact spaces shall be clearly signed and marked "Compact Only." Signs shall be per the Manual on Uniform Traffic Control Devices (MUTCD) and lettering striping shall be a minimum of 12 inches stating "Compact Only."

**(7) Motorcycle Parking<sup>81</sup>**

- a. Up to 30 percent of the total permitted compact spaces may be motorcycle spaces.
- b. Motorcycle parking space shall be four feet wide by 16 feet long for 90 degree parking or the equivalent dimensions required for an angle space to maintain the four foot by 16 foot rectangle.
- c. Motorcycle spaces shall be clearly signed and marked "Motorcycle Only." Signs shall be per the MUTCD and lettering striping shall be a minimum height of 12 inches<sup>82</sup> stating "Motorcycle Only."

**(8) Pedestrian and Transit Access<sup>83</sup>**

Requests to reduce otherwise applicable parking requirements may be granted by the Director after the applicant shows that:

- a. Because of the unique nature of the specific existing or proposed land use or due to an unusually large number of pedestrian or transit trips, below-normal parking demands will be generated; and
- b. The reduced parking supply will still accommodate the vehicular traffic without increasing traffic or on-street parking problems in adjacent areas and neighborhoods.

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**G. Off-Street Parking Layout and Design**

**(1) Modifications<sup>84</sup>**

The requirements of this Section 5.5 may be modified by the Director or City Engineer in order to retain existing trees or native vegetation within the parking area, if in the opinion of the Director or City Engineer, a potential traffic safety concern is not present.

**(2) Use of Parking and Loading Areas**

- a. Except for single-family and duplex dwellings, no required off-street parking or loading space shall be used for any purpose other than the parking of vehicles, unless otherwise allowed by this Code. Off-street parking spaces provided in excess of the number required may be used for any legal purpose within the respective zoning district. If a required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this Code.
- b. Parking shall be prohibited in aisle ways, fire lanes or similar areas not officially designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required by the Director.<sup>85</sup>

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<sup>81</sup> Previously 912.05.N.

<sup>82</sup> This standard is too large for a motorcycle parking space. Engineering staff currently working on tracking down a specific detail for these signs and will be incorporated in the consolidated draft.

<sup>83</sup> Previously 912.03.E.

<sup>84</sup> Previously 912.05.L.

<sup>85</sup> Previously 912.05.G.

- c. Required parking spaces and areas shall not be used for the sale, display or repair of motor vehicles or other goods and services unless authorized by a temporary use permit issued in accordance with **Section --**.<sup>86</sup>
- d. Parking lots shall not be used for overnight occupancy and parking of recreational vehicles, campers, trailers, buses, vans, motor homes, moving vans, refrigerator trucks or similar vehicles, except as authorized by the Director.<sup>87</sup>

**(3) Location of Parking Areas<sup>88</sup>**

- a. For single-family and duplex dwellings in all districts, off-street parking areas shall be located in a garage or on a driveway.
- b. For all other uses in all residential and mixed-use zoning districts, off-street parking areas shall not be located between the front building façade and the adjacent street frontage.
- c. When residential uses are located to the rear of a proposed commercial or office development on a corner site, parking and service areas may be located to the front or side of the building provided that they are adequately screened, so that the building acts as a buffer between the parking areas and residential uses.<sup>89</sup>
- d. Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in this subsection or as allowed in 5.5.F, *Parking Alternatives*.

**(4) Parking Area Dimensional Standards<sup>90</sup>**

All parking and maneuvering areas shall be constructed according to the dimensional standards set forth in this subsection.<sup>91</sup>

- a. If the applicant can provide different acceptable standards based on the Institute of Transportation Engineers (ITE) Standards (current edition), or other professionally recognized sources, the Director may approve alternative standards pursuant to the Administrative Adjustment process outlined in **Section --**. However, any alternative standards must also meet the intent and purpose of this Code.<sup>92</sup>
- b. The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:
  - 1. The curb is no more than four inches in height; and
  - 2. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.

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<sup>86</sup> Previously 912.02.D.

<sup>87</sup> Previously 912.02.E.

<sup>88</sup> New.

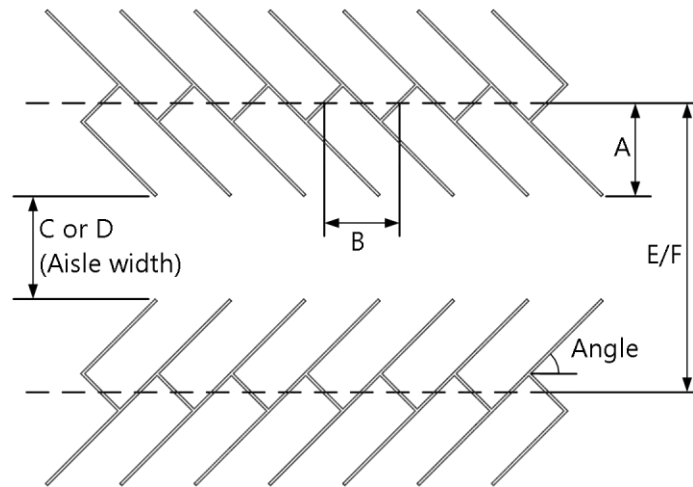
<sup>89</sup> From Article 10 related to corner site development.

<sup>90</sup> These specific parking design standards (as illustrated in the graphics and tables below) will likely be relocated to the Engineering Standards Manual.

<sup>91</sup> Replaces 912.05.A.

<sup>92</sup> Previously 912.05.A.

Figure 5: Conventional Parking Design



**Table 5.5**  
**Parking Dimensions in Feet – Conventional Parking Design**

Angle	Parking Space		One-Way Aisle	2-Way Aisle	1-Way Bay	2-Way Bay
	A	B	C	D	E	F
0° <sup>93</sup>	8.0	24.0				
30°	16.8	18.0	12.0	20.0	45.6	51.6
45°	19.1	12.7	13.0	20.0	51.2	58.2
60°	20.1	10.4	18.0	22.0	58.2	62.2
90°	18.0 <sup>1</sup>	9.0	26.0	26.0	N/A	62.0
compact (90°) <sup>94</sup>	18.0	8.0	26.0	26.0	N/A	62.0
Motorcycle (90°) <sup>95</sup>	16.0	4.0	26.0	26.0	N/A	58.0
Bus and Large Vehicle (90°) <sup>96</sup>	12.0	40.0				

<sup>93</sup> Previously 912.05.J(1)(b).

<sup>94</sup> Previously 912.05.M. We applied the same dimensional standards for 90 degree parking to compact stalls.

<sup>95</sup> Previously 912.05.J(1)(d). We applied the same dimensional standards for 90 degree parking to motorcycle parking, except for the 2-way bay width, which reflects a shorter motorcycle stall length (16 feet instead of 18 feet).

<sup>96</sup> Previously 912.08.B.

Figure 6: Interlocked Spaces Parking Design

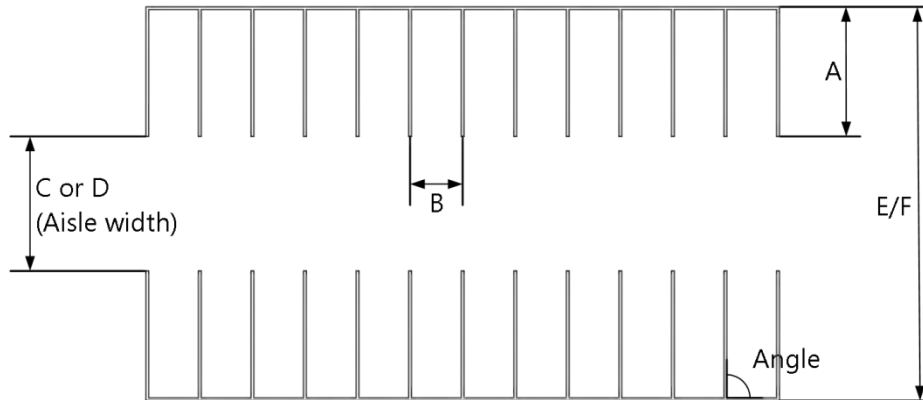


Table 5.6  
Parking Dimensions in Feet – Interlocked Parking Design

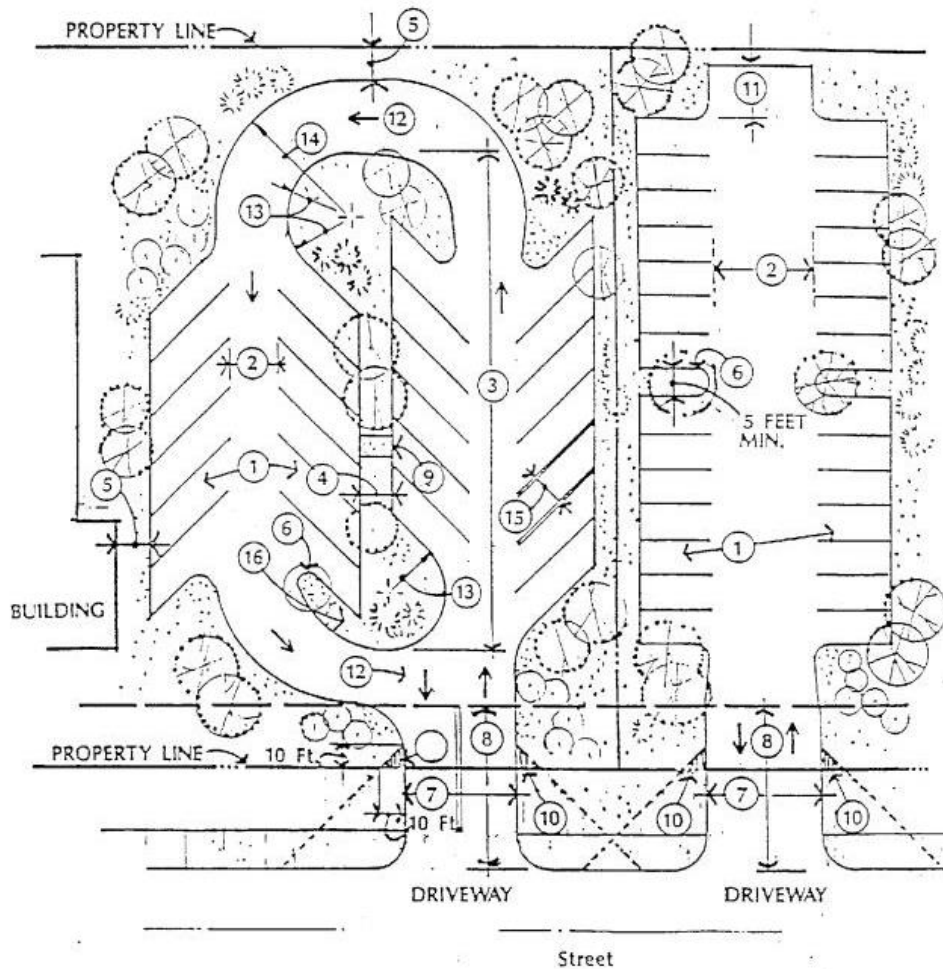
Angle	Parking Space		One-Way Aisle	2-Way Aisle	1-Way Bay	2-Way Bay
	A	B	C	D	E	F
30°	12.9	18.0	12.0	20.0	37.8	43.8
45°	15.9	12.7	13.0	20.0	44.8	51.8
60°	17.0	10.4	18.0	22.0	53.7	57.7

(5) General Parking Standards<sup>97</sup>

The following standards illustrated in Figure 7: *Minimum Requirements for Parking*, shall apply to all parking areas in the city unless otherwise exempted by this Code. Letters referenced in the illustration correspond to the list-level for the following standards:

<sup>97</sup> Figure 6 will be updated and keyed to the standards that follow it. The current graphic is keyed to the standards in Section 912.05J.

Figure 7: Minimum Requirements for Parking



Replace graphic

- a. Aisle widths shall comply with the minimum widths listed in conventional and interlocked parking design standards and general parking standards. When stall sizes utilized are greater than minimum size, the City Engineer may, at his discretion, increase the required aisle width.
- b. Length of aisle or island separating adjacent parking spaces shall have a maximum length of 300 feet.
- c. Curbs shall be installed at a minimum of three feet from the face of walls, fences, buildings and other structures adjacent to the exterior boundaries of the property. These areas shall be landscaped except for required pedestrian walkways.<sup>98</sup>
- d. The curb radius for landscape islands shall be a two foot minimum.

<sup>98</sup> Changed "should" to "shall."

- e. Individual ingress/egress access drives shall be in accordance with the provisions set forth in 5.4, *Access, Connectivity, and Circulation*, and constructed to the specifications of the City Engineer.
- f. A minimum stacking distance of 40 feet shall be provided at all ingress/egress access drives intersecting with a street. Other distances may be approved by the Director if warranted by lot size and configuration.
- g. Walkway openings four feet in width shall be provided in islands separating adjacent parking spaces at seven space intervals.
- h. A 12 foot deep backup-turnaround shall be required on all dead-end parking lanes.
- i. Traffic circulation on one-way angle parking shall be designed for counter-clockwise traffic flow and directional arrows shall be painted on the pavement to help assure the correct flow.
- j. No inside turning radius at the curb shall be less than 15 feet.
- k. No outside turning radius at the curb shall be less than 35 feet.
- l. Parking stalls shall be striped according to the specifications of the City Engineer, with the center of the stripe as the point of measurement.<sup>99</sup>
- m. Ends of island parking nodes where angled parking is provided shall be a minimum of 10 feet average width.
- n. The inside radius to a parking stall on a curve approach shall not be less than 15 feet.

**(6) Surface Materials<sup>100</sup>**

- a. All required parking areas, aisles, turn-arounds and driveways shall be paved with colored<sup>101</sup> concrete, asphalt or other approved surface, constructed to standards on file in the office of the City Engineer.
- b. Permanent surfacing shall be installed prior to receiving a certificate of occupancy.
- c. Parking areas may be surfaced with a dust-free permeable material, with approval by the City Engineer.
- d. Bumpers, wheelstops, stall markings and/or other vehicular control devices shall be provided to the specifications of the City Engineer.<sup>102</sup>

**(7) Minimizing Vehicular and Pedestrian Conflicts**

- a. Traffic control signs and/or striping shall be provided within all parking areas as necessary to minimize vehicular and pedestrian conflicts.<sup>103</sup>
- b. If vehicular and pedestrian conflicts are apparent, the Director may require an alternative design of parking areas to resolve potential conflicts.<sup>104</sup>

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<sup>99</sup> Did not carry forward double-stripe requirement for parking stalls.

<sup>100</sup> Replaces 912.05.I.

<sup>101</sup> **DISCUSSION:** Should the city require certain colors for concrete parking areas? Doing so could result in more asphalt parking areas because the cost of dying the concrete may be prohibitive.

<sup>102</sup> Revised from Director to City Engineer.

<sup>103</sup> Previously 912.05.H.

<sup>104</sup> Previously 912.05.K. Reworded for grammatical consistency and clarity.



**(8) Covered Parking<sup>105</sup>**

Covered parking is encouraged to provide relief from the elements, particularly summer heat. Such structures should be architecturally compatible with the remainder of the development.

**(9) Pollution Control<sup>106</sup>**

Oil separator devices and documentation of proper maintenance shall be required for parking areas, except when paving with permeable surface has been established, in which case the requirements may be waived by the City Engineer.

**(10) Surfacing in Floodplains<sup>107</sup>**

Parking lots developed in designated floodplain areas shall be improved in a manner acceptable to the City Engineer. Parking spaces shall be clearly defined.

**(11) Parking Area Grading<sup>108</sup>**

Parking lot grades shall be in accordance with the specifications made available by the City Engineer.

**(12) Parking Area Landscaping<sup>109</sup>**

All parking lot landscaping shall be provided in accordance with **Section --**.

**(13) Parking Area Lighting**

All parking lot lighting shall be provided in accordance with **Section --**.

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**H. Loading and Stacking Areas<sup>110</sup>**

**(1) Number and Size of Loading Berths Required<sup>111</sup>**

- a. The Director may approve a variation from the required loading space requirements if warranted by the building use.
- b. The minimum turning radius for truck traffic areas shall be 40 feet.

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<sup>105</sup> Previously 2.4.6 from Article 10.

<sup>106</sup> Previously 912.02.G.

<sup>107</sup> Previously 912.02.H, revised from Director to City Engineer.

<sup>108</sup> Previously 912.02.I.

<sup>109</sup> Previously 912.06.

<sup>110</sup> Some or all of these standards may be relocated to the Engineering Standards Manual.

<sup>111</sup> Previously 912.07.B.

**Table 5.7  
Required Off-Street Loading Berths**

Gross Floor Area	Number of Loading Berths	Size of Each Loading Berth
Less than 10,000 square feet <sup>112</sup>	None	N/A
10,000 to 29,999 square feet <sup>113</sup>	1	10 feet x 25 feet <sup>114</sup>
30,000 to 100,000 square feet <sup>115</sup>	2	12 feet x 50 feet
More than 100,000 square feet	2, plus 1 additional loading berth for every 100,000 square feet beyond the first 100,000 square feet	14 feet wide x 50 feet long x 14 feet high

**(2) Location of Loading Areas<sup>116</sup>**

- a. Required off-street loading spaces shall not be permitted in any front yard or in any required street side yard.
- b. Off-street loading spaces may occupy all or any part of a required rear yard where visibility from public streets and windows of neighboring buildings will be minimized.
- c. Loading areas shall not interfere with parking lot maneuvering areas.
- d. City streets or rights-of-way shall not be utilized for loading and unloading purposes.

**(3) Vehicle Stacking Areas<sup>117</sup>**

Where traffic flow is controlled by an entry gate, guard house or drive-through service facility, an adequate stacking lane, approved by the Director, shall be provided in a manner that does not interfere with maneuvering into parking spaces or traffic flow of aisles, streets, bike paths or sidewalks.

**I. Parking and Loading Area Maintenance**

- (1)** All required parking improvements, including but not limited to, parking spaces, aisles, driveways, and curb and gutter shall be maintained in good repair as long as the buildings and uses remain.<sup>118</sup>
- (2)** The minimum required number of parking spaces shall be maintained and not reduced in number, unless there is an approved change of use or amendment to these regulations which allows for such reduction.

<sup>112</sup> New. Some communities exempt buildings with less than 25,000 square feet from required loading areas. It is more common that businesses are served more frequently and by smaller vehicles than in the past.

<sup>113</sup> Modified from less than 30,000 square feet to reflect the new 10,000 square foot threshold.

<sup>114</sup> Modified from 12 feet wide x 50 feet long x 14 feet high. Loading for smaller facilities is typically via smaller more frequent deliveries.

<sup>115</sup> Modified from 30,000 to 50,000 square feet to 30,000 square feet to 100,000 square feet.

<sup>116</sup> Previously 912.07.C.

<sup>117</sup> New.

<sup>118</sup> Replaces 912.02.B.

## 5.6. Landscaping, Buffering, and Screening

### Commentary:

This section consolidates related material from Articles 9 and 10 and updates existing standards. As with other parts of the development standards, we have converted any guidelines that are carried forward from Article 10 into standards. “Should” has become “shall” for any text that is carried forward. We also have introduced several standards that offer increased flexibility for small lots, redevelopment, and infill projects. This section also introduces a new procedure allowing the Director to approve alternative landscape plans in some circumstances that would otherwise not comply with the requirements of this section.

This section also introduces new standards derived from principles identified in the International Wildland-Urban Interface Code (WUI Code) and “Firewise” practices. To minimize the risk of wildfire damage to property and the loss of life, these new standards establish appropriate plant spacing and maintenance standards for areas close to buildings.

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### A. Purpose<sup>119</sup>

The City recognizes landscaping, buffering, and screening as important components that contribute to Sedona’s sense of place by:

- (1) Blending the built and natural environments to ensure the natural landscape remains the dominant feature of the city;
- (2) Preserving the natural landscape and ensuring the use of native plants to retain the unique character of Sedona’s landscape;
- (3) Conserving water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate;
- (4) Realizing the environmental benefits of landscaping such as: storm water retention, recharging groundwater, retaining soil moisture, preventing erosion, and mitigating air quality, water pollution, dust, noise, heat, and glare;
- (5) Improving the appearance of development to protect and enhance public and private investments and property values;
- (6) Establishing an attractive streetscape that contributes to the character and appearance of the city;
- (7) Reducing the risk of wildfire, which may include practicing Firewise principles, and/or application of the Wildland-Urban Interface Code; and
- (8) Providing screening to minimize the visual impacts of some types of facilities, structures, and equipment.

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### B. Applicability<sup>120</sup>

Unless otherwise exempted by this LDC, the standards of this Section 5.6 shall apply when:

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<sup>119</sup> Replaces 910.01. Revised to reflect staff recommendations.

<sup>120</sup> Replaces 910.03. The current LDC requires all public, quasi-public, office, commercial, duplex, multifamily, conditional uses, conditional rezonings, and mobile home parks to comply with landscaping standards. We recommend limiting the applicability of this section to developments subject to the standards in this subsection.

**(1) New Development**

- a. A new primary structure is constructed;
- b. An existing primary structure is relocated on the lot or parcel;

**(2) Expansions and Enlargements<sup>121</sup>**

- a. The gross floor area of an existing structure is expanded or enlarged by 25 percent or more; or
- b. There is a change of use of the existing building that requires an increase of off-street parking by 25 percent or more; or
- c. Any expansion or enlargement of a structure or land use that requires a Conditional Use Permit, as determined by the Director.<sup>122</sup>

**(3) Self-Initiated Improvements<sup>123</sup>**

Major parking area improvements are made including, reconfiguring, reconstructing, or other similar projects. Resurfacing, re-striping, or similar projects are not considered major improvements.

**(4) Exemptions in the OS District<sup>124</sup>**

Property in the Open Space (OS) zoning district shall be exempt from Section 5.6.C, *Minimum Landscaping Required*; Section 5.6.D, *Minimum Rear and Side Lot Buffers*; Section 5.6.B(7), *Alternative Landscaping*; and Section 5.6.G, *Landscape Area Use and Maintenance*, **Error! Reference source not found.** but all other standards shall apply.

**(5) Overlapping Requirements<sup>125</sup>**

- a. In the event one or more landscaping standards in this section conflict one with another, the Director shall determine which standard shall prevail.
- b. In the event two or more landscaping standards overlap, the same landscape treatment may be counted toward meeting the requirements of both standards.

**(6) Landscape Plan Required<sup>126</sup>**

- a. A landscape plan with designed landscaped areas shall be submitted with all development applications where landscaping, buffering, or screening is required pursuant to Section 5.6.B, unless the relevant decision-making body determines that compliance with the provisions of this Section 5.6 can be demonstrated without the use of a landscape plan.
- b. A landscape plan may be combined with other required application materials if compliance with this Section 5.6 can be demonstrated in the combined materials.
- c. The landscape plan shall show existing trees drawn to scale and proposed trees at maturity.

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<sup>121</sup> Carried forward from 910.03.B. New standard in (c) would give the Director the authority to require projects requiring a Conditional Use Permit to comply with this Section.

<sup>122</sup> New.

<sup>123</sup> New.

<sup>124</sup> Previously 910.03.B. Did not carry forward exemption for single-family residential uses as new standards for single-family residential are proposed in this section.

<sup>125</sup> New.

<sup>126</sup> Standards in 910.04, *Landscape Plan Submittal and Review*, will be relocated and revised as part of Part 3, *Administration and Procedures*.

**(7) Alternative Landscaping<sup>127</sup>****a. Alternatives Authorized**

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions and illustrate how compliance with the standard(s) from which a deviation is sought can be achieved to the maximum extent practicable. Conditions justifying approval of an alternative landscape plan include:

1. Natural conditions, such as watercourses, natural rock formations, or topography;
2. The likelihood that required landscaping material would not achieve the intent of the ordinance at maturity due to topography, placement, or other existing site conditions;
3. Unique lot size or configuration;
4. Infill development or redevelopment on small lots;
5. The presence of existing utility or other easements;
6. The potential for interference with public safety;
7. Preservation of natural vegetation; or
8. Other situations where strict adherence to the buffer or landscaping standards in this LDC are determined impractical by the Director.

**b. Alternative Landscape Plan Approval Criteria<sup>128</sup>**

The Director may approve alternative landscape plans that do not meet the specific requirements stated in this Section 5.6, when the Director determines that the alternatives meet all of the following criteria:

1. Are consistent with the purposes of this Section 5.6;
2. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;<sup>129</sup>
3. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
4. Provide equal or superior visual appearance of the property when viewed from a public right of way.

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<sup>127</sup> New.

<sup>128</sup> Replaces 910.05.O. Added specific qualifying criteria for when alternative landscaping may be considered.

<sup>129</sup> City staff is preparing a list of plant species that are allowed and prohibited in Sedona, including invasive species.

**C. Minimum Landscaping Required<sup>130</sup>**

**(1) Site Area Landscaping<sup>131</sup>**

Any part of a site not used for buildings, parking, driveways, walkways, utilities, or approved storage areas shall be retained in a natural state, reclaimed to its natural state, or landscaped pursuant to the standards in this Section 5.6.

**(2) Street Frontage Landscaping**

**a. Frontage Landscaping<sup>132</sup>**

Except in Single-Family Residential and Open Spaces zoning districts, a landscape area shall be established along all streets between the public right-of-way and any buildings, parking lots, loading areas, storage areas, screening walls or fences, or other improvements in association with any use, in accordance with the following:

1. Any area within a required front and street side yard that is not occupied by improvements associated with the primary use shall be landscaped;<sup>133</sup>
2. The required landscape area shall be planted at a minimum rate of one tree and three shrubs per 400 square feet, except for areas regulated by Section 5.6.F, *Wildfire Mitigation Standards*;<sup>134</sup>
3. The Director may approve variations to the required landscaping area and plant density requirements pursuant to 5.6.B(7).<sup>135</sup>

**b. Parking Lot Screening Adjacent to a Street Frontage<sup>136</sup>**

Off-street parking areas in multi-family residential, mixed-use, and commercial development projects shall be screened from all frontages facing a public or private right-of-way, exclusive of driveways, according to the following standards:

1. A landscape buffer a minimum of five feet in width planted at a minimum rate of one tree and three shrubs per 400 square feet; or<sup>137</sup>
2. A landscaped earthen berm a minimum of three feet in height with a slope no greater than 3:1; or<sup>138</sup>

<sup>130</sup> Did not carry forward 910.05.N requiring building perimeter landscaping.

<sup>131</sup> Previously 910.05.A. and 910.08. Replaces 910.06.B which requires all areas of commercial and multifamily developments exclusive of vehicular use area or building footprints to be landscaped. Did not carry forward 910.05.I requiring undeveloped landscape area in multi-family districts to be landscaped.

<sup>132</sup> Replaces 910.05.G and 910.05.H. and 910.05.L.

<sup>133</sup> Current standard requires the OP, CN, C-1, and C-2 zoning districts to provide a minimum 10 foot landscape area, the remaining required front setback area can then be used for parking or other site improvements. The largest front setback found in the new zoning district line-up is 15 feet. Section 910.05.L requires that all non-developed areas between the street frontage and either the building or vehicular use area must be landscaped.

<sup>134</sup> Previously 910.05.L(1). Replaced current ratio (200 square feet) with 400 square feet per staff's request. Reduced plant density will minimize fire risk.

<sup>135</sup> Replaces 910.05.L(3).

<sup>136</sup> Replaces 910.08.A and 910.05.M(1) and 910.05.L. We recommend providing the applicant with several options for parking lot screening. The current LDC has conflicting standards. Section 910.05.M(1) requires a 4-foot landscape buffer. Section 910.08 allows for a combination of a berm, landscape buffer, or a decorative wall. Section 910.05.L requires a landscape berm or decorative wall. We also added an opaque continuous evergreen hedge as an additional screening option.

<sup>137</sup> Reduced plant density requirement from two trees and five shrubs per four parking spaces to one tree and 3 shrubs.

<sup>138</sup> We recommend limiting the slope of a landscaped berm to 3:1 rather than the current standard of 2:1. This would allow for easier maintenance of the area and result in less water waste.

3. An opaque decorative wall a minimum of three feet in height with openings six to eight feet wide to allow passage of bicycles and pedestrians from the street into the parking area; or
4. Any combination of the above screening treatments.

**c. Landscaping in a Public Right-of-Way<sup>139</sup>**

1. Prior to the installation of landscaping within the public right-of-way, an encroachment permit from the appropriate public authority owning or controlling such right-of-way shall be submitted with the landscape plan.
2. Maintenance, including weed control, of landscaping installed within the public right-of-way shall be the responsibility of the installer/owner or lessee/contractor.

**(3) Parking Lot Landscaping**

Landscaping is required to reduce the visual impacts created by parking areas in multi-family residential, mixed-use, and commercial development projects.<sup>140</sup>

**a. Parking Lot Screening Adjacent to a Residential Zoning District<sup>141</sup>**

Off-street parking areas in mixed-use, commercial, and industrial development projects that are located adjacent to properties with single-family residential or duplex dwelling uses shall be screened according to the following standards:

1. A landscape buffer a minimum of 10 feet in width, measured inward from the property line on all sides of the property abutting the single-family or duplex dwelling use, planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet; or<sup>142</sup>
2. An solid wall or fence no less than six feet in height; or
3. The Director may approve alternative screening methods if the intent of this Section is met.

**b. Parking Lot Landscape Islands**

The interior area of parking lots shall be landscaped according to the following standards:

1. **Number of Landscape Islands Required<sup>143</sup>**
  - i. A minimum of one landscape island is required for every seven linear parking spaces.

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<sup>139</sup> Previously 910.05.J. Reworded for clarity and grammatical consistency. Did not carry forward standard allowing landscaping in the right-of-way to be credited toward minimum landscape requirements.

<sup>140</sup> New.

<sup>141</sup> New.

<sup>142</sup> Staff proposed the same general planting densities be applied for all buffer zones (one tree and three shrubs per 400 square feet); however we have concerns this would not be sufficient landscaping to provide an adequate buffer. Requires further discussion. The proposed standard carries forward the current planting density requirement; however, rather than requiring two evergreen trees and three shrubs per 25 lineal feet, we have used the "per square foot" methodology (10 foot wide buffer x 25 lineal feet = 250 square feet).

<sup>143</sup> Previously 910.5.M(2). The "Alternative Landscaping" subsection above will allow the Director to make deviations from the standards. Did not carry forward provision allowing the Director to allow landscape islands for every nine consecutive parking spaces.

ii. Every other parking aisle shall be separated by a landscape island with a minimum width of five feet (or seven feet where vehicle overhangs are permitted) that extends the full length of the parking row.<sup>144</sup>

2. Landscape Island Size and Location Requirements<sup>145</sup>

- i. Landscape islands shall be sufficient size to accommodate required landscaping.
- ii. Landscape islands shall be provided in parking areas along the ends of parking rows, adjacent to lot lines, and used to define the location and pattern of primary internal access drives.<sup>146</sup>

3. Landscape Island Planting Requirements

Exclusive of perimeter landscaping and street trees, landscape islands shall contain a minimum of one tree and three shrubs.

4. Landscape Island Tree Requirements

A minimum of 75 percent of the required parking area trees shall be deciduous canopy-type shade trees.<sup>147</sup>

5. Exemptions<sup>148</sup>

Properties that meet the following criteria shall be exempt from the landscape island requirements in 5.6.C(3)b:

- i. The parking lot is located in a rear yard and contains 20 or fewer spaces; or
- ii. The parking lot is located in the Uptown Entertainment Overlay District.

**D. Minimum Rear and Side Lot Buffers Required**

**(1) Where Required<sup>149</sup>**

To mitigate the impacts of significant differences in property use, size, or scale, landscaped buffers shall be provided along rear and side lot lines where a multifamily or any non-residential land use abuts:

- a. A single-family residential zoning district; or
- b. A property containing a single-family residential dwelling or duplex dwelling.

**(2) Exemptions**

- a. Rear and side lot buffers are not required between properties that are separated by a street or drainageway.

<sup>144</sup> Previously 912.05.J(4).

<sup>145</sup> Replaces 910.05.M(2). Did not carry forward minimum landscape island size requirements (five feet by 14 feet). Instead, staff proposed the landscape islands be sufficient size to accommodate required landscaping.

<sup>146</sup> New.

<sup>147</sup> Replaces 910.05.M(2). This revised standard strengthens existing language requiring that 75 percent of parking area trees be deciduous shade trees. Did not carry forward standard requiring shade trees to provide a mature canopy diameter of 25 feet.

<sup>148</sup> We propose increasing flexibility to encourage infill and redevelopment and to maximize the amount of available on-site parking.

<sup>149</sup> Replaces 907.02.A, 907.02.B, and 907.02.C. Current standards require screening when adjacent to a "single-family district." We propose changing this to a single-family residential dwelling and duplex dwellings.



- b. Areas with sidewalks, walkways, multi-use paths, vehicle access, or other improvements allowing access from one property to another are exempt from buffering requirements.<sup>150</sup>
- c. Rear and side lot buffers are not required along any portion of the lot line covered by an access easement (e.g., vehicular connections, pedestrian walkways, etc.). In these cases, an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot lines, as applicable.<sup>151</sup>

**(3) Buffer Options<sup>152</sup>**

Required side and rear buffers shall conform to one or a combination of the following options:<sup>153</sup>

- a. A landscape buffer planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet with spacing designed to minimize sound, light, and noise impacts on adjacent properties; or<sup>154</sup>
- b. A solid wall or fence no less than six feet in height, the side of the fence or wall facing the residential development shall be at least as finished in appearance as the side facing the non-residential use; or
- c. The Director may approve alternative screening methods if the intent of this Section is met.

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**E. General Landscaping Standards**

**(1) Landscape Materials<sup>155</sup>**

**a. Native Plant Species**

A minimum of 50 percent of the plant species on a development site shall be native species identified in the *[Design Manual Reference]*.

**b. Adaptive Plant Species**

Adaptive plant species identified in the *[Design Manual Reference]* shall be used for the balance of plant species on a development site that are not native species required in Section 5.6.E(1)a.

**c. Non-Native and Non-Adaptive Plant Species**

The Director may approve the use of plant species that are not identified in *[Design Manual Reference]*, after the applicant demonstrates such plant species have low water usage, are

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<sup>150</sup> New.

<sup>151</sup> New.

<sup>152</sup> Replaces 907.02.A, 907.02.B, and 907.02.C. The current standards require a masonry wall, solid wood fence or other suitable screening and/or screen landscaping six feet in height established between these uses and the single-family district, as determined by the Director. The proposed buffer options provide more detail related to the minimum number of plants required and wall/fencing quality.

<sup>153</sup> New.

<sup>154</sup> Staff proposed general planting densities for all buffer zones (one tree and three shrubs per 400 square feet); however we have concerns this would not be sufficient landscaping to provide an adequate buffer. Requires further discussion. The proposed standard carries forward the current planting density requirement; however, rather than requiring two evergreen trees and three shrubs per 25 lineal feet, we have used the “per square foot” methodology (assuming a 10 foot wide buffer x 25 lineal feet = 250 square feet).

<sup>155</sup> Replaces 4.2.2 and 910.05.C. Current standards encourage up to 50 percent of plant material to be native, we recommend stronger language requiring 100 percent of required landscaping to be native or adaptive plant species identified in the *[Design Review Manual]*.

drought tolerant, and freeze resistant. These plant species shall not be substituted for the required native plant species required in Section 5.6.E(1)a.<sup>156</sup>

**d. Artificial Plant Materials**

Artificial trees, shrubs, or plants are prohibited.<sup>157</sup>

**e. Ground Cover**

Loose ground covers shall be contained by a curb, depressed construction, or other suitable alternative to contain the materials within the landscape area.<sup>158</sup>

**(2) Landscape Variety<sup>159</sup>**

Vegetation shown on the landscape plan shall meet the following standards:

- a. For development sites 5,000 square feet or larger, a minimum of five different plant species shall be used in the overall development site landscape plan; and<sup>160</sup>
- b. No one plant species shall comprise more than 50 percent of the quantity of required landscape materials; and

**(3) Minimum Plant Specifications<sup>161</sup>**

All vegetation installed to satisfy the requirements of this section shall meet the following minimum size requirements at the time of planting:

<b>Plant Type</b>	<b>Minimum size</b>
<b>Evergreen trees</b>	8 feet tall <sup>162</sup>
<b>Deciduous trees</b>	2-inch caliper <sup>163</sup>
<b>Shrubs</b>	5-gallon <sup>164</sup>

<sup>156</sup> Replaces 910.05.C. Modified language allowing the Director to approve alternative plant species not listed in the **Design Review Manual**. Plant species authorized by the Director would not be credited toward the percentage of native plant species required.

<sup>157</sup> Replaces 910.05.B and 910.06. Section 910.06 prohibits any artificial plant material and Section 910.05.B on prohibits artificial plant material from counting toward minimum landscaping requirements. Proposed standard does not allow artificial trees, shrubs, or plants.

<sup>158</sup> Previously 910.05.M(3)

<sup>159</sup> Previously 910.05.D. Reworded for clarity and grammatical consistency. Did not carry forward 910.05.D(2) requiring 50 percent of all required trees and shrubs to be evergreen species and the associated native requirements for those species. Firewise principles discourage the use of evergreen species due to their burning properties.

<sup>160</sup> New. The 5,000 square foot threshold is proposed to be consistent with other small lot standards.

<sup>161</sup> Did not carry forward 910.06.A(3) regarding ground cover sizing. Staff is researching the potential for increasing the minimum plant size required at the time of planting. Further discussion required.

<sup>162</sup> Previously 910.05.D(4). Added clarifying language that “evergreen” trees shall meet this height requirement.

<sup>163</sup> Replaces 910.06.A(1). Added clarifying language that standard applies to “deciduous species.” Did not carry forward height requirement, or branch spread requirement. Increased the minimum trunk caliper from 1 ½ inch to 2 inches. Removed language allowing the Director to make modifications to plant sizing requirements. The current standard in section 909.F(3) requires two inch caliper trees.

<sup>164</sup> Previously 910.05.D(5) and 910.06.A(2). Shrub sizing is typically measured in “gallons” rather than height. We propose changing the minimum shrub size required from two feet in height to 5 gallon.

**(4) Protecting Visibility Triangles<sup>165</sup>**

Landscaping shall meet all required visibility triangle standards in Section 5.4.F.<sup>166</sup>

**(5) Protection from Vehicles**

All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops located two feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff.<sup>167</sup>

**(6) Coordinated Development**

Where development is coordinated on two or more abutting sites, or where multiple parking areas are located on a single lot, or on planned development areas controlled by Site Plans, landscaping requirements shall be based on the entire development site, unless otherwise approved by the decision-making body.<sup>168</sup>

**(7) Existing Vegetation Credit and Bonus<sup>169</sup>**

- a. If existing native and/or adaptive species of vegetation identified in the [Design Manual Reference] meet the location requirements and intent of landscaping, buffering, or screening required in this Section 5.6, the preservation of that existing vegetation may be credited toward the landscaping, buffering, or screening materials required by this Section 5.6.<sup>170</sup>
- b. All existing vegetation preserved and used for credit against the requirements for new vegetation shall be protected during construction by a fence erected one foot beyond the drip line of the vegetation or pursuant to the standards in 5.6.H(3).
- c. Preserved vegetation may be credited only one time toward any one buffer, screen, or other landscape requirement.
- d. Shrubs and other vegetation that meet the minimum size requirements in 5.6.E(3) shall be credited on a one-to-one basis.
- e. Trees shall be credited according to the following criteria in the quantities shown in Table 5.9.

Table 5.9 Credits for Preserving Trees	
Diameter at Breast Height (inches)	Number of Trees Credited
25 inches or greater	6
13 to 24.5 inches	4
8 to 12.5 inches	3

<sup>165</sup> Previously 910.09.

<sup>166</sup> Replaces 910.09 and 910.05.L(4).

<sup>167</sup> Replaces 910.05.M(3).

<sup>168</sup> New.

<sup>169</sup> Replaces 909.F. Simplified standards. The new table allows tree credits based on DBH size.

<sup>170</sup> Replaces 910.05.E. and 910.05.K. Added clarifying language explaining which circumstances allow for existing vegetation to be credited toward minimum landscape requirements.

<b>Diameter at Breast Height (inches)</b>	<b>Number of Trees Credited</b>
<b>4 to 7.5 inches</b>	2
<b>2 to 3.5 inches</b>	1

- f. If preserved trees are removed, the applicant is responsible for providing the number of trees that were credited by the removed tree.

**(8) Planting near Utilities<sup>171</sup>**

- a. Trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose. The Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.
- b. Trees shall not be planted within 10 feet of the centerline of a sewer or water line.
- c. Trees or shrubs planted within utility easements shall comply with the standards of the utility provider to minimize effects on facility’s maintenance and repair.
- d. To avoid conflicts, new trees planted near Arizona Public Service (APS) overhead facilities shall be no taller than 25 feet in height at maturity.
- e. All screening and vegetation surrounding ground-mounted transformers and utility pads shall provide 10 feet of clearance in front of access doors, and two feet on all other sides to ensure the safety of the work crews and public during maintenance and repair.<sup>172</sup>

**(9) Stormwater Management Features<sup>173</sup>**

- a. Required landscape and buffer areas shall be designed to serve as stormwater management areas to the maximum extent practicable and consistent with their required locations and vegetation.
- b. Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided the area includes vegetation required by this Section 5.6.

**(10) Water Conservation**

Lawn or turf area shall not exceed 10 percent of the overall landscape area of a project site, except within the 500-year floodplain of Oak Creek as designated by FEMA. The Director may allow greater areas of lawn or turf if it can be demonstrated that the grass species and irrigation methods will not demand high water usage.<sup>174</sup>

<sup>171</sup> New standards. There are several references in Article 10 regarding best practices and recommendations for planting near and under utilities.

<sup>172</sup> Distance requirements taken from <https://www.aps.com/en/globalservices/safety/Pages/vegetation-and-electrical-equipment.aspx>.

<sup>173</sup> New.

<sup>174</sup> Previously 4.3.1.G of Article 10. Current standards recommend limiting the use of turf grass/sod to 10 percent of the project site area. As proposed, all development would be limited to 10 percent turf area. The Director could approve larger areas of turf

## F. Wildfire Mitigation Standards<sup>175</sup>

### (1) Purpose

These standards establish minimum regulations for reducing the risk of loss of life or property from wildfire by:

- a. Establishing a natural or man-made area, where vegetation capable of carrying a fire has been sufficiently treated, modified, or removed to slow the rate of spread and reduce the intensity of a fire;
- b. Provide a safe area for fire suppression operations; and
- c. Slow or prevent a fire from traveling - in either direction - between a structure and vegetation.

### (2) Primary Defensible Space

A 10 foot primary defensible space area shall be established on all sides of each building according to the following standards:

- a. Placement or storage of combustible materials or vegetation is not permitted;
- b. Vegetation located in non-flammable planter-boxes or other non-flammable containers a minimum of 18 inches above grade are permitted; and
- c. Noncombustible groundcovers and hardscape materials are permitted, such as gravel, marble chips, concrete, and/or soil.

### (3) Secondary Defensible Space

A 30 foot secondary defensible space within the lot or parcel shall be established on all sides of each building according to the following standards:

- a. The 30 foot secondary defensible space shall be increased by one foot for each one foot where the ground slopes more than 15 percent down from the building;
- b. A minimum separation of 10 feet shall be established between the edges of tree canopies, measured at maturity;
- c. Vegetation and tree canopies, measured at maturity, shall maintain a minimum clearance of 10 feet from any building;
- d. Branches within six feet of the ground shall be removed from trees taller than 20 feet in height;
- e. Low hanging branches no more than one-third of the tree's height shall be removed from trees less than 20 feet in height;
- f. All potential fire hazards including insect infested, diseased, and dead trees and limbs shall be removed;
- g. The planting of deciduous tree species is preferred over evergreen tree species;

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grass/sod in the Oak Creek floodplain area if the applicant demonstrates that the grass species used and/or sprinkler head design will minimize water consumption.

<sup>175</sup> New.

- h. Clustering of shrubs and vegetation is encouraged. Where three or more plants are clustered, a minimum spacing of 10 feet between clusters shall be established; and
- i. Planting vegetation in continuous rows or lines leading to the building is discouraged.

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**G. Landscape Area Use and Maintenance**

**(1) Landscape Area Use**

Parking of automobiles, trucks, trailers, boats, recreational vehicles, or other motor vehicles is not allowed on any required landscape or buffer area.<sup>176</sup>

**(2) Landscape Installation<sup>177</sup>**

Prior to the issuance of a Certificate of Occupancy, the applicant shall:

- a. Satisfactorily pass a site inspection by a City Official that verifies the development site complies with the standards in this Section 5.6; or
- b. Provide surety acceptable to the City and equal to 125 percent of the total cost of landscaping improvements in accordance with a written estimate, prepared by a landscape architect or other landscape designer, based on the approved landscaping plan. A signed conditional Certificate of Occupancy agreement with the City shall accompany the surety and estimate.

**(3) Landscape Irrigation<sup>178</sup>**

All required landscaped areas shall be provided with a permanent and adequate means of underground irrigation. This watering system shall be designed to EPA WaterSense standards and shall water landscaped areas efficiently by:

- a. Incorporating water conservation methods to avoid overspray and overflow onto adjacent parking areas and access drives, sidewalks, buildings and public streets;
- b. Using irrigation controllers with soil moisture sensors that determine when watering is required;
- c. Effectively watering all landscaping through the use of different irrigation zones with seasonable adjustment ability and settings that deliver the minimum amount of water needed for specific plants to thrive;
- d. Grouping plants with similar water needs together;
- e. Installing systems equipped with an automatic shutoff for rainy periods;
- f. Designing systems with a target shut-off date after landscaping is established; and
- g. Posting an instruction guide for the irrigation system that includes the maintenance plan, inspection schedule, and minimum watering requirements.

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<sup>176</sup> New.

<sup>177</sup> Previously 910.10. Did not carry forward 910.10.A and 910.10.B related to landscaping installation and issuance of a Certificate of Occupancy.

<sup>178</sup> Previously 910.11 and 910.05.F.

**(4) Landscape Maintenance<sup>179</sup>**

It shall be the responsibility of the owner, lessee, heirs, assigns, agent, homeowners association or other liable entity of the property to permanently maintain all approved landscaping in accordance with the approved landscape plan.

- a. The National Fire Protection Association's (NFPA) "Firewise" principles shall be considered in the maintenance of landscaping.<sup>180</sup>
- b. Required maintenance shall include regular watering, pruning, mowing, fertilizing, clearing of debris and weeds, removal and replacement of dead plants and repair and replacement of irrigation systems and architectural features.
- c. Any required plant materials not surviving shall be replaced with plants of the same size, variety, and quality as those removed within 30 days of their demise or in the next planting period. This requirement may be waived by the Director if the remaining landscaping on site satisfies the minimum landscaping requirements.
- d. Failure to maintain approved landscaping shall constitute a violation of this LDC.
- e. Maintenance of landscaping within the public right-of-way shall be included, in accordance with the terms of encroachment permits authorizing such landscaping.
- f. All plants shall be allowed to grow in natural patterns. Over-pruning or pruning plants into unnatural shapes is prohibited.
- g. Vegetation shall be selected, placed, and maintained, so that at maturity it does not interfere with utility lines, buildings, traffic sight lines, vehicular parking, pedestrian circulation, and property rights of adjacent owners, and would not significantly damage or create upheaval of sidewalks and pavement.<sup>181</sup>

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**H. Tree Preservation and Protection****(1) Plan Required<sup>182</sup>**

- a. No existing trees on any lot or parcel shall be removed and no person shall strip, excavate, grade, or otherwise remove top soil from a site without a site development plan, a tree removal plan, a grading plan, or a landscape plan.
- b. The city may retain the services of a qualified arborist as deemed necessary to assist in the review process. The cost of the arborist's review shall be paid by the applicant requesting the tree removal.

**(2) Tree Removal Plan Requirements<sup>183</sup>**

No existing trees shall be removed from any lot or parcel except those that meet one or more of the following criteria:

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<sup>179</sup> Previously 910.12.

<sup>180</sup> New.

<sup>181</sup> Previously 910.06.B.

<sup>182</sup> Previously 910.07 and 909. The current standard requires submittal of a site development plan, a tree removal plan, grading plan, and a landscape plan. These plan submittal requirements will likely be replaced with the site plan submittal requirements when they are drafted in Part 3, *Administration and Procedures*.

<sup>183</sup> Previously 909.A.

- a. The tree is located in an area where structures or improvements will be placed and non-removal would unreasonably restrict the economically beneficial use of the lot or parcel; or
- b. The tree is dead, diseased, injured, in danger of falling upon existing or proposed structures, abuts or overhangs a building so as to create a potential fire hazard, interferes with the growth of other trees or existing utilities, creates unsafe vision clearance or conflicts with other ordinances or regulations; or
- c. The tree is identified on an adopted city, county, or state list of trees that are invasive species, exotic, noxious, or discouraged tree species for the Sedona area: or<sup>184</sup>
- d. The tree's placement is in violation of the defensible space requirements in Section 5.6.F, *Wildfire Mitigation Standards*.

**(3) Tree Protection During Construction Activities<sup>185</sup>**

Trees not specifically authorized for removal from a property shall be protected during construction activities to prevent root damage, soil compaction, and trunk damage. The following standards shall apply:

**a. Generally**

- 1. All trees which are to be saved within the construction envelope shall be fenced during construction to avoid compaction of the root system, and low branches from being broken.
- 2. Protective fencing and barriers shall be no smaller than one foot past the diameter of the dripline of the tree to be saved and shall be a minimum of three feet in height.

**b. Exemptions**

Trees within five feet of a structure's walls or trees that overhang a driveway or patio are exempt from this requirement; provided:

- 1. That six or more inches of gravel is placed over that portion of the dripline to reduce compaction damage; and
- 2. It can be demonstrated that construction activities would be unduly hindered by the fencing requirement.

**c. Alternative Protection Procedures**

Other recognized procedures for tree preservation may be approved by the Director.

**(4) Tree Replacement Required<sup>186</sup>**

- a. If any existing trees are removed that do not meet the criteria in Section 5.6.H(2): *Tree Removal Plan Requirements*, new or transplanted trees shall be planted on the property in the same quantity as those removed and shall meet the minimum plant size requirements in 5.6.E(3).

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<sup>184</sup> New. City staff is preparing a list of plant species that are allowed and prohibited in Sedona.

<sup>185</sup> Previously 909 and 910.07.C.

<sup>186</sup> Did not carry forward the distance standard of 30 feet from structure's walls (909.E). This standard has been replaced by the minimum planting requirements along building facades. Did not carry forward the requirement of a transplant report from a licensed tree transplant company (910.07.E).



- b. This requirement may be waived by the Director if the remaining trees on-site satisfy the minimum tree planting requirements.

**(5) Disposal of Removed Trees<sup>187</sup>**

Trees that are cut down shall be removed from the lot or parcel within two weeks, chipped on site, or cut and stored for firewood on the property in a manner that does not encourage the propagation of insects or risk of wildfire.

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**I. Screening**

**(1) Roof-Mounted Mechanical Equipment<sup>188</sup>**

- a. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.
- b. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.
- c. The color of roof-mounted equipment and vents shall be in compliance with exterior color standards in 5.7.I and compatible with the roof or adjacent wall color, screened, or integrated into the design of the structure.
- d. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements when it can be clearly demonstrated that required screening will clearly restrict their efficient operation.<sup>189</sup>

**(2) Ground-Mounted Mechanical Equipment<sup>190</sup>**

- a. Outdoor ground-mounted mechanical equipment (e.g., subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
- b. In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
  - 1. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
  - 2. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.

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<sup>187</sup> Previously 909.

<sup>188</sup> New unless otherwise noted.

<sup>189</sup> Previously 907.01.A.

<sup>190</sup> Replaces 907.01.A and 907.01.B. Current standard requires equipment to be painted to be compatible with the surrounding wall color, screened from surrounding properties and streets, or enclosed within a building. We propose replacing those standards with more specific screening options.

- c. Screening of ground-mounted solar energy equipment is not required when it can be clearly demonstrated that required screening would reduce the efficiency or effectiveness of the solar energy equipment.

**(3) Loading, Service, and Refuse Areas<sup>191</sup>**

- a. Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
- b. In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by a solid wall or fence a minimum of eight feet in height that incorporates at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block) or a vegetative screen planted along the full length of the area to be screened and a minimum of eight feet in height at the time of planting.

**(4) Outdoor Storage Areas**

- a. Outdoor storage areas that are adjacent to a residential zoning district, a lot containing a residential use in a Mixed-Use zoning district, public open space, public trail, or public street, shall be screened from view by a vegetative screen or by a solid wall or fence.
- b. The walls or vegetative screen shall be a minimum of six feet in height, but in any event the walls or vegetative screen shall be higher than the screened outdoor storage and 100 percent opaque.
- c. The fence or wall design shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block).

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**J. Fences and Walls**

**(1) Purpose<sup>192</sup>**

These standards regulate walls, fences, retaining walls, and vertical combinations of those items in order to:

- a. Enhance the visual appearance the built environment in the City;
- b. Establish an attractive streetscape;
- c. Ensure visual compatibility with public spaces; and
- d. Promote street and neighborhood character.

**(2) Applicability<sup>193</sup>**

The provisions of this section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any state or federal agency.

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<sup>191</sup> New.

<sup>192</sup> New.

<sup>193</sup> Previously 903.07.H.

**(3) Height and Location<sup>194</sup>**

**a. Front Yard**

Walls and fences within a required front yard shall not exceed three feet in height, except properties in the RS-70 and RS-35 zoning districts may install a fence that is a minimum 50 percent transparent up to six feet in height within a required front yard.<sup>195</sup>

**b. Side and Rear Yards<sup>196</sup>**

Walls and fences along the interior side or rear lot lines shall not exceed six feet in height provided, that the wall or fence does not extend into any required front yard.

**c. Corner Lots**

Walls and fences located between a primary structure and a public or private street shall not exceed six feet in height.

**(4) Alternative Fence Height Standards<sup>197</sup>**

**a. Walls and Fences up to Eight Feet in Height**

Walls and fences up to eight feet in height may be allowed if:

1. They are temporary fences on construction sites erected for protection purposes during the period of construction only; or
2. They enclose loading, service, or refuse areas outside the front setback area; or
3. They enclose outdoor storage areas in non-residential zoning districts outside the front setback area.

**b. Conditional Use Permit Required**

1. Fences and walls exceeding six feet in height, as permitted in 5.6.J(2), or exceeding eight feet in height as permitted in 5.6.J(4)a, shall require conditional use approval.
2. Fencing and walls exceeding permitted height requirements that are associated with recreational activities, public works facilities, or other uses as determined by the Director shall require conditional use approval.<sup>198</sup>

**(5) Fencing in Drainage Ways**

Fences and walls shall not impede or divert the flow of water in drainage ways.<sup>199</sup>

**(6) Visibility Triangles**

The visibility triangle requirements of Section 5.4.F shall be maintained.<sup>200</sup>

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<sup>194</sup> Did not carry forward 903.07.E allowing half of the fence height to be added if the addition is non-opaque.

<sup>195</sup> Previously 903.07.B and 903.07.C. Did not carry forward standard allowing a six-foot high wall or fence in the front yard area in the RS-6, RS-10a, RS-10b, RS-12, RMH-6, RMH-10, or RMH-12 zoning districts.

<sup>196</sup> Previously 903.07.D.

<sup>197</sup> New.

<sup>198</sup> New.

<sup>199</sup> Previously 2.10.

<sup>200</sup> Previously 903.07.C(4) and 903.07.F.

**(7) Materials and Design**

**a. Compatible Design<sup>201</sup>**

1. Walls and fences shall be designed as an integral part of a new development project and shall be architecturally compatible with principal buildings in terms of materials, colors, and design.
2. Walls and fences shall be designed to be compatible with the total surrounding landscape and architectural character of the building.

**b. Materials and Texture**

**1. Prohibited Finish Materials<sup>202</sup>**

The following materials are prohibited as fence materials:

- i. Chain link or open wire fences, except as provided in 5.6.J(7)b.2;<sup>203</sup>
- ii. Razor wire;
- iii. Highly reflective corrugated metal; or
- iv. Nontextured or unfinished concrete or block (CMU) walls.

**2. Chain-Link Fencing in Single-Family Residential Zoning Districts<sup>204</sup>**

Vinyl-coated or painted chain-link fencing is permitted for fencing located in interior side yards and rear yards in the RS-70, RS-35, RS-18, RS-10, RS-6, and RMH zoning districts.

**c. Articulation and Alignment<sup>205</sup>**

Portions of walls or fences that face any public street right-of-way, public open space, or public trail shall incorporate the following features to break up the massing:

1. If the wall or fence exceeds 20 feet in length, a landscape area a minimum of three feet in width shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall; and
2. If the wall exceeds 40 feet in length, architectural features such as columns, vertical pilasters, changes in wall alignment, or terracing of walls shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall.

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<sup>201</sup> Previously 2.5.3 and 2.10 of Article 10. Strengthened language by replacing “should” with “shall.”

<sup>202</sup> Previously 2.5.3 and 2.10 of Article 10, and 903.07.C(3). Replaced word “unacceptable” with “prohibited.” Did not carry forward standard in 903.07.D allowing chain-link fencing in the C-3 zoning district (now IN zoning district) or painting standards for chain-link fencing.

<sup>203</sup> Did not carry forward exception for landscape screened service and security areas, redwood slat inserts.

<sup>204</sup> New.

<sup>205</sup> Replaces 903.07.C.(1) and 903.07.C(2) and 903.07.G. Added language clarifying when requirements apply. Currently only required for walls and fences in the RS-6, RS-10a, RS-10b, RS-12, RMH-6, RMH-10 and RMH-12 zoning districts. We propose these standards apply to all properties.

**(8) Retaining Walls**

**a. Maximum Height<sup>206</sup>**

The height of retaining walls supporting either cut or fill conditions shall not exceed 16 feet in height measured vertically from the lowest point at natural grade to the highest point of the wall.

**b. Terracing Required**

Retaining walls greater than eight feet in height shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm by:

1. Limiting terracing to three tiers,<sup>207</sup>
2. Providing a minimum terrace width of five feet between any two retaining walls with a maximum slope of 3:1 and planted with a minimum of four shrubs per 100 square feet of terrace area; and/or
3. The Director may approve reduced terrace depths and alternative landscaping treatments where site constraints limit the amount of space available to accommodate the minimum width and planting densities.<sup>208</sup>

**c. Recessions and/or Projections Required**

1. Retaining walls that exceed three feet in height and are over 40 feet in length shall incorporate recessions and/or projections that have a minimum wall plane change of two feet.
2. A direction change of more than 30 degrees in plan shall also constitute a recession or projection.

**d. Fence or Wall On Top of Retaining Wall**

If a freestanding wall or fence is required or proposed on top of a retaining wall that is six feet or more in height, then the following shall apply:<sup>209</sup>

1. A solid freestanding wall or fence shall be no more than three feet six inches in height.
2. If greater height is required as permitted in 5.6.J(4), then the freestanding wall or fence shall be moved back from the top of the retaining wall a minimum of five feet to create a planter area between the walls.<sup>210</sup>
  - i. A minimum of four shrubs for each 20 linear feet of planting area shall be planted.
  - ii. The Director may authorize the substitution of one-gallon vines or cascading plants (such as rosemary) for shrubs at a 3:1 ratio, such as three vines or cascading plants for one shrub.

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<sup>206</sup> Previously 903.07.I and 903.05.A and 903.05.B.

<sup>207</sup> New.

<sup>208</sup> Reworded for clarity and consistency. Included language requiring a minimum of four shrubs to be planted for each 100 square feet of terrace area. Updated maximum overall height from 14 feet to 16 feet.

<sup>209</sup> Previously 903.07.J

<sup>210</sup> Changed standard from three feet to five feet to allow sufficient space for landscaping.

- iii. The Director may waive or reduce the width of the planter area if the proposed fence is made of wrought iron or similar materials and landscaped in such a manner that its potential visual impact is reduced.

## 5.7. Site and Building Design

### Commentary

**Guidelines versus Standards.** This section consolidates related material from Articles 9 and 10. We have converted any guidelines that are carried forward into standards. “Should” has become “shall” for any text that is carried forward.

**Design Review Manual.** Many current provisions, especially in Article 10 (the Design Review Manual), talk generally about the principles of good design and the rationale behind various provisions, but are not regulatory in nature. They do not easily translate into standards. Per the Assessment Report, we recommend removing much of that material from the Code. It should not go in the Code itself, but rather should live in a separate document that can be heavily illustrated and that can discuss the principles of good design in general terms, with examples. We placed a significant amount of this material (mostly from the current Article 10) into a separate bin file that we can discuss further with staff.

**Photographs and Other Graphics.** There are dozens of photos and drawings in the current Articles 9 and 10 of widely varying quality. We began preparing this draft by reviewing all the existing graphics and attempting to integrate them into the draft. However, it became clear that that the graphics were distracting and made it harder to focus on the actual proposed new text. Thus, we removed all graphics in this draft.

Moving forward, we recommend that we first come to agreement with the city on the general organization and content of this significantly reorganized and updated text. Then, we can begin to reintroduce existing graphics that should be reused, any graphics that should be updated or replaced, and also entirely new graphics that should be created. We note at the start that staff has requested new graphics that help illustrate how various different standards should be considered together (whereas all the current graphics focus on various standards in isolation).

**Residential versus Nonresidential.** Many codes have separate sets of standards for residential and nonresidential development, but this is not a distinction that is emphasized in the current Sedona Code. We thus have combined the two development types together in this Section 5.7. However, it is worth discussion as to whether any tailored standards should be considered for specific development types (e.g., specific standards for townhome residential, or for vertical mixed-use buildings).

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### A. Purpose<sup>211</sup>

The intent of this Section 5.7 is to establish site and building design standards that foster high-quality, attractive, and sustainable development that is compatible with the Sedona Community Plan principles and policies. The standards are further intended to:

- (1) Protect and enhance the character and quality of Sedona’s neighborhoods;
- (2) Protect and enhance the long-term market value of property within Sedona;
- (3) Enhance the human and pedestrian scale of new developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;
- (4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;
- (5) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;
- (6) Minimize negative impacts of on-site activities to adjacent uses; and
- (7) Balance the community’s economic and aesthetic concerns.

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<sup>211</sup> Suggested new purpose statement. It consolidates ideas from several scattered and more limited statements in the current articles 9 and 10.

## **B. Applicability**

### **Commentary**

While the new site and building standards clearly apply to new construction, an important policy decision for Sedona is how many of the standards should apply to redevelopment projects. This is not addressed directly in the current Code, especially the Design Review Manual. This draft proposes a sliding scale approach for additions to existing structures to determine which parts of the section must apply. It is a starting point for discussion and could be further tailored. In determining which new standards should apply to redevelopment, the community should strike a balance between upgrading properties and overall community appearance, while at the same time not setting standards so high as to discourage redevelopment.

#### **(1) General Applicability**

The requirements of this Section 5.7 shall apply to all development subject to this Code under Section ---, *Jurisdiction and Applicability*, except as provided in subsection (2) below.

#### **(2) Uptown Area<sup>212</sup>**

The standards in this Section 5.7 shall apply to properties in the Uptown area unless more specific standards are specified in the Main Street Manual in Article 19 or in adopted CFA plans.

#### **(3) Existing Structures**

A modification to a structure existing as of the effective date of this Code shall require compliance with all or portions of the site and building design standards in this Section 5.7 to the maximum extent practicable, based on the following scaled implementation approach.

##### **a. Exterior Renovation**

Any exterior renovation of a building shall comply with the site and building design standards of this Section 5.7 for that renovation. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure.

##### **b. External Additions**

Any external additions to an existing structure as calculated based on the gross floor area of that structure (and not gross floor area of all structures per lot), shall comply with the following:

##### **1. Residential Additions– Less than 50 Percent of Existing Structure**

If the addition to a residential structure is less than 50 percent of the gross floor area of the entire structure, then the site shall comply with the following standards:

- i.** Section 5.7.F, *Building Form*;
- ii.** Section 5.7.G, *Architectural Style and Character*;
- iii.** Section 5.7.H, *Building Materials*; and
- iv.** Section 5.7.I, *Building Color*.

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<sup>212</sup> New statement authorizing uptown-specific design standards to take precedent over general building and design standards. The Uptown area will have to be mapped prior to adoption of these standards.



**2. Residential Additions– 50 Percent or More of Existing Structure**

If the addition to a residential structure is 50 percent or more of the gross floor area of the entire structure, then the site shall comply with all standards in this Section 5.7.

**3. Nonresidential or Mixed-Use Additions– Less than 25 Percent of Existing Structure**

If the addition to a nonresidential or mixed-use structure is less than 25 percent of the gross floor area of the entire structure, then the site shall comply with the following standards:

- i. Section 5.7.E, *Building Placement and Orientation*;
- ii. Section 5.7.F, *Building Form*;
- iii. Section 5.7.G, *Architectural Style and Character*;
- iv. Section 5.7.H, *Building Materials*; and
- v. Section 5.7.I, *Building Color*.

**4. Nonresidential or Mixed-Use Additions – 25 Percent or More of Existing Structure**

If the addition to a nonresidential or mixed-use structure is 25 percent or more of the gross floor area of the entire structure, then the site shall comply with all standards in this Section 5.7.

**c. External Damage**

Structures damaged to the extent of 50 percent or more of their assessed value shall have all reconstruction or new construction fully comply with the site and building design standards of this Section 5.7. Structures damaged by an act of God shall comply with the reconstruction requirements in Section ---.<sup>213</sup>

**d. Timeframe for Expansions**

Any application to expand buildings or structures following the effective date of this Code shall remain on record with the city. Any subsequent application to expand structures shall be cumulative to any previous request. The total square footage of expansions shall be used by the Director to determine the necessary level of compliance with this article.

**e. Removal of Square Footage**

For purposes of determining the percentage of square footage added during a redevelopment project, square footage removed from a building shall not be counted toward the gross square footage prior to the addition.

**(4) Planned Developments<sup>214</sup>**

- a. Development within any new Planned Development established after the effective date of this Code shall be subject to this Section 5.7, unless alternative nonresidential/mixed-use site and building design standards are adopted as part of the PD approval that, in the determination of the Director, are at least equal to the standards set forth in this Section 5.7.

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<sup>213</sup> To be addressed in the Nonconformities section in Part 3, based on current standards in 1204.02.B.

<sup>214</sup> DISCUSSION: Consider relocating this provision to the general applicability section at the beginning of Article 5 and thus making all new PUDs subject to the entire article, not just this section.

- b. Development of a residential structure within an existing Planned Development established prior to the effective date of this Code is exempt from this Section 5.7.

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## **C. Administration**

### **(1) Coordination with Site Plan Review Process<sup>215</sup>**

Review for compliance with the standards in this Section 5.7 shall occur at the time of site plan review. Where site plan review is not required, review for compliance with these standards shall occur prior to issuance of a building permit.

### **(2) Site Analysis<sup>216</sup>**

#### **a. Applicability<sup>217</sup>**

All projects that require [*Major Site Plan Review*] shall prepare and submit a site analysis pursuant to this subsection 5.7.C(2). The site analysis shall examine a site's physical properties, amenities, unique attribute, character, and neighboring environment.

#### **b. Intent of Site Analysis**

All development proposals shall demonstrate a diligent effort to retain significant existing natural features characteristic of the site and surrounding area. All development proposals will be reviewed with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area.

#### **c. Onsite Physical Attributes to Include in Site Analysis**

Key physical attributes of the development site that shall be identified in the site analysis include:

1. Topography, including existing landforms, significant rock outcrops, and areas of slope over 25 percent;
2. Existing vegetation and trees, especially areas that have been minimally disturbed;
3. Soil properties and depth to bedrock;
4. Existing watercourses, floodway and floodplain areas, and drainage patterns;
5. Climatic factors, such as wind, sun angles, solar exposure and shade pattern;
6. Important site features that are either potential amenities or hazards; and
7. Prominent views from points surrounding the site as well as from the site.<sup>218</sup>

#### **d. Context Features to Address in Site Analysis**

Key contextual influences within 300 feet of the subject property<sup>219</sup> that shall be identified, analyzed, and considered as part of the review of the site analysis include:

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<sup>215</sup> New, to reference the new site plan procedure.

<sup>216</sup> Based on Article 10, Section 2.0. Converted from guidelines to a requirement. Outdated graphics removed.

<sup>217</sup> New. Since this is being transitioned from guidelines into a mandatory submittal, there should be a clearly identified threshold for those projects required to comply. The simplest threshold would be any project requiring Major Site Plan Review (the thresholds for which will be discussed during the drafting of Part 3).

<sup>218</sup> Future CFA plans that include specific view protections will be incorporated into the site analysis process.

<sup>219</sup> Added the 300-foot context distance based on current public hearing noticing requirements for consistency.

1. Land use and site organization in relation to building form, character, and scale of existing and proposed development;
  2. Sensitivity and nature of adjoining land uses;
  3. Location of property boundaries and setbacks;
  4. Location of adjacent roads, driveways, off-street vehicular connections, pedestrian ways, access points, and easements;
  5. Existing structures and other built improvements;
  6. Prehistoric and historic sites, structures, and routes, such as those included in the City's Historic Resources Survey; and
  7. Other features of the site and/or surrounding area that may be impacted by or may impact the proposed development.
- e. Additional Submittal Requirements for Infill Development<sup>220</sup>**
- In addition to applicable general submittal requirements for all site plans, site plan submittal requirements for infill development shall include:
1. Front and side elevations that include the façade of the proposed structure and the height and generalized massing of neighboring homes. These elevations are intended to help demonstrate compatibility of the proposed structure in terms of height, scale, and massing, as required by these standards. Variations in topography between the subject site and neighboring sites shall be depicted on the elevations. Photographs of neighboring homes may be used in lieu of elevations to demonstrate compatibility provided they are integrated on a single sheet with scaled elevations of the proposed structure;
  2. A scaled diagram of all lots and building footprints along the block face that illustrates:
    - i. Existing setbacks from the property line for all buildings along the block face;
    - ii. Proposed setbacks for the subject property; and
    - iii. Existing and proposed lot coverage for the subject property.
    - iv. Aerial photography available through a public source may be used to satisfy this requirement. The diagram submitted shall be to scale and the applicant shall demonstrate that the aerial photo is recent and is consistent with on-the-ground conditions at the time of development. This may be demonstrated through date-stamped photographs of existing structures along the block face.
  3. A general description or sample of exterior siding materials for all proposed development, including color samples; and
  4. Photos of adjacent structures.

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<sup>220</sup> New. These are listed for discussion purposes during the drafting process; however, they could be removed to an Administrative Manual prior to Code adoption. This language is more specific and builds on the "contextual influences" identified in the preceding subsection. This replaces similar language in the Design Review Manual: "Drawings, models and other graphic communication presented to the City of Sedona for Development Review should show neighboring buildings and site features. The level of detail should be sufficient to enable the evaluation of the relationship of the proposed project to neighboring buildings."

## D. Site Design<sup>221</sup>

### (1) Intent<sup>222</sup>

Site design standards address a development's relationship to its surrounding natural features and development patterns. They also address the relationship between key elements within the site. The standards of this Section should be considered at the outset, and throughout, the design process. The standards of this subsection are intended to:

- a. Ensure development relates to the physical characteristics of the site;
- b. Ensure building scale, orientation, and design relates to the surrounding uses and streets, and creates a cohesive visual identity and an attractive street scene;
- c. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns, and create a high-quality pedestrian environment;
- d. Promote design environments built to human scale;
- e. Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and
- f. Ensure safe and efficient access between buildings and parking areas.

### (2) Responsiveness to Natural Site Conditions and Context

Site design shall respond to the following standards:

#### a. General

1. Development shall be avoided on odd-shaped lots, at prominent intersections, on sites with unusual topography, and in areas with prominent views identified by a CFA plan to the maximum extent practicable.
2. Building envelopes and areas of disturbance shall be selected on the basis of natural landforms, native vegetation and native mature trees, underlying geology, floodways and floodplains, drainageways, and required setbacks.
3. Structures and access shall be designed and located to fit into the topographic contours of the site, minimize disturbance of sensitive areas, and preserve geologic and natural vegetative features. Natural vegetation, significant rock outcroppings, and existing landforms shall be retained to the maximum extent practicable. Flexibility and creativity are encouraged in designing development around existing features.
4. Site design shall maximize the use of disturbed land for roads, parking areas, or structures.

#### Sedona Community Plan says...

Encourage clustering of residential units to direct development away from more environmentally sensitive portions of a site. (p.54)

<sup>221</sup> This section is based mostly on the site planning and design section from the Design Review Manual, Section 2.0.

<sup>222</sup> Suggested new purpose statement. It consolidates ideas from several scattered and more limited statements in the current articles 9 and 10.

**b. Retaining Walls**

Where retaining walls are required, they should be faced with natural rock and/or constructed to blend with adjacent surroundings. If retaining walls are constructed of block and finished with stucco, they shall be painted a dark earth-tone color. The use of dry stack rock walls, where structurally appropriate, is strongly encouraged. *(graphic removed)*

**c. Trees and Vegetation**

Trees and vegetation shall be maintained to provide slope stability and prevent visual scarring wherever possible. Revegetation with native plant materials is encouraged following development. A revegetation landscape plan is required for disturbed site areas.

**(3) Protection from Potential Hazards**

All proposed development shall be designed to protect the public from the potential hazards of drainage, debris flow, fire, and erosion. Projects shall be designed with existing features in order to minimize disturbance to, and therefore mitigation of, surficial hillside geology.

**(4) Relationship to the Public Realm and Adjacent Developments<sup>223</sup>**

Development shall respect local development patterns and site features to the maximum extent practicable when such development patterns contribute to a unified visual appearance. Outdoor spaces and buildings shall be designed to create attractive and functional spaces that complement those on adjacent sites. Site designs shall respond to local contextual influences and to the design and layout of adjoining developments. Elements that shall be coordinated between adjacent sites to the maximum extent practicable include:

- a. Shared driveways for accessing adjoining streets;
- b. Linkages of internal vehicular circulation systems;
- c. Linkages of interior pedestrian systems;
- d. Linkages/continuation of open space systems;
- e. Perimeter open space and landscape buffer zones;
- f. Areas and access for refuse collection;
- g. Drainage and detention facilities; and
- h. Linkages of any other networks and/or functional areas where a coordinated site design approach will benefit the cohesiveness of a larger area, such as shared utility easements. *(graphic removed)*

**Preserving Sedona's Landscape**

The built environment should blend with the natural environment to ensure that Sedona continues to be known as a clean, green, and sustainable community.



**(5) Development Adjacent to Historic Resources<sup>224</sup>**

When new development is immediately adjacent to a historic resource such as those included in the City's Historic Resources Survey, the new development shall be compatible with the historic resource to the maximum extent practicable. The approving authority may require stricter standards than otherwise set forth in this Code to mitigate any impact to the historic resource.

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<sup>223</sup> Based on broad suggested guidelines in Art 10.

<sup>224</sup> This is intended to replace the existing "Sensitivity to Historical Sites, Structures and Roadways."

**(6) Utilities<sup>225</sup>**

- a. All water, sewer, telephone, cable television, electric lines (12 KV or less), and other utilities shall be underground unless an administrative determination is made that physical barriers render undergrounding utilities infeasible.<sup>226</sup> Transformers, pedestals, fire hydrants, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground.
- b. Temporary emergency facilities may be erected and maintained above the surface of the ground for a period of four months. Other temporary aboveground utilities expected to be utilized for a longer period of time may be erected and maintained only after obtaining a temporary use permit for the use being served in accordance with the provisions of [SLDC 407].
- c. Wherever possible, underground utilities shall be located within or immediately adjacent to the disturbed areas of a lot or parcel (such as driveways and roadways). In any event, all areas disturbed by the installation of the underground utilities shall be revegetated and/or landscaped.
- d. Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping, may be permitted by the Director for any use subject to the specifications set forth by the Director.

**E. Building Placement and Orientation<sup>227</sup>**

**(1) Intent<sup>228</sup>**

The intent of these standards is to ensure that buildings are orientated to emphasize public spaces, with entryways clearly visible from key locations, because the location and orientation of individual buildings within the network of streets, pedestrian connections, and open spaces on a site largely establishes the character of a development.

**(2) Building Locations (Multi-Building Developments)**

Within developments that have three or more buildings, buildings shall be arranged and grouped using one or more of the following techniques: (*consider graphic*)

- a. Frame the corner of an adjacent street intersection or entry point to the development;
- b. Frame and enclose parking areas on at least two sides;
- c. Frame and enclose outdoor dining and/or outdoor gathering spaces between buildings; or
- d. On sites of five acres or more, frame and enclose a “main street” pedestrian and/or

**Sedona Community Plan says...**

Evaluate locations for public gathering spaces and residential services on a neighborhood scale and reflective of unique architectural character for neighborhoods within walking distance and located away from the main commercial areas. (p.53)

<sup>225</sup> Article 9, Section 908

<sup>226</sup> We did not carry forward the current exception for developing lots in areas of the city that are currently served by above-ground utilities.

<sup>227</sup> This section includes a combination of existing guidelines rewritten as standards, as well as entirely new standards that are intended to implement the substance of the broad ideas in Article 10.

<sup>228</sup> New.

vehicle access corridor within the development.

**(3) Contextual Front Setbacks<sup>229</sup>**

- a. The front setback for infill development may be established as a range based on the locations of the primary structures on abutting lots in the same zoning district located on the same street frontage as, and on each side of, the subject lot (i.e., two abutting lots set the range), as approved by the Director.
- b. For mixed-use and nonresidential buildings, development of the principal structure shall be set back no further from the primary street than the furthest front façade of the principal structure on either of the two abutting lots, and shall be located no closer to the primary street than the closest front façade.

**(4) Building Entries<sup>230</sup>**

**a. Generally**

- 1. The primary entrances to a building shall be clearly identified.
- 2. Buildings shall be oriented so that the principal building entrance faces the principal street or the street providing main access to the site.
- 3. Where there are multiple buildings on a development parcel, at least one building shall be oriented with an entrance facing the principal street or the street providing main access to the site.

**b. Corner Lots**

- 1. For buildings with multiple primary entries, such entries shall be designed for both façades along the street edge.
- 2. For buildings with a single primary entry, such entry shall be prominent and shall be designed to face the corner.
- 3. The primary entry shall not be oriented to an interior court.

**(5) Building Separation (Commercial and Public/Semi-Public Buildings)<sup>231</sup>**

The minimum building separation between adjacent commercial and public/semi-public buildings in multi-building developments shall increase from a minimum of 10 feet to 20 feet, in proportion to the length of the walls adjacent to each other as depicted in Table 5.10 as follows: *(graphic removed)*

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<sup>229</sup> New. This is intended partly to replace the existing guidelines that deal with “relationship to existing developments.”

<sup>230</sup> New standards. Replaces Article 10 guidelines, including those for corner sites.

<sup>231</sup> From current Article 9. Did not carry forward statement about adequate view corridors. Did not carry forward requirements for offset buildings as they relate to property line or the 10-degree building orientation difference from other buildings.

**Table 5.10**  
**Building Separations for Multi-Building Developments**

	Minimum Building Separation				
<b>If adjacent building length (A) is:</b>	20 feet	21 – 30 feet	31 – 40 feet	41 – 50 feet	51 feet and over
<b>Then minimum building separation (B) shall be:</b>	10 feet	12.5 feet	15 feet	17.5 feet	20 feet

## **F. Building Form<sup>232</sup>**

### **(1) Intent<sup>233</sup>**

Developments shall be designed so that they are in proportion to elements within the project site, adjacent and neighboring properties, and the area within which they are located. In order to maximize the integration of the built environment with the natural environment, and to minimize the distractions of the built environment, all new development proposals should incorporate means of reducing the apparent size and bulk of buildings.

### **(2) Building Massing<sup>234</sup>**

#### **a. Single-Family Residential<sup>235</sup>**

- 1.** All single-family residential buildings and structures shall be composed of multiple visual building masses based on the following requirements:
  - i.** All single-family residential buildings or structures over 1,000 square feet but under 2,000 square feet in gross floor area shall be composed of at least two visual building masses of differing heights and at least two visual building masses of differing planes.
  - ii.** All single-family residential buildings or structures 2,000 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and at least three visual building masses of differing planes.
- 2.** Such visual building masses shall vary in height vertically by a minimum of two feet from any adjacent mass or masses. To be classified as a visual building mass, the mass shall be 100 square feet minimum and have a minimum depth of six feet. An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass. Depth and width dimensions shall be measured perpendicular to each other.  
*(graphics removed)*

<sup>232</sup> Based generally on Article 10, Section 3.0. There is more potential for consolidation and simplification in this section, but first we want to solicit additional initial feedback on this draft.

<sup>233</sup> New.

<sup>234</sup> This is one of the few areas in the current design standards that tailors regulations to different development types. As noted in the commentary to the section, many codes use development categories to distinguish between a wide range of standards. If these standards are maintained, we should consider summarizing these standards in a table.

<sup>235</sup> 903.01.B, revised to clarify that both different heights and planes are required, and that a recessed upper story would count as a visual building mass.



**b. Multifamily Residential<sup>236</sup>**

1. All multifamily residential buildings or structures 2,500 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and planes.
2. Such visual building masses shall vary in height vertically by a minimum of two feet from any adjacent mass or masses. To be classified as a visual building mass, the mass shall be 100 square feet minimum and have a minimum depth of six feet. An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass. Depth and width dimensions shall be measured perpendicular to each other.
3. The structures permitted in subsection [903.02(A)(4)(d)]<sup>237</sup> shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection. *(graphics removed)*

**c. Commercial and Public/Semi-Public<sup>238</sup>**

All commercial and public/semi-public buildings or structures 2,500 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and planes.

1. Such visual building masses shall vary in height vertically by a minimum of three feet from any adjacent mass or masses.
2. In plan view, the largest single building mass shall contain no more than 60 percent of the total building footprint, and the largest two building masses together shall contain no more than 80 percent of the total building footprint.
3. In plan view, each mass shall be offset from adjacent masses with a minimum depth of six feet and 100 square feet of area. An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass. Depth and width dimensions shall be measured perpendicular to each other.
4. The structures permitted in subsection [903.03(A)(4)(d)] shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection. *(graphics removed)*

**(3) Building Proportions and Scale**

**a. Vertical Elements**

Taller buildings or portions of a building shall be located internally to a site or structure so that buildings step down in height as they reach the edges of the site or structure.

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<sup>236</sup> 903.02.B

<sup>237</sup> Reference to elevators, penthouses, mechanical equipment, etc. that was included in the measurements and exceptions with Part 1. This reference will be updated to those exceptions with the consolidated draft. This note applies to several subsequent highlighted references throughout this section.

<sup>238</sup> 903.03.B. Did not carry forward standard stating "each of the largest three masses shall have a footprint of at least 150 square feet."

**b. Height Transitions**

1. A new building with a height that exceeds that of an adjacent existing residential building by 10 feet or more shall provide a transition using at least two of the following techniques:<sup>239</sup>
  - i. “Stepping down” building height and mass along the shared property line to meet the height of the existing neighboring building along a minimum of 50 percent of the new building’s length. The “stepped-down” portion of the new building shall be a minimum of 10 feet in width and depth. This option is available only where the existing building is located along the property line adjacent to the new building;
  - ii. Increasing the side yard setback a minimum of five feet beyond that which is required and providing a landscape buffer along the shared property line;
  - iii. Providing variations in the side building wall and/or roof form so that new structures have a comparable scale as neighboring buildings along the shared property line;
  - iv. Utilizing a roof pitch and overhang similar to that of the neighboring structures; and
  - v. Utilizing dormers and sloping roofs to accommodate upper stories.
2. In the Uptown area<sup>240</sup>, where one building abuts another, the new development shall incorporate a minimum of three design elements to show elements of “continuous connection” to neighboring buildings. Elements shall include, but are not limited to, common parapet heights, covered walkway fascias, similar building materials, and similar building forms. (*graphic removed*)

**(4) Building Articulation<sup>241</sup>**

**a. Horizontal Articulation<sup>242</sup>**

1. Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. Each building elevation, regardless of exterior wall plane setback or the location of interior, shall incorporate one or more of the following elements for every 30 feet of elevation:
  - i. Menu of Articulation Elements
    - a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 24 inches in depth and that has the effect of casting shadows;
    - b. Glazed windows and doors, if used to comply with this standard shall comprise not less than 30 percent of the elevation of which they are a part;

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<sup>239</sup> This is a proposed new standard to take the place of the existing “Sensitivity to Adjacent Buildings.”

<sup>240</sup> Requires future mapping prior to adoption of these standards.

<sup>241</sup> Further distinctions between building massing and building articulation may be provided in the consolidated draft.

<sup>242</sup> New. The current Code addresses this issue in at least two ways: 1) any building greater than 50 feet in width must be broken into smaller areas, but does not specify acceptable techniques; (“Continuous Building Wall Surfaces” in Article 10 ); and 2) no unrelieved building plane of 800 sq ft or more (commercial and public/semi-public only) (Article 9).

- c. Change in texture and/or masonry pattern;
- d. Change in building, parapet, or roofline height. If used to comply with this standard, the minimum change in roofline shall be two feet; and/or
- e. Awnings, canopies, or marquees extending at least four feet beyond the building face.

**ii. Number of Articulation Elements Required**

The number of articulation elements required per each 30 feet of building façade shall be determined by building type, as set forth below:

- 1. Single-family or duplex residential: At least one articulation element required
  - 2. Multi-family: At least two articulation elements required
  - 3. Nonresidential: At least three articulation elements required
2. The Director shall have the authority to waive this requirement when the building is not visible from adjacent properties or the public right-of-way.

**b. Vertical Articulation<sup>243</sup>**

Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components.

**1. Base<sup>244</sup>**

The building base shall establish a strong connection to the ground and site through the use of any of the following design techniques: *(graphic removed)*

- i. Incorporation of low planters and walls;
- ii. Use of base architectural veneer banding or a wainscot, and treatments defined by different materials, textures, or colors. Base colors should typically be darker than upper level colors; and/or
- iii. Carefully integrated covered walkways, trellises, or architectural awnings that provide deep shadow at ground level. This has the added advantage of achieving a more articulated building mass.

**2. Upper Story**

The upper-story of all buildings greater than one story shall have a reduced floor area of at least 10 percent of the ground floor.<sup>245</sup>

**c. Unrelieved Building Plane (Commercial and Public/Semi-Public Buildings)<sup>246</sup>**

- 1. No exterior wall of a building or structure shall have an unrelieved building plane that exceeds 800 square feet in area.

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<sup>243</sup> From Article 10.

<sup>244</sup> Did not carry forward standard for base planting of trees and shrubs to provide large vegetative masses, which is at odds with wildfire mitigation standards. The enhanced articulation standards proposed will result in improved building design in the absence of the base planting requirements.

<sup>245</sup> New. Replaces current design standards that simply suggest a reduced floor area and building mass to provide opportunities for roof terraces and outdoor spaces as scenic vista points.

<sup>246</sup> This is the existing standard from Article 9. These standards may be eliminated (in the consolidated draft) because of the proposed new horizontal articulation standards.

2. An unrelieved building plane that exceeds 800 square feet may be approved by the Director or Commission if the wall is located on an interior side or rear property line adjacent to an existing building, or if the wall is being used for a mural or artwork.<sup>247</sup>
3. A break or separation between unrelieved building planes is defined as an interruption of the building wall plane with either a recess or an offset measuring at least 6 feet in depth and at least one-fourth of the total wall length. The offset angle determining the “break” shall be between 45 degrees and 90 degrees to the wall.

**d. Varied Facades**

1. The spacing of elements in facades shall be varied rather than repetitive, with a high priority placed on the three-dimensional interplay of light and shadow.
2. The proportion of solid area to window area shall be noted in the site plan.<sup>248</sup>
3. “Storefront” type glass walls shall not extend in a continuous unbroken facade longer than 20 feet.
4. Topographical changes shall be reflected by vertical offsets in the facades of buildings.

**e. Roofline Variation**

The roofline silhouette of buildings shall be varied in order to reduce the visual impact of line and form contrast with the natural environment. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 30 feet in length without a visual variation that incorporates:

1. Projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet;
2. Change in roof height of at least two feet; or
3. Distinct parapet designs and cornice treatments. *(graphic removed)*

**(5) Building Length (Multifamily Residential and Lodging Uses)<sup>249</sup>**

- a. If a multifamily residential or lodging building is proposed in excess of 22 feet in height by, for example, application of [subsection 903.02(A)(4)(d) or (e)] and alternate standards as defined in [SLDC 905]<sup>250</sup>, the maximum length of the building or structure shall be no more than 150 feet measured from one end of the building along its longest elevation to the opposite end inclusive of elevator shafts, interior and exterior stairs, balconies and covered patios and covered walkways.
- b. Any multifamily residential or lodging building that exceeds 150 feet in length regardless of its height shall be limited in height such that 25 percent or more of the building footprint shall be limited to no more than 16 feet in height. The portion of the building subject to this regulation shall be unbroken and not separated into smaller areas, and shall be visible from both sides of the elevation longer than 150 feet in length.

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<sup>247</sup> Added authority to grant exception for artwork and murals.

<sup>248</sup> **DISCUSSION:** Should there be a minimum transparency requirement in Sedona? For example, a minimum of 20-25% windows?

<sup>249</sup> 903.02.C, added requirement to lodging uses. The use-specific standards included with Part 1 of the LDC update will be revised in the consolidated draft to cross-reference these lodging standards.

<sup>250</sup> The highlighted sections refer to exceptions to height and massing requirements that were addressed in the “measurements and exceptions” section in Part 1. These cross-references will be updated with the consolidated draft.

- c. The maximum length of any multifamily residential or lodging building, regardless of its height, shall be 200 feet measured from one end of the building along its longest elevation to the opposite end inclusive of elevator shafts, interior and exterior stairs, balconies and covered patios, and covered walkways.

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## **G. Architectural Style and Character<sup>251</sup>**

### **(1) Intent<sup>252</sup>**

Building design directly impacts the character and function of new development. The standards of this subsection are intended to:

- a. Ensure that building design is sensitive to and compatible with the desert climate and Sedona landscape;
- b. Ensure that multi-building or phased developments use compatible schemes of materials, colors, and architectural vocabulary to ensure consistency;
- c. Ensure building materials are durable and have low-maintenance requirements in the desert environment; and
- d. Encourage sustainable development by limiting the amount of resources necessary to construct and operate buildings and by designing buildings to be adaptable for multiple uses.

### **(2) Architectural Character and Style**

#### **a. Building Design as Signage<sup>253</sup>**

Building elevations and/or elements used to comply with these standards shall not function as signs. The incorporation of certain design elements that are unique or symbolic of a particular business shall be unobtrusive and secondary to the overall architectural design.

#### **b. Unified Design<sup>254</sup>**

- 1. If a building or center has a primary architectural theme, that theme should be used around the entire building. This can include, but is not limited to, the use of tile accents, stucco designs, awnings, cornice treatments, stepped parapets, trellises or arbors with live plant material, textured materials such as stone or brick, planters, or colored panels.
- 2. The architectural design within a multi-building development (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings.
- 3. All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:
  - i. Overhangs,

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<sup>251</sup> From Article 10. We did not carry forward “visual patterns,” which deals with the nature of light and shadow and would be more easily addressed in the design review manual.

<sup>252</sup> New.

<sup>253</sup> New, this is a suggested new standard that gets at the issue of corporate identity mentioned above.

<sup>254</sup> New, proposed to replace the current: “Buildings on Separate Pads.”

- ii. Canopies or porticos,
- iii. Recesses or projections,
- iv. Arcades,
- v. Raised corniced parapets over the entrance,
- vi. Roof style and materials,
- vii. Arches,
- viii. Outdoor patios,
- ix. Tower elements (at strategic locations),
- x. Display windows,
- xi. Integral planters that incorporate landscaped areas or seating areas,
- xii. Water features, and
- xiii. Public art or sculptures.

**c. Comprehensive Building Design<sup>255</sup>**

- 1. All building facades facing public streets shall be designed with a similar level of design detail, patterning, and finish. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted for those areas that the applicant can demonstrate are not visible from adjacent development or public rights-of-way.
- 2. Accessory structures shall be designed and finished to complement principal structure through the use of the same colors, materials, textures, shape, and architectural style.

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**H. Building Materials<sup>256</sup>**

**(1) Exterior Materials Generally**

With respect to all materials that are visible from beyond the property line on which the structure is located, the following apply:

- a. Mirrored or reflective surfaces or any treatments that change transparent or semi-transparent windows into mirrored surfaces are prohibited. Tinted glass is acceptable.
- b. Metallic surfaces shall be treated to reduce reflections.

**(2) Materials Compatible with Context Area**

Building materials shall be similar to those in predominant use on the street or in the district of the new project. Where the project is adjacent to or on the site of a historic structure, the use of compatible materials is strongly encouraged.

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<sup>255</sup> Replaces "Coherent Building Design." Did not carry forward specific false-front standards for the Uptown western storefront motif. The Uptown area will be controlled separately by the Main Street and Character Districts Design Manual and/or future CFA plans.

<sup>256</sup> Based on Article 9, Section 906, as well as related materials from Article 10. Removed the "Encouraged Materials and Methods of Use: Walls," and "Encouraged Materials and Methods of Use for Roofs," "Indigenous Materials," "Materials Compatible with Context Area," "Building Highlights," and "List of Encouraged Surface Materials" which will be relocated to the design manual.

**(3) Building Highlights**

Stone or decorative block veneers may be used to highlight significant building features such as chimneys, columns or entrances, as well as distinctive building masses. *(graphic removed)*

**(4) Prohibited Exterior Finishes<sup>257</sup>**

- a. Unless allowed under paragraph b below, the following materials are prohibited as exterior finishes:
  - 1. Cedar or other wood shakes,
  - 2. Faux rock – simulated cement or similar rock products, i.e. “cultured stones”,
  - 3. Highly reflective, shiny, or mirror-like materials,
  - 4. Exposed unfinished foundation walls,
  - 5. Exposed plywood or particleboard,
  - 6. Glass curtain walls,
  - 7. White, black, brightly colored, or reflective roofs,
  - 8. Unplastered exposed standard CMU’s,
  - 9. White exterior surfaces on skylights,
  - 10. Shiny acrylic or similar paint finishes on stucco.
- b. The use of a building material otherwise prohibited by this subsection may be allowed by the Director on a case-by-case basis if the Director finds that:
  - 1. The use of the proposed material complies with the intent of this Code and other applicable City codes; and
  - 2. The proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture; and
  - 3. The material aids in the prevention of fires or provides some other community benefit.

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**I. Building Color<sup>258</sup>**

**(1) Purpose<sup>259</sup>**

The color contrast of structures with the natural dark green of the vegetation, and rust reds of the red rocks and soils, is a concern with respect to reducing visual impacts of the built environment and trying to blend it with the natural environment. The purpose of this subsection is to ensure that structures, walls, garage doors, roofs, fences, or other large exposed surface areas blend with the surrounding natural environment without calling undue attention to the development.

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<sup>257</sup> Changed from “discouraged” to prohibited.

<sup>258</sup> From Section 904 and from Article 10, Section 3.5.

<sup>259</sup> Revised from current 904.01.A to read as a purpose statement.

**(2) Specific Requirements**

**a. Hue<sup>260</sup>**

1. Exterior building materials and colors shall match or enhance the tone of the surrounding landscape to the maximum extent practicable.
2. Exceptions may be allowed by the Director on a case-by-case basis for railings and other building appurtenances.<sup>261</sup>

**b. Value**

1. Materials and colors used shall not exceed the following light reflectance values (LRV) and Munsell values:<sup>262</sup>

<b>Table 5.11 Maximum Light Reflectance (LRV) and Munsell Values</b>		
	Maximum LRV	Maximum Munsell Value
<b>Building Size</b>		
Less than 5,000 square feet	38 percent	7
Between 5,000 square feet and 20,000 square feet	28 percent	6
Greater than 20,000 square feet	20 percent	5

**Notes:**

2. Gutters, downspouts, railings, posts and poles, doors, window and door trim, and other similar trim may contrast the surface they adjoin. Light reflectance value (LRV) over 38 percent and stronger chroma may be allowed by the Director, except that unpainted shiny metallic surfaces are prohibited.

**c. Chroma**

The use of very weak (Munsell 1) to medium weak (Munsell 4) chroma (neutral colors and earth tones) is required to the maximum extent practicable. Stronger chromas may be approved by the Director at the following levels:<sup>263</sup>

<b>Table 5.12 Maximum Chroma by LRV</b>	
	Maximum Chroma

<sup>260</sup> From 3.5.2, rewritten as a requirement “to the maximum extent practicable” instead of the current “encouraged.”

<sup>261</sup> Added administrative authority to approve alternative colors and materials on minor supporting building elements required by building code, public safety, and/or other minor appurtenances.

<sup>262</sup> This table is new. The LDC Analysis suggested establishing darker colors as the minimum standard rather than only applying those darker color requirements as the incentive for additional height (as drafted in Part 1 of the LDC update). The current baseline for single-family is 30 percent, and then 38 percent for all other uses.

<sup>263</sup> DISCUSSION: Is more reconciliation needed on the maximum LRV values here? The first table shows 7 as a maximum, while the second shows 6 as a maximum. Revised to be a requirement (instead of strongly recommended). Added the statement that the Director may approve stronger chromas.



LRV percentage	
20 percent or lower	6
Between 21 and 28 percent	4
Greater than 28 percent	2

Notes:

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**(3) Evaluation of Color<sup>264</sup>**

The applicant shall submit with any development application a color sample with an assigned LRV and chroma value for every color used on the subject buildings or structures. Materials without assigned LRV and/or chroma values may be accepted by the Director if such materials can be adequately compared to the Munsell templates available in the office of the Director.

**(4) Alternate Standards**

Alternate standards may be approved pursuant to Section ---.<sup>265</sup>

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<sup>264</sup> New, based on a recommendation in the LDC Analysis.

<sup>265</sup> Cross reference will be provided back to the measurements and exceptions section that was provided in Part 1 of the LDC Update, which offers additional height incentive for lower LRV values and smaller unrelieved building planes.

## 5.8. Exterior Lighting<sup>266</sup>

### Commentary

This section is based on the standards from the current LDC Article 9, Section 911 and Article 10, Section 2.7. This section was substantially reorganized for clarity, and reflects recent staff research on “dark sky”-compliant lighting standards. Updating the dark sky ordinance is noted as a priority in the Sedona Community Plan, as discussed in the LDC Analysis and Annotated Outline.

This section begins with the purpose and applicability of the exterior lighting standards, followed by the procedures for evaluating compliance with the lighting standards, then standards that apply to exterior lighting broadly, ending with lighting standards that apply to specific geographic areas and/or land uses.

The lighting classes (Class 1 through Class 3) are carried forward in this draft. Standards that were carried forward from Article 10 are footnoted as to whether or not they were currently a guideline (“should”) or a mandate (“shall”). Any remaining guidelines in Article 10 that are not carried forward were relocated to the design standards bin for inclusion in a separate design standards manual.

### A. Purpose<sup>267</sup>

The purpose of this Section 5.8 is to protect and promote the public health, safety, and welfare by permitting reasonable uses of exterior lighting for nighttime safety, utility, security, and enjoyment while minimizing light pollution and the adverse impact of exterior lighting on stargazing, wildlife habitat, and human health.

#### Sedona Community Plan says...

Support community efforts to be dark sky compliant. (p.78)

### B. Applicability<sup>268</sup>

#### (1) New Lighting

New lighting shall meet the requirements of this Code with regard to shielding and lamp type; the total outdoor light output after the new lighting is installed shall not exceed that on the site before the new lighting was installed, or that is permitted by this Code, whichever is larger.

#### (2) Additions or Modifications

- a. If the total cumulative increase in floor area is greater than 50 percent for single-family residential or greater than 25 percent for all other uses, or if the total cumulative cost of any exterior modification, alteration, or repair is greater than 25 percent of the valuation of the building as determined by the Director, then all exterior lighting fixtures shall comply with this Code.
- b. Cumulative modification or replacement of outdoor lighting constituting 25 percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting fixtures to comply with this Code.

<sup>266</sup> Currently “Outdoor Lighting” Section 911.

<sup>267</sup> Replaces the current 911.01. Did not carry forward the introductory purpose language from Article 10, Section 2.7.

<sup>268</sup> From 911.04. Did not carry forward 911.04.D, resumption of use after abandonment, which will be addressed in the nonconformities section with the administration and procedures in a subsequent draft. Did not carry forward 911.04.B, minor additions, which do not require compliance and are adequately addressed by the new lighting and additions or modifications paragraphs.

### **(3) Exemptions**

**a. Emergency Lighting<sup>269</sup>**

Lighting used only under emergency conditions shall not be subject to this Section 5.8.

**b. Seasonal Lighting<sup>270</sup>**

Temporary seasonal lighting between Thanksgiving and January 15 shall not be subject to this Section 5.8, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties. This exemption shall not apply to permanent exposed string lighting typically used for patio ambiance lighting.

**c. Lighting Required by FAA or FCC<sup>271</sup>**

Lighting required by the Federal Aviation Administration or the Federal Communications Commission shall not be subject to this Section 5.8.

**d. Special Events<sup>272</sup>**

Special events that have been issued a temporary use permit pursuant to **Section ---<sup>273</sup>** shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

**e. Street Lighting<sup>274</sup>**

With the exception of shielding requirements, this Code does not apply to street lighting within city and state rights-of-way.

**f. Underwater Lighting<sup>275</sup>**

Underwater lighting used for the illumination of swimming pools and decorative water fountains shall not be subject to this Section 5.8, though they must conform to all other provisions of this Code.

**g. Lighting Required by Building Code<sup>276</sup>**

Any lighting that is required by the building code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this Section 5.8 but shall be subject to the lighting standards.

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## **C. Administration**

### **(1) Lighting Classes Established<sup>277</sup>**

**a. Class 1 Lighting**

Lighting used for outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity.

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<sup>269</sup> From 911.09.C, simplified.

<sup>270</sup> From 911.05.D.2, revised to prevent light trespass and to clarify that permanent string lighting is not exempt.

<sup>271</sup> New.

<sup>272</sup> New.

<sup>273</sup> Cross-reference to be provided to procedures for temporary use permits, once drafted.

<sup>274</sup> From 911.04.E.

<sup>275</sup> From 911.09.D. Did not carry forward 911.09.A or B, which will be addressed in the nonconformities section with the administration and procedures in a subsequent draft.

<sup>276</sup> New standard to allow lighting that is required by code, but to ensure they are shielded appropriately.

<sup>277</sup> New section carries forward (with minimal revisions) the definitions from "outdoor lighting" definition in current Article 2.

**b. Class 2 Lighting**

Lighting used for illumination of walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose.

**c. Class 3 Lighting**

Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements.

**d. Multi-Class Lighting**

Lighting used for more than one purpose such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.<sup>278</sup>

**(2) Evaluation of Compliance<sup>279</sup>**

**a. Lighting Plan Submittal Required**

1. Whenever a person is required to obtain a permit for exterior lighting or signage or any development plan or zoning or subdivision application approved by the city, the applicant shall, as part of the application process, submit sufficient information to enable the Director to determine whether proposed lighting complies with this Code. All applications may be subject to review and action by the Planning and Zoning Commission at the discretion of the Director.
2. The lighting plan shall include information as determined by the Director.<sup>280</sup>

**b. Plan Approval**

If the Director determines that any proposed lighting does not comply with this Code, the associated permit shall not be issued or the application approved unless an alternative is approved pursuant to subsection 5.8.C(2)c, below.

**c. Discretionary Approval of Lighting Alternatives<sup>281</sup>**

The Director may approve alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this Code provided the proposed alternative:

1. Results in approximate equivalence to the applicable specific requirement of this Code; and
2. Complies with the intent of this Code.

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<sup>278</sup> The second sentence was carried forward from 911.05.H (which addresses shielding and timing) to broaden the standard.

<sup>279</sup> Based on current 911.07, reorganized and revised for clarity.

<sup>280</sup> This standard replaces the "applications" section 911.07.B. Cities often include application submittal requirements in a separate administrative manual or simply maintain appropriate forms and requirements on the website. An approach for Sedona will be discussed in further detail with the Administration and Procedures in Part 3 of the LDC update.

<sup>281</sup> From 911.08, simplified.

## **D. General Lighting Standards**

### **(1) Warm Lighting Requirements and Alternatives<sup>282</sup>**

- a.** All Class 2 lighting shall be either low-pressure sodium (LPS) lamps, narrow spectrum amber LEDs, or warm lighting alternatives not to exceed 3,000 Kelvin.
- b.** For Class 1 lighting, a development may be eligible for an additional 10 percent increase in the total lumens allowed pursuant to Table 5.13 if the primary lighting source complies with paragraph a above.
- c.** Lighting alternatives may be allowed with approval by the Director pursuant to subsection 5.8.C(2)c.<sup>283</sup>

### **(2) Prohibited Lighting Types**

#### **a. Unshielded Lights**

Unshielded lights or any other light that produces glare and light trespass in excess of that allowed in Table 5.13.<sup>284</sup>

#### **b. Prohibited Fixtures**

- 1.** Mercury vapor light bulbs and fixtures.<sup>285</sup>
- 2.** Lamps emitting a color temperature in excess of 4,000 Kelvin.<sup>286</sup>
- 3.** Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights, or any similar high intensity light.<sup>287</sup>

#### **c. Outdoor String Lighting (Ambience Lighting)**

Permanent exposed string lighting, except as ambience lighting for outdoor dining/bar areas, interior courtyards, and/or event venues, subject to compliance with all other provisions of this Code and only with approval by the Director on a case-by-case basis. In reviewing proposals for such lighting, the Director shall consider lighting types, locations, and time of use. Permanent outdoor string lighting shall not flash, blink, fade, or strobe and shall be included in the total lumen count for the property.<sup>288</sup>

### **(3) Shielding and Light Trespass**

- a.** All light fixtures are required to be fully shielded, unless approved by the Director pursuant to subsection 5.8.C(2)c.<sup>289</sup>
- b.** Partially shielded light fixtures are limited to a maximum of 5,500 lumens per acre and shall not exceed 2,000 lumens per lamp.

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<sup>282</sup> Based on 911.05.A, revised for clarity and to offer other warm lighting alternatives on a case-by-case basis.

<sup>283</sup> New.

<sup>284</sup> New.

<sup>285</sup> From 911.05.K. Did not carry forward "in use for outdoor lighting on the effective date of the ordinance codified in this Code shall not be used after July 1, 2006."

<sup>286</sup> From Article 10, Section 2.7.1 - color, revised from "strongly discouraged" to prohibited.

<sup>287</sup> From 911.05.L. Did not carry forward "except in emergencies by police and fire personnel at their discretion. Spot lights are permitted and must be directed downward 45 degrees from any neighboring property." Emergency lighting is exempt from the lighting regulations earlier in this Section.

<sup>288</sup> New standards. Permanent exposed string lighting currently prohibited in 911.05.I.2.

<sup>289</sup> From 911.05.C, revised for clarity.

- c. All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Lighting shall not be aimed onto adjacent properties.
- d. Light trespass onto adjacent public rights-of-way may be allowed subject to approval of the Director pursuant to subsection 5.8.C(2)c.<sup>290</sup>

**(4) Lighting Output Levels<sup>291</sup>**

Lighting levels shall not exceed the following maximum outputs:

<b>Table 5.13 Maximum Lighting Output Levels</b>		
<b>Use Type</b>	<b>Total Site Output</b>	<b>Partially Shielded</b>
Single-family residential <sup>292</sup>	10,000 lumens per parcel	4,000 lumens per parcel (counts toward total site output)
Multifamily residential	100,000 lumens per acre	5,500 lumens per net acre (counts toward total site output)
Mixed-use and nonresidential	100,000 lumens per acre	5,500 lumens per net acre (counts toward total site output)

**Notes:**

**(5) Lighting Controls**

**a. Motion Sensors**

1. Motion sensors may be used where the sensor is triggered by activity within the property lines and not triggered by activity outside the property lines.
2. Motion sensing fixtures shall be fully shielded and properly adjusted, according to the manufacturer’s instructions, to turn off when detected motion ceases.<sup>293</sup>

**b. Lighting Time Limitations<sup>294</sup>**

1. Except for security lighting, flagpole lighting, and landscape lighting, Class 1 and Class 3 lighting shall be extinguished during nonbusiness hours.<sup>295</sup>
2. Landscape lighting shall be extinguished by close of business or 10:00 p.m., whichever is later.<sup>296</sup>
3. Multi-class lighting shall conform to the time limitations of the strictest class.

<sup>290</sup> From 911.05.B, revised to allow some spillover onto public roads with approval of the Director, which could prevent the city from having to install additional street lighting in some cases.

<sup>291</sup> Table is new – based on standards from 911.05.D and E.

<sup>292</sup> Output maximums are new for single-family residential. The suggested maximums are based on Flagstaff, AZ.

<sup>293</sup> From second half of 911.05.B.

<sup>294</sup> From 911.05.G. Merged Class 1 and Class 3 requirement. Did not carry forward standard for Class 2 lighting, since it is a guideline and not a requirement.

<sup>295</sup> Did not carry forward “only continue in operation until 11:00 p.m. or for as long as the area is in active use but once off remain.”

<sup>296</sup> From Article 10, Section 2.7.1, revised from “should” to “shall,” and revised to 10 pm instead of 11 pm.

## E. Supplemental Class 3 Lighting Standards<sup>297</sup>

### (1) Uplighting<sup>298</sup>

- a. Subject to the approval of the Director, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping such as exceptional architectural features, specimen trees with dense year-round foliage, or large native shrub masses). Uplighting or ground-mounted lighting shall be designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic.
- b. All lighting that is directed upward shall be located so that the angle of the lamp does not exceed 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the featured to be illuminated. (*consider graphic*)

### (2) Minimum Spill<sup>299</sup>

All Class 3 lighting shall be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

## F. Parking Area Lighting

### (1) Generally<sup>300</sup>

- a. Parking lots shall be considered Class 2 lighting.
- b. All parking lot lighting shall use full cut-off fixtures.<sup>301</sup>
- c. Parking lot poles shall not exceed 12 feet in height.

### (2) Structured Parking<sup>302</sup>

Interior lighting within parking structures shall not count toward the total lumens allowed.

## G. Pedestrian-Scale Lighting<sup>303</sup>

Low-level pedestrian lighting may be used along walkways pursuant to the following:

- (1) Shall direct light downward;
- (2) Shall use shatterproof lamp coverings;
- (3) Shall not cause the site to exceed the maximum lumen output pursuant to Table 5.13,<sup>304</sup>
- (4) Shall not be located to present hazards for pedestrians or vehicles; and
- (5) Post or bollard-type lights shall be painted dark colors such as black, dark gray, dark brown, or dark earth tone.

<sup>297</sup> From 911.05.I, reorganized and revised as noted.

<sup>298</sup> From 911.05.I.5, revised for clarity.

<sup>299</sup> From 911.05.I.1.

<sup>300</sup> 911.05.F, revised for clarity.

<sup>301</sup> New.

<sup>302</sup> New, based on staff suggestion.

<sup>303</sup> From Article 10, Section 2.7.3, site lighting fixtures.

<sup>304</sup> New.

## H. Exterior Building Lighting<sup>305</sup>

- (1) Soffit mounted light fixtures shall be recessed into the soffit or otherwise fully shielded.
- (2) Architectural lighting shall only be used to highlight special features.<sup>306</sup>
- (3) Lighting of expansive wall planes or lighting resulting in hot spots on wall or roof planes shall be prohibited.<sup>307</sup>
- (4) Lighting above entryways or along building perimeters shall use fully-shielded fixtures such as wall packs and downward lighting sconces.

## I. Sign Illumination<sup>308</sup>

See **Article 11 SLDC**, *Sign Regulations*. Sign illumination is addressed in Section **1107.05**.

## J. Supplemental Lighting Standards for Specific Uses

### (1) Recreational Facilities<sup>309</sup>

- a. Lighting for outdoor athletic fields, courts, or tracks shall be considered Class 1.
- b. If the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA) and shall require approval by the Director pursuant to subsection 5.8.C(2)c.<sup>310</sup>
- c. Recreation facility illumination design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code.
- d. Lighting for recreational facilities shall be extinguished by 10:00 p.m.<sup>311</sup>
- e. Fully shielded lighting shall be required for fields designed for sports activity.

### (2) Outdoor Display Lots<sup>312</sup>

Light for outdoor display lots shall be considered Class 1, and shall conform to the lumens per acre limits established by Table 5.13 except as follows:

- a. All such lighting shall be fully shielded; partially shielded fixtures shall be prohibited.<sup>313</sup>
- b. If the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA) and shall require approval by the Director pursuant to subsection 5.8.C(2)c.<sup>314</sup>

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<sup>305</sup> From Article 10, Section 2.7.4, exterior wall and building lighting.

<sup>306</sup> Currently "should."

<sup>307</sup> Currently "should be avoided."

<sup>308</sup> Sign lighting addressed in the sign regulations which are being updated by separate project. Upon adoption, an appropriate cross-reference will be provided here.

<sup>309</sup> From 911.06.A. Did not carry forward standards for professional sports facilities.

<sup>310</sup> Added new reference to require Director approval using the alternatives procedure.

<sup>311</sup> Clarifies 911.06.A.5.

<sup>312</sup> From 911.06.B.

<sup>313</sup> Revised for clarity.

<sup>314</sup> Added new reference to require Director approval using the alternatives procedure.



- c. Outdoor display lot illumination design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code.
- d. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards pursuant to subsection 5.8.D(5)b.<sup>315</sup>

**(3) Service Station Canopies**

- a. Lighting for service station canopies shall be considered Class 2 lighting.
- b. All luminaries shall be flush with the lower surface of canopies and use flat glass or plastic covers.
- c. All lighting mounted under the canopy shall be included in the total lumen allowance for the site pursuant to Table 5.13.<sup>316</sup>
- d. All site lighting not directly associated with the special uses as permitted shall conform to all lighting standards described in this Code.

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**K. Installation and Maintenance**

**(1) Certification of Installation<sup>317</sup>**

- a. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.
- b. For all projects subject to a development application,<sup>318</sup> the developer shall verify in writing to the city that all outdoor lighting was installed in accordance with the approved plans.

**(2) Lamp or Fixture Substitution<sup>319</sup>**

Any proposed change to the type of light source after a permit has been issued shall require submitting a change request to the Director for approval prior to substitution.

**(3) Underground Electrical Service Required<sup>320</sup>**

New electrical service required for exterior lighting shall be located underground.

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<sup>315</sup> Did not carry forward "any lighting on after the time limitations shall be considered Class 2 lighting and shall conform to all restrictions of this Code applicable to this class." That is misleading in that there are no time limitations to Class 2 lighting.

<sup>316</sup> Did not carry forward "The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy." Also did not carry forward provision stating that only 50 percent of the output under a canopy shall be included in the per acre cap.

<sup>317</sup> From 911.07.E. and 911.05.M.

<sup>318</sup> Revised from "where an engineer or architect is required."

<sup>319</sup> From 911.07.D.

<sup>320</sup> New standard.

## 5.9. Public Art<sup>321</sup>

### Commentary:

This section carries forward the public art regulations from the Sedona Public Art Ordinance in Article 18, with changes for organization and clarity. In this draft we also proposed expanding the applicability of the requirement to include multifamily residential and mixed-use buildings. Thresholds for when public art is required for those uses are provided for initial discussion.

### A. Purpose<sup>322</sup>

Public art is a priority amenity for the City of Sedona. The purpose of this Section 5.9 is to ensure that public art is provided for development and/or redevelopment of multifamily, mixed-use, and nonresidential properties.

### B. Applicability<sup>323</sup>

#### (1) Generally

Public art shall be installed pursuant to this Section 5.9 prior to the issuance of a Certificate of Occupancy for the following:

- a. Development of any new mixed-use and/or nonresidential building, except for industrial uses, with 5,000 square feet of gross floor area or more;<sup>324</sup>
- b. Expansion of any mixed-use and/or nonresidential building, except for industrial uses, resulting in 2,500 square feet of gross floor area or more;
- c. Development of any new multifamily residential building of 20 dwelling units or more; and
- d. Expansion of any existing multifamily residential building by 10 dwelling units or more.

#### Sedona Community Plan says...

Visitors come to Sedona for its artistic offerings more than for any other purpose except the natural beauty and outdoor recreation. (p. 102)

#### (2) Exemptions<sup>325</sup>

This section shall not apply to:

- a. Federal, state, county, or city projects or structures; or
- b. Residential uses other than multifamily.

<sup>321</sup> From Article 18. Did not carry forward Section 1801, Title.

<sup>322</sup> New.

<sup>323</sup> Based on Section 1802, revised for clarity. Broadened the applicability of the public art requirement to include multifamily residential buildings.

<sup>324</sup> Currently "commercial, professional office, lodging, or timeshare construction." Expanded to all mixed-use and nonresidential uses.

<sup>325</sup> Revised to exclude the exemption for all residential uses. **DISCUSSION:** Should multifamily projects be exempt from this requirement if they are contributing to the local housing needs? Could exempt condominiums but not apartments? Could tie the exemption to density (e.g., over 12 units per acre are exempt)?

## **C. Public Art Requirement**

### **(1) Minimum Investment**

Applications subject to this Section 5.9 shall provide a minimum investment in an amount stated on file with the Community Development Department for public artwork.<sup>326</sup>

### **(2) Public Art Installation or Cash Contribution**

#### **a. Generally**

The minimum art investment shall take the form of either an on-site installation of developer-selected exterior artwork, or, at the developer's discretion, an equivalent cash contribution to the City of Sedona Art in Public Places Fund may be made to be used for public art in the City of Sedona. A combination of the above options is also acceptable.

#### **b. On-Site Artwork**

The following on-site artworks are acceptable under this Section 5.9:

1. Building features and enhancements that are unique and produced by a professional artist;
2. Landscape art enhancements such as enhanced walkways, bridges, unique water, or unique art features;
3. Murals or mosaics covering walls or walkways;
4. Professional artist sculptures that can be freestanding, wall-supported, or suspended and made of durable materials suitable to the site;
5. Other suitable artworks accepted by the Director.

#### **c. Eligible Costs**

Costs that are eligible towards the minimum investment required by this Section 5.9 include:

1. Professional artist compensation;
2. Fabrication and installation of the artwork;
3. Site preparation;
4. Structures enabling the artist to display the artwork;
5. Documentation of the artwork;
6. Acknowledgment plaque identifying the artist and the artwork.

#### **d. Ineligible On-Site Artworks and Costs**

On-site artworks and costs not eligible for purposes of compliance with this Section 5.9 include:

1. Business logos;

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<sup>326</sup> Revised the current \$0.48 per square foot requirement to allow for a determination to be filed administratively. Council can review this amount along with other fees required and adjust them without having to frequently update the code.

2. Directional elements such as super graphics (large scale painted or applied decorative art typically in geometric form on walls, floors, and/or ceilings), signage, or color coding;
3. Mass produced art objects, such as fountains, statuary, playground equipment;
4. Art reproductions;
5. Landscaping or hardscape elements normally associated with the artwork;
6. Services or utilities necessary or desirable to operate or maintain artworks.

**(3) Location of Public Art**

Art selected by an owner or developer to be integrated on the site of the project shall be located on an exterior of the structure or the building site that is visible to the public for at least 40 hours per week.

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**D. Evaluation of Public Artwork Plans**

- (1) The applicant shall submit a public artwork plan associated with the application for development and/or redevelopment or expansion demonstrating compliance with this Section 5.9.<sup>327</sup>
  - (2) All proposed artwork shall meet the applicable requirements of all other City of Sedona ordinances, this Code, and City Code.
  - (3) The Director may consult with the Arts and Culture Coordinator, or other city staff or outside professional artist(s), and shall approve or deny the public artwork plan and inform the applicant in writing. The developer has the right to appeal the decision of the Director to the City Council within 15 days after the Director's decision.<sup>328</sup>
- 

**E. Installation and Maintenance**

- (1) Prior to issuance of a Certificate of Occupancy, the approved artwork shall be installed in accordance with approved plans, unless the Director agrees to an extension of time of up to 6 months. If an extension of time is granted, then prior to the issuance of the Certificate of Occupancy, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the artwork within 6 months of the issuance of the Certificate of Occupancy shall be deposited by the owner or developer with the city. Failure to completely install the artwork approved by the Director within the 6 months of the issuance of the Certificate of Occupancy shall result in forfeiture of the deposit or letter of credit and the money deposited shall be credited to the Art in Public Places Fund.
- (2) The owner of the development shall be responsible for the proper upkeep and maintenance of the artwork within the proposed development.
- (3) In the event that any artwork placed on the development as a result of this Section 5.9 is removed or destroyed, the owner or developer shall, within 180 days of the removal or destruction:

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<sup>327</sup> New.

<sup>328</sup> From Section 1803.E, revised for clarity. Did not carry forward Section 1802.D, which was similar but inconsistent with this provision by referring to "major projects, as determined by the Director..." When the procedures are developed in Part 3 of the LDC Update, the general standards for appeals of administrative decisions will be established.

- a.** Replace it with artwork that meets the requirements of this Section 5.9 and is equal to the removed/destroyed artwork's fair market value immediately prior to its removal or destruction; or
- b.** Make a cash payment to the City of Sedona Art in Public Places Fund in an amount equal to the square foot gross floor area of the development multiplied by the minimum investment requirement set forth above that is applicable at the time of the removal or destruction of the artwork.

# Article 6: Signs

[Recently adopted revisions will be incorporated into Consolidated Draft]

# Article 7: Subdivision

## Commentary

This article includes standards from Sections 700, 702, 706, and 707 of Article 7, *Subdivision Regulations and Land Division*. This article includes the standards for designing new subdivisions of land and the associated required public improvements. Content from the current Article 7 related to subdivision procedures will be included in Part 3 of the LDC Update, *Administration and Procedures*. Content that is more technical is proposed to be included in an Engineering Standards Manual.

As recommended in the LDC Analysis, we introduced specific flag lot standards as well as optional cluster subdivision standards. Further commentary on cluster subdivisions is in Section 7.3.J.

## 7.1. Purpose<sup>329</sup>

This article establishes the minimum standards for the design and improvement of land subdivision and land splits to:

- (1) Facilitate the orderly growth and harmonious development of the city and to protect and promote public health, safety, and welfare.
- (2) Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;
- (3) Protect the natural environment and scenic beauty of Sedona and to minimize the construction of building pads in areas with an average slope of greater than 15 percent;
- (4) Promote the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, slopes, ridgelines, rock outcrops, native vegetation, and trees;
- (5) Provide safe ingress and egress for vehicular and pedestrian traffic and to encourage the placement of roads and driveways so that they follow natural topography wherever possible, and minimize cutting and grading;
- (6) Ensure safe and efficient traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;
- (7) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;
- (8) Provide for adequate sites for schools, recreation areas, access to public lands (trailheads), and other public purposes;
- (9) Protect or enhance real property values;
- (10) Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;
- (11) Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and

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<sup>329</sup> Previously 700. Reworded for clarity and grammatical consistency. Statements with similar objectives were consolidated. The objectives were re-ordered to address general objectives first, followed by more specific objectives.

- (12) Encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards;
- (13) Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

## 7.2. Applicability<sup>330</sup>

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### A. General

This article shall apply to all divisions of land into two or more parcels, buildings sites, tracts, or lots located wholly or partially within the city.<sup>331</sup>

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### B. Conflict with Other Standards

In the event of a conflict between this article and other provisions of this Code, the Sedona City Code, or the Engineering Standards Manual, the more restrictive provisions shall prevail.<sup>332</sup>

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### C. Existing Subdivision Agreements and Covenants<sup>333</sup>

- (1) Subdivisions filed and recorded on a final plat prior to the effective date of this Code shall not be regulated by this article unless proposed for any re-subdivision meeting the minimum applicability standards established in 7.2 of this article.
- (2) This article is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with the land. Where this article imposes a greater restriction than that imposed by existing provisions of law, contract, or deed, the provisions of this article shall control.

## 7.3. Subdivision Standards<sup>334</sup>

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### A. General

- (1) Every subdivision shall comply with all other ordinances and regulations of the city and the Arizona Revised Statutes.<sup>335</sup>

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<sup>330</sup> Previously 702. Did not carry forward language referencing A.R.S. Title 9, language basing the applicability of these standards to the environmental sensitivity of the property, or the legal status of parcels. A.R.S. Title 9, Section 9-463 distinguishes between land splits and subdivisions, with land splits including divisions of a parcel into two or three parcels, and subdivisions including 4 or more parcels. The procedures, when developed in Part 3 of the LDC Update, may use these distinctions to allow for expedited procedures for minor subdivisions (or land splits).

<sup>331</sup> Taken from the first sentence of 706.01, reworded for clarity and added specific language regarding the splitting of land into two or more parcels, building sites, tracts, or lots.

<sup>332</sup> Added engineering standards manual to the list. Modified language so the more restrictive requirement would prevail rather than the language in this Article.

<sup>333</sup> New.

<sup>334</sup> Some of these standards that would also apply to redevelopment, not just subdivision, may be relocated into Article 5.

<sup>335</sup> Removed language referencing the Community Plan.



- (2) Public infrastructure shall be constructed in accordance with City of Sedona Engineering Standards Manual or, in the absence of such detail, shall be constructed in accordance with the Maricopa Association of Governments Standard Drawings and Specifications (MAG specs). If no standard or specification can be found, then the standard or specification used shall be subject to approval by the City Engineer.

**B. Minimal Standards<sup>336</sup>**

The standards in this article are minimum standards. The city may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Code.

**C. Lot Planning<sup>337</sup>**

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, heavy street traffic, or other conditions. The following standards shall apply:

**(1) General**

- a. Lot width, area, and building setbacks shall comply with the minimum requirements of this Code and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.<sup>338</sup> Modifications may be granted pursuant to 7.3.C(4) of this Section.
- b. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.
- c. Double frontage lots are discouraged in new subdivisions.
- d. Flag lots and other irregularly shaped lots are discouraged in new and existing subdivisions.<sup>339</sup>
- e. Corner lots may be required to be wider than interior lots to provide for setback requirements.
- f. No lot shall be divided by a city, county, school district, or other taxing agency boundary.
- g. The construction envelope on a lot shall be determined by the yard (setback) requirements for the lot and the location of natural and/or topographic features such as drainage ways, rock outcrops, native vegetation, and trees.

**(2) Drainage**

Lots shall be designed and located to provide positive drainage away from all buildings and shall comply with the standards in Section 0.<sup>340</sup>

<sup>336</sup> New.

<sup>337</sup> Did not carry forward 706.07B requiring a minimum setback of 50 feet for lots or parcels abutting an arterial highway. Did not carry forward 706.07D establishing a maximum depth-to-width ratio of single-family lots as 3 to 1.

<sup>338</sup> Removed language referring to lot depth and frontage as there are no longer minimum lot depth or frontage requirements in the LDC.

<sup>339</sup> Replaces "Residential lots extending through the block and having frontage on two parallel streets shall be discouraged."

<sup>340</sup> New.

**(3) Access**

- a. Every residential lot shall abut a public or private street. Access to residential lots shall be from local streets except as specifically authorized by the Director and the City Engineer; and<sup>341</sup>
- b. At least two points of vehicular access into the proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the City Engineer that legal, topographical, and/or engineering constraints preclude such access.

**(4) Flag Lots<sup>342</sup>**

- a. Notwithstanding any other provision of this Code, the width of the flagpole portion of a flag-shaped lot shall be no less than:
  - 1. Thirty feet when both public water and sewer systems are to serve such a residential lot.
  - 2. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.
  - 3. Twenty-four feet when only a public water or a public sewer system is to serve such a lot.
  - 4. Twenty-four feet when the lot will not be served by a public water or public sewer system.
- b. The length of the flag pole portion of the lot shall not exceed 300 feet and shall comply with all other standards and measurements of this Code and other regulating agencies.
- c. Flag lots where the length of the flag pole portion exceeds 130 feet shall provide a permanent turn-a-round approved by the City Engineer and the Sedona Fire District.

**(5) Modification of Construction Envelope**

The Director may, upon application by the property owner, modify the construction envelope for an individual lot as shown on the final plat provided that:

- a. The revised construction envelope is equally as sensitive to the natural conditions as the original construction envelope;
- b. The area of the construction envelope is not enlarged; and
- c. The construction envelope meets the setback requirements for the respective zoning district.

**D. Sensitive Lands<sup>343</sup>****(1) Generally**

Development of lands that are subject to periodic inundation, subsidence of the earth's surface, high water table, or have difficult topography, unstable soils, or other natural or manmade

<sup>341</sup> Currently requires Planning Commission approval.

<sup>342</sup> New.

<sup>343</sup> These sensitive area standards may be relocated to the building and site design standards in Article 5 (Section 5.7.D), since many of these standards would apply to all new development and not just subdivisions.

hazards to life or property shall be avoided to the maximum extent practicable, unless it can be substantiated that:

- a. The proposed lot configurations and sizes, grading and drainage techniques or other special development approaches are reasonable and necessary to protect the public health, safety, or general welfare on any lands to be subdivided that are impacted by these characteristics.
- b. The sensitive lands are protected through a cluster subdivision, pursuant to Section J(2).<sup>344</sup>
- c. The Council may approve subdivision of such land upon receipt of evidence from the City Engineer, the County Flood Control Districts, State and County Health Authorities, and other area Emergency Services Authorities that the construction of specific improvements can be expected to render the land suitable. Construction upon such land shall be prohibited until specified improvements have been planned and construction guaranteed.

**Sedona Community Plan says...**  
 Encourage clustering of residential units to direct development away from more environmentally sensitive portions of a site. (p.54)

**(2) Steep Slope and Ridgeline Development**

- a. Lot lines and streets shall be located on or near the crest of ridges to preclude prominent line of sight building construction. Building pads shall not be located on or near the crest of ridge lines; and<sup>345</sup>
- b. Building pads located near the crest of ridge lines shall be set back from the ridge edge so that they would not be silhouetted and existing trees shall be preserved to screen proposed structures.<sup>346</sup>

**(3) Hillside Development Area<sup>347</sup>**

Because of the unique and peculiar problems inherent in the development of hillsides, special standards and conditions for Hillside Development Areas (an area with average slopes exceeding 15 percent) shall be considered.

- a. Where pedestrian trails or pathways are proposed, sidewalks may be replaced by trails or pathways.
- b. Each private access way serving more than one lot shall have a minimum paved surface of 16 feet in width or as may be required by the Engineering Standards Manual. Where needed, as determined by the Director and/or the City Engineer, additional easements for drainage or utilities shall be provided.

<sup>344</sup> New.

<sup>345</sup> Removed language at beginning of sentence, "where feasible," thus making this a requirement.

<sup>346</sup> Did not carry forward language regarding buildings on top of the ridge line, as they would be prohibited per the previous requirement.

<sup>347</sup> Content not included in this draft from Section 706.08 is proposed to be relocated to an engineering standards manual. Did not carry forward 706.08.A(3)(h) regarding "panhandle lots" or other lots with a width-to-depth ratio greater than one to three. Need to reconcile terminology here with the site grading language in the "Site and Building Design" section.

## **E. Block Layout**

### **(1) Block Length**

Residential blocks shall not be less than 300 feet nor more than 660 feet in length. The city may approve a longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

### **(2) Block Arrangement<sup>348</sup>**

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this Code, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved cul-de-sac.

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## **F. Street Design<sup>349</sup>**

All public and private streets shall comply with the Engineering Standards Manual and the Sedona City Code, and shall comply with the following standards:

### **(1) Conformance with Adopted Plans<sup>350</sup>**

Whenever a tract to be subdivided is located within an area for which a CFA or Specific Area Plan has been approved by the City Council, the street arrangement shall conform substantially to this plan.

### **(2) Coordination of Streets<sup>351</sup>**

- a.** All new collector and local streets shall connect with surrounding streets at safe and convenient locations as required by the Director to allow convenient movement of traffic and reasonable access for emergency vehicles.<sup>352</sup>
- b.** When connections to surrounding streets are proposed or required by the city, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.<sup>353</sup>
- c.** Where there is no paved street between the subdivision and an existing paved street, an interim street, improved in accordance with local street standards, shall be constructed by the applicant for developments with densities in excess of one residential unit per two acres of land.
- d.** Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. Where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than required by the Engineering Standards Manual.<sup>354</sup>
- e.** The street pattern shall not cause adjacent property to be landlocked nor prevent access to public land.<sup>355</sup>

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<sup>348</sup> New.

<sup>349</sup> Section 706.04 is proposed to be moved to an engineering standards manual.

<sup>350</sup> Previously 706.03.C. Did not carry forward 706.03.A referencing the City Streets and Highways Plan.

<sup>351</sup> Did not carry forward 706.03.E discouraging local streets being used for through traffic.

<sup>352</sup> Previously 706.03.B, reworded for clarity and consistency.

<sup>353</sup> New.

<sup>354</sup> New.

<sup>355</sup> Previously 706.03.B, reworded for clarity and consistency.

**(3) Street Intersections<sup>356</sup>**

- a. Streets shall be arranged in relation to existing topography to produce streets of reasonable gradient to facilitate adequate drainage and to produce desirable lots of maximum utility.
- b. Where a subdivision abuts or contains the right-of-way of a drainage way, a limited access highway or an irrigation ditch or abuts a commercial or industrial land use, the Director may require the location of a street approximately parallel to and on each side of this right-of-way at a distance suitable for appropriate use of the intervening land. This distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

**(4) Street Design Standards<sup>357</sup>**

- a. Streets shall be related appropriately to the expected use of the property. Streets shall be designed as set forth in the Engineering Standards Manual.<sup>358</sup>
- b. Other suitable designs and materials may be approved for the construction of streets, curbs and sidewalks when in the opinion of the Planning and Zoning Commission, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.<sup>359</sup>
- c. Turnarounds shall be provided at the ends of cul-de-sacs and at elbows on one-way streets. Turnarounds shall meet the minimum requirements of the Sedona Fire District.<sup>360</sup>

**G. Street Naming & Traffic Control Signs****(1) Continuation of Existing Names<sup>361</sup>**

- a. The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. Where no current streets are in alignment, the subdivider may propose a name subject to final approval by the City Engineer and City Council.
- b. New street names shall not duplicate or be similar to those already in existence in the Verde Valley area.

**(2) Street Signage<sup>362</sup>**

- a. All streets in a subdivision shall be named and identified by signs installed at every street intersection.
- b. These signs shall be standard street signs as indicated in the current edition of The Uniform Manual of Traffic Control Devices.

<sup>356</sup> Standards taken from current 706.03 unless otherwise noted. Standards have been reworded for clarity and consistency. Did not carry forward 706.03.J regarding boundary streets.

<sup>357</sup> Eliminated clear-view requirements at intersections, this is addressed in *Access, Circulation, and Mobility*.

<sup>358</sup> New.

<sup>359</sup> New.

<sup>360</sup> We propose moving specific cul-de-sac dimensional requirements to the Design Manual.

<sup>361</sup> Replaces 706.05

<sup>362</sup> Previously 707.07.E.

- c. All traffic control signs, as well as street name signs, required in a subdivision shall be provided and installed by the city at the expense of the subdivider in conformance with the current edition of The Uniform Manual of Traffic Control Devices.

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## H. Easement Planning<sup>363</sup>

- (1) Easements for utilities shall be provided as necessary to ensure the provision of services to each lot. The developer will provide to the Director written documentation of approval by the utilities with respect to easements.
- (2) Land within a public street or land within a utility easement for major power transmission (tower) lines or pipelines, or land within an access and/or ingress/egress easement, shall not be considered part of the minimum required lot area except where lots exceed one-half acre in area. This shall not be applicable to land involved in utility easements for distribution or service purposes.<sup>364</sup>
- (3) Drainage easements shall be provided to the satisfaction of the City Engineer and the County Flood Control District. Drainage easements shall be provided as required by the Engineering Standards Manual. Such easements shall not necessarily prohibit construction over drainage ways so long as required flows are maintained.
- (4) Buildings above drainage easements shall be constructed such that the supporting foundation bridges the drainage easement and allows for removal and replacement of the drainage facility.
- (5) Easements necessary to ensure nonmotorized access to adjacent public lands shall be provided to the satisfaction of the Director and the Forest Service.
- (6) Trails and/or walkways for may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Such trails and/or walkways may be used for utility purposes.

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## I. Reservation of Land for Public Use<sup>365</sup>

Land areas within a subdivision may be reserved for parks, recreational facilities, and other public facilities including open space, drainage facilities, stormwater facilities, and wastewater facilities, provided that the reservations are in accordance with adopted specific plans and other goals, objectives and standards adopted by the City Council to ensure that city-identified amenities and community benefits are provided.<sup>366</sup>

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## J. Alternatives to Subdivision Standards<sup>367</sup>

### (1) Alternatives Generally

Alternatives to the standards in this article shall be subject to approval by the City Engineer and Director prior to approval of the subdivision application pursuant to **Section ---**.

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<sup>363</sup> From 706.06.

<sup>364</sup> This standard will also be referenced in the Zoning Districts article in the consolidated draft.

<sup>365</sup> Previously 706.02. Did not carry forward paragraphs B through F from 706.02 specifying details on the parameters of the public lands agreements.

<sup>366</sup> Removed reference to the Sedona Community Plan and the Trails and Urban Pathways Plan.

<sup>367</sup> Previously last sentence in 706.01.

**(2) Cluster Subdivision**

**Commentary:**

This proposed tool is new to Sedona. The LDC Analysis and Annotated Outline recommended drafting a new alternative subdivision option to allow flexibility in lot design and layout if sensitive lands and/or open areas are protected. This draft proposes application of the cluster subdivision tool in residential and mixed-use districts. Further discussion is required on whether or not cluster subdivisions should be limited to specific zoning districts as proposed, and whether or not the tool should be required in some cases (e.g., in high-hazard areas).

**a. Purpose**

This section provides optional standards for cluster subdivision development to protect sensitive lands and common open space areas, and to implement the Sedona Community Plan and/or adopted CFA or Specific Area plans. A cluster subdivision is a residential or mixed-use subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for permanent protection of sensitive lands and/or common open space.

**Sedona Community Plan says...**

Encourage clustering of residential units to direct development away from more environmentally sensitive portions of a site. (p.54)

**b. Applicability**

1. The cluster subdivision option is available in the RS-70, RS-35, RS-18, RS-10, RS-6, RMH, RM-1, RM-2, RM-3, M1, M2, or M3 districts.
2. The minimum parcel size for a cluster subdivision shall be at least three acres.
3. All other standards in the LDC shall apply to cluster subdivisions unless modified by the cluster subdivision standards in this Section 7.3.J(2).

**c. Cluster Subdivision Standards**

The standards for cluster subdivision lots are established in Table 7.1 below. The measurements and exceptions in Section 2.23 shall also apply to cluster subdivision lots unless otherwise stated in Table 7.1.

Table 7.1

**Cluster Subdivision Standards**

Type of Standard	Requirement
<b>Project Site Standards</b>	
Density, maximum	Per underlying zoning district <sup>[1]</sup>
Parcel size, minimum	3 acres
Block length, maximum	600 feet
<b>Individual Lot Standards (minimum)</b>	
Lot size	3,000 square feet <sup>368</sup>
Lot width	25 feet
<b>Setbacks (minimum)<sup>[2]</sup></b>	

<sup>368</sup> **DISCUSSION:** Should even smaller lots (e.g., 2,500 sf) be considered for cluster subdivisions? The smallest lot size in a base zoning district is 5,000 square feet (in the M3 district).

**Table 7.1  
Cluster Subdivision Standards**

Type of Standard	Requirement
Front	5 feet
Side	3 feet
Rear	10 feet

**Notes:**

[1] Maximum density calculated by taking the gross land area within the cluster subdivision boundary divided by the minimum lot size of the underlying zoning district.

[2] Building envelopes shall be established on the final plat with any cluster subdivision.

**d. Identification and Maintenance of Protected Lands**

1. Protected lands shall be identified on the final plat for a cluster subdivision, with a notation that indicates that those lands shall not be used for future development.
2. Protected lands shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
3. Protected lands shall be permanently maintained and preserved as:
  - i. Open space lots with deed restrictions; or
  - ii. Land dedicated to the city; or
  - iii. Protected through a conservation easement.
4. For any land not dedicated to the city, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected lands.
5. There shall be no further subdivision of land in an area approved for cluster subdivision; however, dedication of easements for public utilities may be permitted.

**e. Use of Protected Lands**

1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to Section 5.6, *Landscaping, Buffering, and Screening*.
2. The reserved protected lands shall be used for low-intensity recreation, agriculture, buffers, critical wildlife habitat, or other passive park or open space purposes.
3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

**f. Review and Approval of Cluster Subdivisions**

The procedures for review and approval of cluster subdivisions are in Section ---.<sup>369</sup>

<sup>369</sup> Procedures will be developed with Part 3 of the LDC Update. There may be few changes from the regular subdivision process, apart from requiring detailed descriptions of the proposed lot configurations and the protected lands on the preliminary plan.



## **7.4. Improvement Standards<sup>370</sup>**

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### **A. Purpose<sup>371</sup>**

This section establishes the minimum acceptable standards for improvement of streets and utilities. All improvements in streets or easements which are required as a condition to plat approval shall be the responsibility of the subdivider.

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### **B. Required Improvements for Subdivisions<sup>372</sup>**

#### **(1) Streets**

- a. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved in accordance with this Code and the Engineering Standards Manual and to the intercepting paving line of such existing streets or to a matching line determined by the City Engineer. Transition paving shall be installed as required by the City Engineer.
- b. No subdivision shall be approved or recorded until provisions have been made to ensure an access road, approved by the City Engineer. Forest Service roads are not considered adequate access.

#### **(2) Curbs**

- a. Vertical curbs shall be installed along arterial and collector streets and on streets along school, park, or commercial property. Rolled curb may be allowed on streets in residential areas with 2,000 ADT or less. In certain cases the City Engineer may require vertical curb.
- b. Where rolled curb is allowed, five feet of vertical curb shall be provided on both sides of a sidewalk ramp.

#### **(3) Monuments<sup>373</sup>**

- a. Permanent monuments shall be installed as specified by the City Engineer at all corners, angle points and points of curve, at all street intersections and all corners and at angle points and points of curve of all conservation easements.
- b. After all improvements have been installed, a registered land surveyor shall check the location of monuments and certify their accuracy.

#### **(4) Utilities**

- a. New utilities shall be installed underground, except for those excepted by Section 5.7.D(6).
- b. When overhead utility lines exist within the property being platted, including boundary easements, these utility lines and new installations within the platted area shall be placed underground.

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<sup>370</sup> Content from Sections 707.02, 707.03, 707.05, 707.06, 707.07, 707.08, 707.09, and 707.10 not included in this draft will be moved to Part 3, *Administration and Procedures*.

<sup>371</sup> Previously 701.01, modified to add the Director and a cross-reference to the subdivision approval procedures (once drafted in Part 3 of the LDC Update).

<sup>372</sup> Previously 707.04. Some of this information (the design specifics, not the minimum requirements) may be relocated to the Engineering Standards Manual following further discussion.

<sup>373</sup> Did not carry forward 707.04.D, *Lot Corners*, as these standards overlap with the *Monuments* standards.

- c. When overhead utility lines exist on the periphery of the property being platted, they and any additions or replacements needed to increase capacity or improve service reliability may remain overhead; provided, that any service drops into the platted area from said peripheral overhead lines shall be underground.
- d. Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting unsubdivided land.<sup>374</sup>

**(5) Water Supply**

Each lot shall be supplied with safe, potable water with systems that are stubbed out to the property line. Water supply shall be provided in sufficient volume and designed to the standards of ADEQ and the current applicable city codes.

**(6) Storm Drainage**

- a. Proper and adequate provisions shall be made for disposal of stormwater entering, as well as that originating in, the development. This shall apply to grading of private properties, private access ways and to public streets.
- b. Existing major watercourses shall be maintained.
- c. The type, extent, location and capacity of drainage facilities for a subdivision shall be as required by the City Engineer in accordance with the approved hydrology report.
- d. Increases in on-site storm water runoff due to development shall be addressed in the hydrologic/hydraulic analysis and shall meet the criteria set forth in the Yavapai County Drainage Criteria Manual.<sup>375</sup> This document is on file with the City Engineer.
- e. When drainage is required to cross at intersecting streets, concrete curb returns and cross-gutters may be required.

**(7) Sanitary Sewage Disposal**

Sanitary sewage disposal shall be provided in accordance with state, county and city health requirements.

**(8) Fire Protection**

Fire protection facilities shall meet the criteria of the International Fire Code as adopted by the Sedona Fire District and shall be subject to the review and approval of the Fire Marshal.

**(9) Landscaping**

All landscaping, including walls, fences and watering systems, related to the approved subdivision shall be in accordance with approved plans.

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<sup>374</sup> Relocated from current 707.03.F.

<sup>375</sup> Updated to remove the reference to "1998 and revisions through 2005."

# Article 8: Administration and Procedures

[TO BE DRAFTED IN PART 3]

# Article 9: Rules of Construction and Definitions

## Commentary:

This article includes general rules of construction and defined terms related to the development standards. The definitions from the districts and uses in Part 1 of the LDC Update are not included in this draft. Additional definitions will be developed in Part 3 of the LDC Update. Many of the terms were carried forward from the current LDC and revised as noted. New terms are also noted and are based on our work in other jurisdictions and tailored for Sedona. There are several placeholders where we will prepare graphics to supplement the text definitions, both by updating existing graphics and creating new graphics.

## 9.1. Rules of Construction<sup>376</sup>

### A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purpose set forth in **Section --** and the specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this Code, the specific section's meaning and application of the term shall control.

### B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city. References to days are calendar days unless otherwise stated.

### E. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

<sup>376</sup> New section to clearly indicate meaning of the general terms used throughout the Code.

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## **G. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

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## **H. Tenses, Plurals, and Gender**

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

## **9.2. Definitions of Use Categories and Specific Use Types**

[See Part 1 of the LDC Update]

## **9.3. Terms of Measurement**

[See Part 1 of the LDC Update]

## **9.4. Other Defined Terms**

### **Access or Access Way**

The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress/egress to a property or use as required by this Code.

### **Architectural Feature**

Any prominent or characteristic part of a building, including steps, eaves, cornices, awnings, chimneys, wing walls, windows, columns, marquee, facade or fascia.

### **Block**

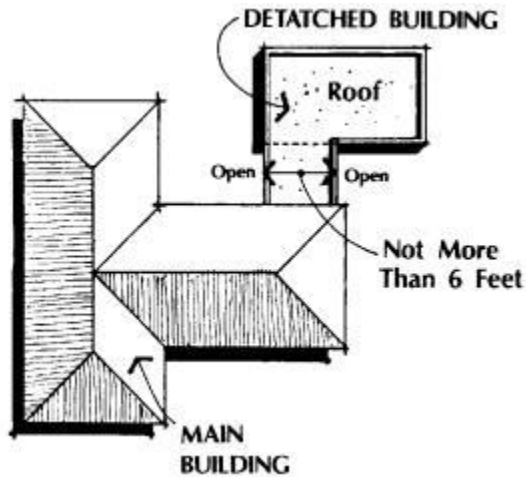
A piece or parcel of land or a group of lots entirely surrounded by public rights-of-way, streams, public lands, parks, and jurisdictional boundaries or any combination thereof.

### **Building, Attached**

A building that has at least part of a wall in common with another building or that is connected to another building by a roof that exceeds six feet opposite open ends.

### **Building, Detached**

A building that is separated from another building or buildings on the same lot, or that is connected only with a roof not more than six feet wide with opposite open ends.

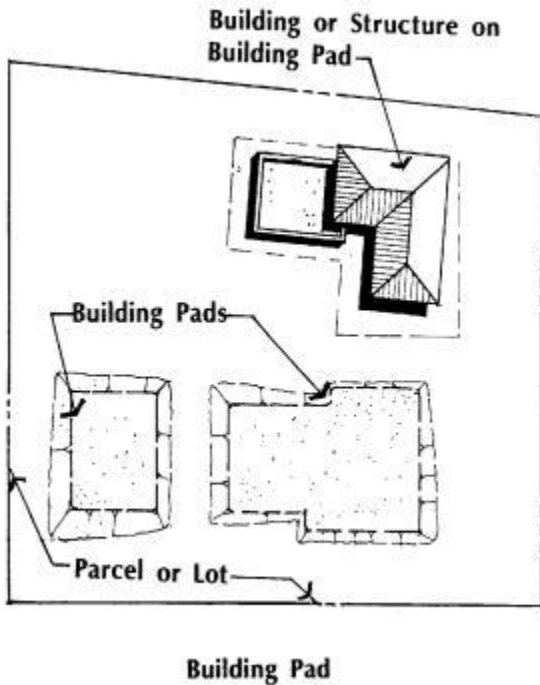


**Building Frontage**

The side of a building that contains the main entrance for pedestrian ingress/egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification, as set forth in the Sedona Community Plan, shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest linear dimension containing a main entrance shall be considered the building frontage.

**Building Pad**

One or more specified areas of a lot or parcel prepared and graded for the erection of structures, or on which structures already exist.



**Building Site**

A legally created parcel or contiguous parcels of land in single or joint ownership which provide the area and the open space required by this Code, exclusive of all vehicular and pedestrian rights-of-way and all

other easements that prohibit the surface use of the property by the owner. Private easements providing access to four or fewer parcels shall not be deducted from the building site area.

**Chroma<sup>377</sup>**

The strength, intensity, or brightness of a color. Strong chroma red is like the red in the United States flag, while a weak chroma red is like the darkest of the red rocks in Sedona. Weak chroma of any color is grayish or neutral, sometimes referred to as earth tones. The following degrees of chroma strength apply: very strong (Munsell 12), strong (Munsell 10), medium strong (Munsell 8), medium (Munsell 6), medium weak (Munsell 4), weak (Munsell 2), and very weak (Munsell 1).

**City Engineer<sup>378</sup>**

The City Engineer and Director of Public Works.

**Class 1 Lighting**

Lighting used for outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity.

**Class 2 Lighting**

Lighting used for illumination of walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose.

**Class 3 Lighting**

Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements.

**Cluster Subdivision<sup>379</sup>**

A subdivision technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**CMU<sup>380</sup>**

Concrete masonry unit.

**Compaction**

The densification to acceptable standards of a fill by mechanical means.

**Construction**

Any site preparation, assembly, erection, repair, alteration or similar action (excluding demolition) for or of public or private rights-of-way, sites, structures, utilities or other improvements.

**Construction Envelope**

One or more specified areas on a lot or parcel within which all structures, driveways, all grading, parking, nonnative landscaping, water surfaces, decks, walks and improved recreation facilities are located. Underground utilities may be located outside the construction envelope, but the area disturbed must be revegetated.

**Contiguous<sup>381</sup>**

Having a property line, zoning boundary, or wall in common.

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<sup>377</sup> From Article 10, Section 3.5.1.

<sup>378</sup> Replaced "head of the City of Sedona Public Works/Engineering Department" with "Director of Public Works."

<sup>379</sup> Renamed from "cluster housing" or "cluster development."

<sup>380</sup> New.

<sup>381</sup> Replaces current definition "in actual contact with."

**Cut**

The removal of earth material by excavation. "Cut" may also mean the grade resulting from the removal of earth material.

**Dedication**

An offer of real property by its owner(s) and its acceptance by the city for any general or public use.

**Development**

The making of any material change in the use or appearance of any structure or land, the creation of a subdivision or the creation of two or three parcels pursuant to a minor land division over which the city has regulatory authority. "Development" includes such activities as the construction, reconstruction or alteration of the size or material change in the external appearance of a structure or land; trenching or grading; demolition of a structure or removal of vegetation; deposit of fill; or the alteration of a floodplain, bank or watercourse.

**Development Project<sup>382</sup>**

Any development resulting from the approval of a building permit, minor land division, preliminary or final plat, rezoning application, or conditional use permit.

**Direct Illumination**

Illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

**Display Lot or Area<sup>383</sup>**

Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses shall occur: vehicle sales and leasing, equipment sales and rental, building materials and supply store, nursery or garden supply store, or assembly uses. Uses not on this list may be approved as display lot uses by the Director.

**Drainage Way**

See "watercourse."

**Driveway**

A private access road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

**Easement**

The portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on or above said lot or lots.

**Erosion**

The wearing away of the ground surface as a result of the movement of wind, water or ice.

**Exception (subdivisions)**

Any parcel of land within the boundaries of the subdivision to be designated on the final plat as "not a part of this subdivision."

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<sup>382</sup> May be updated following drafting of the procedures in Part 3 of the LDC Update.

<sup>383</sup> Revised for consistency with table of allowed uses as proposed in Part 1 of the LDC Update.



**Existing Lot<sup>384</sup>**

Lots or parcels zoned or legally used and legally created and existing on the effective date of the ordinance codified in this Code, including developed and nondeveloped lots or parcels.

**Façade<sup>385</sup>**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**Fill**

A deposit of earth material placed by artificial means.

**Flag lot**

An interior lot not having full frontage to a public or private street but including a portion or strip providing access. For the purposes of determining setbacks the rear yard shall be opposite to the portion of the lot or strip providing access and all other yards shall be determined to be interior side yards.



**Floodplain**

The total area required to pass the base flood through a natural watercourse, wash, canyon, ravine, arroyo or other potential flood hazard area.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot in height (as defined by FEMA).

**Frontage**

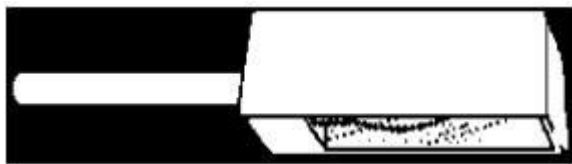
The width of a lot or parcel abutting a public right-of-way measured at the front property line.

**Fully Shielded Light Fixture**

A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

<sup>384</sup> Substantially simplified to remove references to the types of uses on such lots.

<sup>385</sup> New.



*Example of Fully Shielded Light Fixture*

**Glare**

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

**Grade, Existing**

The grade prior to grading.

**Grading**

Excavating, filling or combination of such operations.

**Grading, Regular**

Grading less than 1,000 cubic yards for single-family residentially zoned parcels, or grading less than 250 cubic yards for multifamily and commercial zoned parcels.

**Ground Cover, Nonvegetative**

Rocks and small stones, cinders, granite, bark and natural red earth, not including pavement and concrete.

**Hillside Development Area**

Any subdivision, portion of a subdivision, or any metes and bounds property within the city, located in terrain having an average slope exceeding 15 percent.

**Horizontal Articulation<sup>386</sup>**

Breaking down a building façade into horizontal modules, sub-parts, or major elements that are distinguished by changes in materials, texture, plane, or other architectural elements.

**Hue<sup>387</sup>**

The basic name or family of a color, such as red, orange, yellow, green, blue, or purple.

**Installed Light Fixture**

A light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

**Land Division**

The division of improved or unimproved land into two or three tracts or parcels for sale or lease with no new streets. "Land division" includes "land splits" as defined by Arizona Revised Statutes (as the division of improved or unimproved land of 2-1/2 acres or less for the purpose of sale or lease), and any division of a parcel of improved or unimproved land which is greater than 2-1/2 acres in size.

**Land Surveyor**

A person registered in the State of Arizona in the field of land surveying.

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<sup>386</sup> New.

<sup>387</sup> From Article 10, Section 3.5.1.

### **Landscape Architect**

A professional individual registered in the State of Arizona to practice in the field of landscape architecture.

### **Light Pollution**

Any adverse effect of manmade light.

### **Light Reflectance Value<sup>388</sup>**

An expression (by percentage) of the lightness or darkness of a color equivalent to varying scale of grays. On a grayscale, an LRV value of 100 percent is equivalent to pure white (Munsell 10), and an LRV value of zero percent is equivalent to pure black (Munsell 0).

### **Light Trespass**

Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

### **Lumen**

A unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

### **Luminary**

The complete lighting assembly, less the support assembly.

### **Maximum Extent Feasible**

As determined by the Director, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

### **Maximum Extent Practicable**

As determined by the Director, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

### **Motion Sensing Security Lighting**

Any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

### **Motor Vehicle**

Any and all self-propelled vehicles as defined in the Motor Vehicle Ordinance of the State of Arizona, including all on-highway motor vehicles subject to registration under that Code (excluding motorcycles), all off-highway type motor vehicles subject to identification under that Code, all enclosed motor vehicles with 3 wheels or more exempted under that Code and all other types of self-propelled vehicles with 3 wheels or more when used in any other manner.

### **Motorcycles**

Any and all self-propelled 2 and 3 wheeled unenclosed vehicles as defined in the Motor Vehicle Ordinance of the State of Arizona and any self-propelled 2 and 3 wheeled vehicles with ground contact

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<sup>388</sup> From Article 10, Section 3.5.1.

and equipped with a saddle for the use of the operator. This definition includes, but is not limited to, motor scooters, mini-bikes and off-road vehicles.

### **Multi-Class Lighting**

Lighting used for more than one purpose such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.

### **Munsell<sup>389</sup>**

Reference to the *Munsell Book of Color*, which is used to compare, evaluate, and classify paint and material colors. Munsell is a system that describes color in terms of three standardized attributes: hue (its basic color), value (its lightness or darkness), and chroma (intensity). Numerical values used in this Code define each attribute and the colors are arranged in the book in visual steps for each attribute.

### **Mural<sup>390</sup>**

A design or representation painted or drawn on the exterior surface of a structure that is otherwise not defined as a sign.

### **On-Site Artworks<sup>391</sup>**

Public art provided on a subject development parcel.

### **Outdoor Light Fixture**

An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

- a. Buildings and structures;
- b. Recreational areas;
- c. Parking lot lighting;
- d. Landscape lighting;
- e. Architectural lighting;
- f. Signs (advertising or other);
- g. Street lighting;
- h. Product display area lighting;
- i. Building overhangs and open canopies; and
- j. Security lighting.

### **Outdoor Recreation Facility<sup>392</sup>**

An area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

**FROM PART 1 – DISTRICTS AND USES:** Uses in this category provide recreation and entertainment activities operated by a commercial enterprise that is mostly outdoors or partially within a building, including picnic areas, outdoor swimming pools, skateboard parks, tennis courts, basketball courts, baseball diamonds, soccer and football fields, amphitheatres, outdoor arenas, and outdoor theaters. Accessory uses may include limited retail, concessions, and maintenance facilities.

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<sup>389</sup> From Article 10, Section 3.5.1.

<sup>390</sup> New.

<sup>391</sup> New.

<sup>392</sup> This definition should be coordinated with the definition included with Part 1 – Districts and Uses.

**Parapet Wall**

That part of any wall entirely above the roof line.

**Parking Area**

An area designed and constructed for the parking, storage and maneuvering of vehicles.

**Parking Bay**

A widened area designated for vehicular parking, including an area allowing for safe ingress and egress, and located parallel to a roadway off the designated travel way, but within the road right-of-way. A parking bay shall not extend for more than half a block or 50 feet, whichever is less. The ends of the parking bay are to be clearly delineated.

**Parking Space**

A space within a public or private parking area, exclusive of driveways, ramps, columns, offices and work areas, which is for the temporary parking or storage of one motor vehicle.

**Partially Shielded Light Fixture**

A fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this Code.

**Pedestrian Way**

A dedicated public walk.

**Plat**

A map of a subdivision and associated required information which provides for changes in land use or ownership or which describes existing uses.

**Plat, Conceptual**

A design prepared for review and comment at a pre-application conference and by the Commission. It is not a preliminary plat submittal.

**Plat, Preliminary**

A tentative plat, including supporting data, indicating a proposed subdivision design, prepared by a civil engineer, land surveyor, landscape architect, architect or land planner in accordance with these regulations and the statutes of the State of Arizona. A preliminary Site Plan for a condominium development shall be considered a preliminary plat.

**Plat, Preliminary Revised**

A plat reflecting revisions to the preliminary plat and the associated conditions of approval for review and comment by the Director before formal submittal of a final plat.

**Plat, Final**

A plat of all or part of a subdivision in substantial conformance with the revised preliminary plat, prepared by a civil engineer or a land surveyor in accordance with this Code and the statutes of the State of Arizona.

**Plat, Recorded**

A final plat, including all of the certificates of approval required by this Code, the statutes of the State of Arizona and recorded in the Yavapai or Coconino County Recorder's Office.

**Plat, Amended Final**

A plat of all or part of a recorded subdivision proposing a change of design, lot lines, size of lots, number of lots, or street alignments.

**Porch, Open**

A deck, landing or balcony in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than 54 inches above the natural grade line adjacent to it. The porch is to be used solely for ingress and egress and not for occupancy.

**Professional Artist<sup>393</sup>**

An individual professionally trained in the arts and/or that receives compensation for works of art.

**Private Access Way**

A common driveway providing immediate access from a public right-of-way or private street to a residence or small group of residences or divided interests in air rights exempt from management, maintenance and liability responsibilities of the city.

**Regulatory Flood Elevation**

One foot above the base flood elevation for a watercourse.

**Revegetation**

The reestablishment of vegetation on previously disturbed land for the purpose of stabilization and the reestablishment of pre-disturbance conditions.

**Revegetation Area**

An area that has been disturbed by prior construction or development activity and that has had plant and rock material reintroduced.

**Roof<sup>394</sup>**

The cover of any building intended to provide weather protection and design loads, including assembly components and the eaves and similar projections.

**Roof Line**

The highest point of a structure, including parapets, but not including spires, chimneys or heating or cooling mechanical devices.

**Security Lighting**

Lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed.

**Slope**

The vertical rise measured over a horizontal distance expressed as a percentage. A geographic information system (GIS) which uses TIN 3D modeling techniques is available at the Public Works or Information Technology Department and is recommended for use in calculating a slope analysis for any particular lot or parcel. The use of any other method of slope analysis shall be subject to review and approval by the City Engineer.

**Soil**

Naturally occurring surficial deposits overlaying bedrock.

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<sup>393</sup> New.

<sup>394</sup> New.

**Spill**<sup>395</sup>

See "light trespass."

**Statutory Dedication**

Dedication of land for open space, public rights-of-way, easements, utilities and the like required by **Section --**, *Subdivision Regulations and Land Divisions*, as a condition to acceptance of a subdivision plat for filing.

**Street**

Any existing or proposed street, road, avenue, boulevard, land, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown on a plat approved pursuant to law or a street on a plat filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, drainage appurtenances, parking space, bridges and viaducts.

**Street, Arterial**

A street that provides through traffic with limited access to abutting properties and includes major streets or highways having regional continuity.

**Street, Boundary (half-width street)**

A half-width local or collector street, constructed with one edge coincident with a tract boundary which will be the future centerline of the street.

**Street, Collector**

A street that provides traffic movement between and within neighborhoods and between arterials and local streets and access to abutting property.

**Street, Cul-De-Sac**

A street having only one outlet for vehicular traffic, with a turnaround at the closed end which is not intended to be extended or continued to serve future subdivisions or provide access to other adjacent lands.

**Street, Dead-End**

A street open at one end only, without permanent provision for turning around, and that may be further extended into adjoining property.

**Street, Local**

A street that provides direct access to abutting property or for low volume local traffic movements and which connects to collector streets.

**Street, Private**

Any collector or local street in a recorded public easement in which the city reserves the right to install and maintain, or permit to be installed and maintained, utilities in the rights-of-way, including surface use for refuse collection, but which has been excluded from management, maintenance and liability by the city.

**Structural Alteration**

Any alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls or similar components.

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<sup>395</sup> New.

### **Subdivider**

The individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with Article 7 SLDC and the regulations and statutes of the state. A person serving as agent for such legal entity is not a subdivider, and the subdivider need not be the owner of the property as defined by this regulation. The Council may prepare or have prepared a plat for the subdivision of land under municipal ownership.

### **Subdivision**

Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into 2 or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located on it. Plats of such projects need not show the buildings or the manner in which the buildings or air rights above the property shown on the plat are to be divided. "Subdivision" does not include the following:

- (a) The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots;
- (b) The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership;
- (c) The leasing of apartments, offices, stores, or similar space within a building or trailer park, or mineral, oil or gas leases.

### **Subdivision Design**

Street alignment, grades and widths; alignment and widths of easements and rights-of-way for drainage; sanitary sewers, public utilities, streets, roads, pedestrian ways; the arrangement and orientation of lots; locations of buildings; and provision for refuse collection and maintenance easements in condominium developments.

### **Substantial Improvement**

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" shall occur when the first alteration of a wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

### **Trail<sup>396</sup>**

An access way, whether paved or unpaved, that is intended to serve multiple modes of non-motorized travel.

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<sup>396</sup> New.



**Tree**

Any self-supporting, woody plant of a species which grows at maturity to an overall height of a minimum of 10 feet, has a single trunk or multiple trunks which are, in combination, four inches in diameter or has a circumference greater than 12 inches at a height of four and one-half feet above natural grade.

**Turnarounds**

Areas of sufficient alignment and dimensions as to allow fire trucks to turn around with no more than one backing movement required. The alignment and dimensions shall be subject to the approval of the Sedona Fire District and the City of Sedona City Engineer.

**Turnout**

A widened area designated as a no parking area, including an aisle for ingress and egress, located parallel to and immediately off the designated travel way, but within the road right-of-way. The ends of the turnout are to be clearly delineated. The turnout may be designed for use by emergency vehicles, such as fire trucks.

**Unrelieved Building Plane**

Any vertical surface, or the projection to a vertical plane of an inclined or curved surface, or wall of a structure that, when viewed in elevation, incorporates no overhangs, offsets, projections, decks, ramadas, loggias, or similar architectural features that would produce shadow patterns or otherwise serve to visually blend the structure into its natural background. Windows and doors do not in themselves provide relief, but if they project or recede a minimum of 12 inches they may be considered as providing visual relief.

**Unshielded Fixture**

Any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

**Uplighting<sup>397</sup>**

Lighting placed or designed to throw illumination upward.

**Vertical Articulation<sup>398</sup>**

Breaking down a building façade into vertical modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

**Watercourse**

A creek, stream, brook, wash, arroyo, channel, or other topographic feature through which water flows intermittently or perennially. The term may include specifically designated areas in which substantial flood damage may occur.

**Watt**

The unit used to measure the electrical power consumption (not the light output) of a lamp.

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<sup>397</sup> New.

<sup>398</sup> New.

## **Attachments, Part 2:**

2. Revisions to Section 5.6 – Landscaping, Buffering and Screening; removes the Wildfire Mitigation standards as a mandatory provision (Section 5.6F), with additional related edits to Section 5.6.

## 5.6. Landscaping, Buffering, and Screening

### Commentary:

This section consolidates related material from Articles 9 and 10 and updates existing standards. As with other parts of the development standards, we have converted any guidelines that are carried forward from Article 10 into standards. “Should” has become “shall” for any text that is carried forward. We also have introduced several standards that offer increased flexibility for small lots, redevelopment, and infill projects. This section also introduces a new procedure allowing the Director to approve alternative landscape plans in some circumstances that would otherwise not comply with the requirements of this section.

This section also ~~reflects changes so that landscaping requirements are not contradictory to~~ ~~introduces new standards derived from principles and practices identified in the International Wildland-Urban Interface Code (WUI Code) and “Firewise” practices. To minimize that reduce~~ the risk of wildfire damage to property and the loss of life, ~~these new—standards establish appropriate plant spacing and maintenance standards for areas close to buildings.~~

### A. Purpose<sup>119</sup>

The City recognizes landscaping, buffering, and screening as important components that contribute to Sedona’s sense of place by:

- (1) Blending the built and natural environments to ensure the natural landscape remains the dominant feature of the city;
- (2) Preserving the natural landscape and ensuring the use of native plants to retain the unique character of Sedona’s landscape;
- (3) Conserving water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate;
- (4) Realizing the environmental benefits of landscaping such as: storm water retention, recharging groundwater, retaining soil moisture, preventing erosion, and mitigating air quality, water pollution, dust, noise, heat, and glare;
- (5) Improving the appearance of development to protect and enhance public and private investments and property values;
- (6) Establishing an attractive streetscape that contributes to the character and appearance of the city;
- ~~(7) Reducing the risk of wildfire, which may include practicing Firewise principles, and/or application of the Wildland-Urban Interface Code; and~~
- ~~(8)~~<sup>(7)</sup> Providing screening to minimize the visual impacts of some types of facilities, structures, and equipment.

### B. Applicability<sup>120</sup>

Unless otherwise exempted by this LDC, the standards of this Section 5.6 shall apply when:

<sup>119</sup> Replaces 910.01. Revised to reflect staff recommendations.

<sup>120</sup> Replaces 910.03. The current LDC requires all public, quasi-public, office, commercial, duplex, multifamily, conditional uses, conditional rezonings, and mobile home parks to comply with landscaping standards. We recommend limiting the applicability of this section to developments subject to the standards in this subsection.

**(1) New Development**

- a. A new primary structure is constructed;
- b. An existing primary structure is relocated on the lot or parcel;

**(2) Expansions and Enlargements<sup>121</sup>**

- a. The gross floor area of an existing structure is expanded or enlarged by 25 percent or more; or
- b. There is a change of use of the existing building that requires an increase of off-street parking by 25 percent or more; or
- c. Any expansion or enlargement of a structure or land use that requires a Conditional Use Permit, as determined by the Director.<sup>122</sup>

**(3) Self-Initiated Improvements<sup>123</sup>**

Major parking area improvements are made including, reconfiguring, reconstructing, or other similar projects. Resurfacing, re-striping, or similar projects are not considered major improvements.

**(4) Exemptions in the OS District<sup>124</sup>**

Property in the Open Space (OS) zoning district shall be exempt from Section 5.6.C, *Minimum Landscaping Required*; Section 5.6.D, *Minimum Rear and Side Lot Buffers*; Section 5.6.B(7), *Alternative Landscaping*; and Section 5.6.G, *Landscape Area Use and Maintenance*, **Error! Reference source not found.** but all other standards shall apply.

**(5) Overlapping Requirements<sup>125</sup>**

- a. In the event one or more landscaping standards in this section conflict one with another, the Director shall determine which standard shall prevail.
- b. In the event two or more landscaping standards overlap, the same landscape treatment may be counted toward meeting the requirements of both standards.

**(6) Landscape Plan Required<sup>126</sup>**

- a. A landscape plan with designed landscaped areas shall be submitted with all development applications where landscaping, buffering, or screening is required pursuant to Section 5.6.B, unless the relevant decision-making body determines that compliance with the provisions of this Section 5.6 can be demonstrated without the use of a landscape plan.
- b. A landscape plan may be combined with other required application materials if compliance with this Section 5.6 can be demonstrated in the combined materials.
- c. The landscape plan shall show existing trees drawn to scale and proposed trees at maturity.

<sup>121</sup> Carried forward from 910.03.B. New standard in (c) would give the Director the authority to require projects requiring a Conditional Use Permit to comply with this Section.

<sup>122</sup> New.

<sup>123</sup> New.

<sup>124</sup> Previously 910.03.B. Did not carry forward exemption for single-family residential uses as new standards for single-family residential are proposed in this section.

<sup>125</sup> New.

<sup>126</sup> Standards in 910.04, *Landscape Plan Submittal and Review*, will be relocated and revised as part of Part 3, *Administration and Procedures*.

**(7) Alternative Landscaping<sup>127</sup>**

**a. Alternatives Authorized**

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions and illustrate how compliance with the standard(s) from which a deviation is sought can be achieved to the maximum extent practicable. Conditions justifying approval of an alternative landscape plan include:

1. Natural conditions, such as watercourses, natural rock formations, or topography;
2. The likelihood that required landscaping material would not achieve the intent of the ordinance at maturity due to topography, placement, or other existing site conditions;
3. Unique lot size or configuration;
4. Infill development or redevelopment on small lots;
5. The presence of existing utility or other easements;
6. The potential for interference with public safety;
7. Preservation of natural vegetation; or
8. Other situations where strict adherence to the buffer or landscaping standards in this LDC are determined impractical by the Director.

**b. Alternative Landscape Plan Approval Criteria<sup>128</sup>**

The Director may approve alternative landscape plans that do not meet the specific requirements stated in this Section 5.6, when the Director determines that the alternatives meet all of the following criteria:

1. Are consistent with the purposes of this Section 5.6;
2. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;<sup>129</sup>
3. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
4. Provide equal or superior visual appearance of the property when viewed from a public right of way.

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<sup>127</sup> New.

<sup>128</sup> Replaces 910.05.O. Added specific qualifying criteria for when alternative landscaping may be considered.

<sup>129</sup> City staff is preparing a list of plant species that are allowed and prohibited in Sedona, including invasive species.

## C. Minimum Landscaping Required<sup>130</sup>

### (1) Site Area Landscaping<sup>131</sup>

Any part of a site not used for buildings, parking, driveways, walkways, utilities, or approved storage areas shall be retained in a natural state, reclaimed to its natural state, or landscaped pursuant to the standards in this Section 5.6.

### (2) Street Frontage Landscaping

#### a. Frontage Landscaping<sup>132</sup>

Except in Single-Family Residential and Open Spaces zoning districts, a landscape area shall be established along all streets between the public right-of-way and any buildings, parking lots, loading areas, storage areas, screening walls or fences, or other improvements in association with any use, in accordance with the following:

1. Any area within a required front and street side yard that is not occupied by improvements associated with the primary use shall be landscaped;<sup>133</sup>
2. The required landscape area shall be planted at a minimum rate of one tree and three shrubs per 400 square feet, ~~except for areas regulated by Section 5.6.F, Wildfire Mitigation Standards;~~<sup>134</sup>
3. The Director may approve variations to the required landscaping area and plant density requirements pursuant to 5.6.B(7).<sup>135</sup>

#### b. Parking Lot Screening Adjacent to a Street Frontage<sup>136</sup>

Off-street parking areas in multi-family residential, mixed-use, and commercial development projects shall be screened from all frontages facing a public or private right-of-way, exclusive of driveways, according to the following standards:

1. A landscape buffer a minimum of five feet in width planted at a minimum rate of one tree and three shrubs per 400 square feet; or<sup>137</sup>
2. A landscaped earthen berm a minimum of three feet in height with a slope no greater than 3:1; or<sup>138</sup>

<sup>130</sup> Did not carry forward 910.05.N requiring building perimeter landscaping.

<sup>131</sup> Previously 910.05.A. and 910.08. Replaces 910.06.B which requires all areas of commercial and multifamily developments exclusive of vehicular use area or building footprints to be landscaped. Did not carry forward 910.05.I requiring undeveloped landscape area in multi-family districts to be landscaped.

<sup>132</sup> Replaces 910.05.G and 910.05.H. and 910.05.L.

<sup>133</sup> Current standard requires the OP, CN, C-1, and C-2 zoning districts to provide a minimum 10 foot landscape area, the remaining required front setback area can then be used for parking or other site improvements. The largest front setback found in the new zoning district line-up is 15 feet. Section 910.05.L requires that all non-developed areas between the street frontage and either the building or vehicular use area must be landscaped.

<sup>134</sup> Previously 910.05.L(1). Replaced current ratio (200 square feet) with 400 square feet per staff's request. Reduced plant density will minimize fire risk.

<sup>135</sup> Replaces 910.05.L(3).

<sup>136</sup> Replaces 910.08.A and 910.05.M(1) and 910.05.L. We recommend providing the applicant with several options for parking lot screening. The current LDC has conflicting standards. Section 910.05.M(1) requires a 4-foot landscape buffer. Section 910.08 allows for a combination of a berm, landscape buffer, or a decorative wall. Section 910.05.L requires a landscape berm or decorative wall. We also added an opaque continuous evergreen hedge as an additional screening option.

<sup>137</sup> Reduced plant density requirement from two trees and five shrubs per four parking spaces to one tree and 3 shrubs.

<sup>138</sup> We recommend limiting the slope of a landscaped berm to 3:1 rather than the current standard of 2:1. This would allow for easier maintenance of the area and result in less water waste.

3. An opaque decorative wall a minimum of three feet in height with openings six to eight feet wide to allow passage of bicycles and pedestrians from the street into the parking area; or
4. Any combination of the above screening treatments.

**c. Landscaping in a Public Right-of-Way<sup>139</sup>**

1. Prior to the installation of landscaping within the public right-of-way, an encroachment permit from the appropriate public authority owning or controlling such right-of-way shall be submitted with the landscape plan.
2. Maintenance, including weed control, of landscaping installed within the public right-of-way shall be the responsibility of the installer/owner or lessee/contractor.

**(3) Parking Lot Landscaping**

Landscaping is required to reduce the visual impacts created by parking areas in multi-family residential, mixed-use, and commercial development projects.<sup>140</sup>

**a. Parking Lot Screening Adjacent to a Residential Zoning District<sup>141</sup>**

Off-street parking areas in mixed-use, commercial, and industrial development projects that are located adjacent to properties with single-family residential or duplex dwelling uses shall be screened according to the following standards:

1. A landscape buffer a minimum of 10 feet in width, measured inward from the property line on all sides of the property abutting the single-family or duplex dwelling use, planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet; or<sup>142</sup>
2. An solid wall or fence no less than six feet in height; or
3. The Director may approve alternative screening methods if the intent of this Section is met.

**b. Parking Lot Landscape Islands**

The interior area of parking lots shall be landscaped according to the following standards:

**1. Number of Landscape Islands Required<sup>143</sup>**

- i. A minimum of one landscape island is required for every seven linear parking spaces.

<sup>139</sup> Previously 910.05.J. Reworded for clarity and grammatical consistency. Did not carry forward standard allowing landscaping in the right-of-way to be credited toward minimum landscape requirements.

<sup>140</sup> New.

<sup>141</sup> New.

<sup>142</sup> Staff proposed the same general planting densities be applied for all buffer zones (one tree and three shrubs per 400 square feet); however we have concerns this would not be sufficient landscaping to provide an adequate buffer. Requires further discussion. The proposed standard carries forward the current planting density requirement; however, rather than requiring two evergreen trees and three shrubs per 25 lineal feet, we have used the "per square foot" methodology (10 foot wide buffer x 25 lineal feet = 250 square feet).

<sup>143</sup> Previously 910.5.M(2). The "Alternative Landscaping" subsection above will allow the Director to make deviations from the standards. Did not carry forward provision allowing the Director to allow landscape islands for every nine consecutive parking spaces.

- ii. Every other parking aisle shall be separated by a landscape island with a minimum width of five feet (or seven feet where vehicle overhangs are permitted) that extends the full length of the parking row.<sup>144</sup>

**2. Landscape Island Size and Location Requirements<sup>145</sup>**

- i. Landscape islands shall be sufficient size to accommodate required landscaping.
- ii. Landscape islands shall be provided in parking areas along the ends of parking rows, adjacent to lot lines, and used to define the location and pattern of primary internal access drives.<sup>146</sup>

**3. Landscape Island Planting Requirements**

Exclusive of perimeter landscaping and street trees, landscape islands shall contain a minimum of one tree and three shrubs.

**4. Landscape Island Tree Requirements**

A minimum of 75 percent of the required parking area trees shall be deciduous canopy-type shade trees.<sup>147</sup>

**5. Exemptions<sup>148</sup>**

Properties that meet the following criteria shall be exempt from the landscape island requirements in 5.6.C(3)b:

- i. The parking lot is located in a rear yard and contains 20 or fewer spaces; or
- ii. The parking lot is located in the Uptown Entertainment Overlay District.

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**D. Minimum Rear and Side Lot Buffers Required**

**(1) Where Required<sup>149</sup>**

To mitigate the impacts of significant differences in property use, size, or scale, landscaped buffers shall be provided along rear and side lot lines where a multifamily or any non-residential land use abuts:

- a. A single-family residential zoning district; or
- b. A property containing a single-family residential dwelling or duplex dwelling.

**(2) Exemptions**

- a. Rear and side lot buffers are not required between properties that are separated by a street or drainage way.

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<sup>144</sup> Previously 912.05.J(4).

<sup>145</sup> Replaces 910.05.M(2). Did not carry forward minimum landscape island size requirements (five feet by 14 feet). Instead, staff proposed the landscape islands be sufficient size to accommodate required landscaping.

<sup>146</sup> New.

<sup>147</sup> Replaces 910.05.M(2). This revised standard strengthens existing language requiring that 75 percent of parking area trees be deciduous shade trees. Did not carry forward standard requiring shade trees to provide a mature canopy diameter of 25 feet.

<sup>148</sup> We propose increasing flexibility to encourage infill and redevelopment and to maximize the amount of available on-site parking.

<sup>149</sup> Replaces 907.02.A, 907.02.B, and 907.02.C. Current standards require screening when adjacent to a "single-family district." We propose changing this to a single-family residential dwelling and duplex dwellings.



- b. Areas with sidewalks, walkways, multi-use paths, vehicle access, or other improvements allowing access from one property to another are exempt from buffering requirements.<sup>150</sup>
- c. Rear and side lot buffers are not required along any portion of the lot line covered by an access easement (e.g., vehicular connections, pedestrian walkways, etc.). In these cases, an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot lines, as applicable.<sup>151</sup>

### (3) Buffer Options<sup>152</sup>

Required side and rear buffers shall conform to one or a combination of the following options:<sup>153</sup>

- a. A landscape buffer planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet with spacing designed to minimize sound, light, and noise impacts on adjacent properties; or<sup>154</sup>
- b. A solid wall or fence no less than six feet in height, the side of the fence or wall facing the residential development shall be at least as finished in appearance as the side facing the non-residential use; or
- c. The Director may approve alternative screening methods if the intent of this Section is met.

## E. General Landscaping Standards

### (1) Landscape Materials<sup>155</sup>

#### a. Native Plant Species

A minimum of 50 percent of the plant species on a development site shall be native species identified in the [Design Manual Reference].

#### b. Adaptive Plant Species

Adaptive plant species identified in the [Design Manual Reference] shall be used for the balance of plant species on a development site that are not native species required in Section 5.6.E(1)a.

#### c. Non-Native and Non-Adaptive Plant Species

The Director may approve the use of plant species that are not identified in [Design Manual Reference], after the applicant demonstrates such plant species have low water usage, are

<sup>150</sup> New.

<sup>151</sup> New.

<sup>152</sup> Replaces 907.02.A, 907.02.B, and 907.02.C. The current standards require a masonry wall, solid wood fence or other suitable screening and/or screen landscaping six feet in height established between these uses and the single-family district, as determined by the Director. The proposed buffer options provide more detail related to the minimum number of plants required and wall/fencing quality.

<sup>153</sup> New.

<sup>154</sup> Staff proposed general planting densities for all buffer zones (one tree and three shrubs per 400 square feet); however we have concerns this would not be sufficient landscaping to provide an adequate buffer. Requires further discussion. The proposed standard carries forward the current planting density requirement; however, rather than requiring two evergreen trees and three shrubs per 25 lineal feet, we have used the "per square foot" methodology (assuming a 10 foot wide buffer x 25 lineal feet = 250 square feet).

<sup>155</sup> Replaces 4.2.2 and 910.05.C. Current standards encourage up to 50 percent of plant material to be native, we recommend stronger language requiring 100 percent of required landscaping to be native or adaptive plant species identified in the [Design Review Manual].

drought tolerant, and freeze resistant. These plant species shall not be substituted for the required native plant species required in Section 5.6.E(1)a.<sup>156</sup>

**d. Artificial Plant Materials**

Artificial trees, shrubs, or plants are prohibited.<sup>157</sup>

**e. Ground Cover**

Loose ground covers shall be contained by a curb, depressed construction, or other suitable alternative to contain the materials within the landscape area.<sup>158</sup>

**(2) Landscape Variety<sup>159</sup>**

Vegetation shown on the landscape plan shall meet the following standards:

- a. For development sites 5,000 square feet or larger, a minimum of five different plant species shall be used in the overall development site landscape plan; and<sup>160</sup>
- b. No one plant species shall comprise more than 50 percent of the quantity of required landscape materials; and

**(3) Minimum Plant Specifications<sup>161</sup>**

All vegetation installed to satisfy the requirements of this section shall meet the following minimum size requirements at the time of planting:

<b>Plant Type</b>	<b>Minimum size</b>
<b>Evergreen trees</b>	8 feet tall <sup>162</sup>
<b>Deciduous trees</b>	2-inch caliper <sup>163</sup>
<b>Shrubs</b>	5-gallon <sup>164</sup>

<sup>156</sup> Replaces 910.05.C. Modified language allowing the Director to approve alternative plant species not listed in the *Design Review Manual*. Plant species authorized by the Director would not be credited toward the percentage of native plant species required.

<sup>157</sup> Replaces 910.05.B and 910.06. Section 910.06 prohibits any artificial plant material and Section 910.05.B on prohibits artificial plant material from counting toward minimum landscaping requirements. Proposed standard does not allow artificial trees, shrubs, or plants.

<sup>158</sup> Previously 910.05.M(3)

<sup>159</sup> Previously 910.05.D. Reworded for clarity and grammatical consistency. Did not carry forward 910.05.D(2) requiring 50 percent of all required trees and shrubs to be evergreen species and the associated native requirements for those species. Firewise principles discourage the use of evergreen species due to their burning properties.

<sup>160</sup> New. The 5,000 square foot threshold is proposed to be consistent with other small lot standards.

<sup>161</sup> Did not carry forward 910.06.A(3) regarding ground cover sizing. Staff is researching the potential for increasing the minimum plant size required at the time of planting. Further discussion required.

<sup>162</sup> Previously 910.05.D(4). Added clarifying language that “evergreen” trees shall meet this height requirement.

<sup>163</sup> Replaces 910.06.A(1). Added clarifying language that standard applies to “deciduous species.” Did not carry forward height requirement, or branch spread requirement. Increased the minimum trunk caliper from 1 ½ inch to 2 inches. Removed language allowing the Director to make modifications to plant sizing requirements. The current standard in section 909.F(3) requires two inch caliper trees.

<sup>164</sup> Previously 910.05.D(5) and 910.06.A(2). Shrub sizing is typically measured in “gallons” rather than height. We propose changing the minimum shrub size required from two feet in height to 5 gallon.

**(4) Protecting Visibility Triangles<sup>165</sup>**

Landscaping shall meet all required visibility triangle standards in Section 5.4.F.<sup>166</sup>

**(5) Protection from Vehicles**

All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops located two feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff.<sup>167</sup>

**(6) Coordinated Development**

Where development is coordinated on two or more abutting sites, or where multiple parking areas are located on a single lot, or on planned development areas controlled by Site Plans, landscaping requirements shall be based on the entire development site, unless otherwise approved by the decision-making body.<sup>168</sup>

**(7) Existing Vegetation Credit and Bonus<sup>169</sup>**

- a. If existing native and/or adaptive species of vegetation identified in the [Design Manual Reference] meet the location requirements and intent of landscaping, buffering, or screening required in this Section 5.6, the preservation of that existing vegetation may be credited toward the landscaping, buffering, or screening materials required by this Section 5.6.<sup>170</sup>
- b. All existing vegetation preserved and used for credit against the requirements for new vegetation shall be protected during construction by a fence erected one foot beyond the drip line of the vegetation or pursuant to the standards in 5.6.H(3).
- c. Preserved vegetation may be credited only one time toward any one buffer, screen, or other landscape requirement.
- d. Shrubs and other vegetation that meet the minimum size requirements in 5.6.E(3) shall be credited on a one-to-one basis.
- e. Trees shall be credited according to the following criteria in the quantities shown in [Table 5.9](#).

Table 5.9 Credits for Preserving Trees	
Diameter at Breast Height (inches)	Number of Trees Credited
25 inches or greater	6
13 to 24.5 inches	4
8 to 12.5 inches	3

<sup>165</sup> Previously 910.09.

<sup>166</sup> Replaces 910.09 and 910.05.L(4).

<sup>167</sup> Replaces 910.05.M(3).

<sup>168</sup> New.

<sup>169</sup> Replaces 909.F. Simplified standards. The new table allows tree credits based on DBH size.

<sup>170</sup> Replaces 910.05.E. and 910.05.K. Added clarifying language explaining which circumstances allow for existing vegetation to be credited toward minimum landscape requirements.

<b>Diameter at Breast Height (inches)</b>	<b>Number of Trees Credited</b>
4 to 7.5 inches	2
2 to 3.5 inches	1

- f. If preserved trees are removed, the applicant is responsible for providing the number of trees that were credited by the removed tree.

**(8) Planting near Utilities<sup>171</sup>**

- a. Trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose. The Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.
- b. Trees shall not be planted within 10 feet of the centerline of a sewer or water line.
- c. Trees or shrubs planted within utility easements shall comply with the standards of the utility provider to minimize effects on facility’s maintenance and repair.
- d. To avoid conflicts, new trees planted near Arizona Public Service (APS) overhead facilities shall be no taller than 25 feet in height at maturity.
- e. All screening and vegetation surrounding ground-mounted transformers and utility pads shall provide 10 feet of clearance in front of access doors, and two feet on all other sides to ensure the safety of the work crews and public during maintenance and repair.<sup>172</sup>

**(9) Stormwater Management Features<sup>173</sup>**

- a. Required landscape and buffer areas shall be designed to serve as stormwater management areas to the maximum extent practicable and consistent with their required locations and vegetation.
- b. Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided the area includes vegetation required by this Section 5.6.

**(10) Water Conservation**

Lawn or turf area shall not exceed 10 percent of the overall landscape area of a project site, except within the 500-year floodplain of Oak Creek as designated by FEMA. The Director may allow greater areas of lawn or turf if it can be demonstrated that the grass species and irrigation methods will not demand high water usage.<sup>174</sup>

<sup>171</sup> New standards. There are several references in Article 10 regarding best practices and recommendations for planting near and under utilities.

<sup>172</sup> Distance requirements taken from <https://www.aps.com/en/globalservices/safety/Pages/vegetation-and-electrical-equipment.aspx>.

<sup>173</sup> New.

<sup>174</sup> Previously 4.3.1.G of Article 10. Current standards recommend limiting the use of turf grass/sod to 10 percent of the project site area. As proposed, all development would be limited to 10 percent turf area. The Director could approve larger areas of turf

## **F. ~~Wildfire Mitigation Standards~~<sup>175</sup>**

~~Remove this section – this will become guidelines instead of standards.~~

### **~~(11)(1) Purpose~~**

~~These standards establish minimum regulations for reducing the risk of loss of life or property from wildfire by:~~

- ~~a. Establishing a natural or man-made area, where vegetation capable of carrying a fire has been sufficiently treated, modified, or removed to slow the rate of spread and reduce the intensity of a fire;~~
- ~~b. Provide a safe area for fire suppression operations; and~~
- ~~c. Slow or prevent a fire from traveling in either direction between a structure and vegetation.~~

### **~~(12)(2) Primary Defensible Space~~**

~~A 10 foot primary defensible space area shall be established on all sides of each building according to the following standards:~~

- ~~a. Placement or storage of combustible materials or vegetation is not permitted;~~
- ~~b. Vegetation located in non-flammable planter boxes or other non-flammable containers a minimum of 18 inches above grade are permitted; and~~
- ~~c. Noncombustible groundcovers and hardscape materials are permitted, such as gravel, marble chips, concrete, and/or soil.~~

### **~~(13)(3) Secondary Defensible Space~~**

~~A 30 foot secondary defensible space within the lot or parcel shall be established on all sides of each building according to the following standards:~~

- ~~a. The 30 foot secondary defensible space shall be increased by one foot for each one foot where the ground slopes more than 15 percent down from the building;~~
- ~~b. A minimum separation of 10 feet shall be established between the edges of tree canopies, measured at maturity;~~
- ~~c. Vegetation and tree canopies, measured at maturity, shall maintain a minimum clearance of 10 feet from any building;~~
- ~~d. Branches within six feet of the ground shall be removed from trees taller than 20 feet in height;~~
- ~~e. Low hanging branches no more than one-third of the tree's height shall be removed from trees less than 20 feet in height;~~
- ~~f. All potential fire hazards including insect infested, diseased, and dead trees and limbs shall be removed;~~

grass/sod in the Oak Creek floodplain area if the applicant demonstrates that the grass species used and/or sprinkler head design will minimize water consumption.

<sup>175</sup> New.

- ~~g. The planting of deciduous tree species is preferred over evergreen tree species;~~
- ~~h. Clustering of shrubs and vegetation is encouraged. Where three or more plants are clustered, a minimum spacing of 10 feet between clusters shall be established; and~~
- ~~i. Planting vegetation in continuous rows or lines leading to the building is discouraged.~~

## **F.G. Landscape Area Use and Maintenance**

### **(1) Landscape Area Use**

Parking of automobiles, trucks, trailers, boats, recreational vehicles, or other motor vehicles is not allowed on any required landscape or buffer area.<sup>176</sup>

### **(2) Landscape Installation<sup>177</sup>**

Prior to the issuance of a Certificate of Occupancy, the applicant shall:

- a. Satisfactorily pass a site inspection by a City Official that verifies the development site complies with the standards in this Section 5.6; or
- b. Provide surety acceptable to the City and equal to 125 percent of the total cost of landscaping improvements in accordance with a written estimate, prepared by a landscape architect or other landscape designer, based on the approved landscaping plan. A signed conditional Certificate of Occupancy agreement with the City shall accompany the surety and estimate.

### **(3) Landscape Irrigation<sup>178</sup>**

All required landscaped areas shall be provided with a permanent and adequate means of underground irrigation. This watering system shall be designed to EPA WaterSense standards and shall water landscaped areas efficiently by:

- a. Incorporating water conservation methods to avoid overspray and overflow onto adjacent parking areas and access drives, sidewalks, buildings and public streets;
- b. Using irrigation controllers with soil moisture sensors that determine when watering is required;
- c. Effectively watering all landscaping through the use of different irrigation zones with seasonable adjustment ability and settings that deliver the minimum amount of water needed for specific plants to thrive;
- d. Grouping plants with similar water needs together;
- e. Installing systems equipped with an automatic shutoff for rainy periods;
- f. Designing systems with a target shut-off date after landscaping is established; and
- g. Posting an instruction guide for the irrigation system that includes the maintenance plan, inspection schedule, and minimum watering requirements.

<sup>176</sup> New.

<sup>177</sup> Previously 910.10. Did not carry forward 910.10.A and 910.10.B related to landscaping installation and issuance of a Certificate of Occupancy.

<sup>178</sup> Previously 910.11 and 910.05.F.

**(4) Landscape Maintenance<sup>179</sup>**

It shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners association or other liable entity(s) of the property to permanently maintain all approved landscaping in accordance with the approved landscape plan.

- a. ~~The National Fire Protection Association’s (NFPA) “Firewise” principles shall be considered in the maintenance of landscaping.~~<sup>180</sup>
- b. Required maintenance shall include regular watering, pruning, mowing, fertilizing, clearing of debris and weeds, removal and replacement of dead plants and repair and replacement of irrigation systems and architectural features.
- c. Any required plant materials not surviving shall be replaced with plants of the same size, variety, and quality as those removed within 30 days of their demise or in the next planting period. This requirement may be waived by the Director if the remaining landscaping on site satisfies the minimum landscaping requirements.
- d. Failure to maintain approved landscaping shall constitute a violation of this LDC.
- e. Maintenance of landscaping within the public right-of-way shall be included, in accordance with the terms of encroachment permits authorizing such landscaping.
- f. All plants shall be allowed to grow in natural patterns. Over-pruning or pruning plants into unnatural shapes is prohibited.
- g. Vegetation shall be selected, placed, and maintained, so that at maturity it does not interfere with utility lines, buildings, traffic sight lines, vehicular parking, pedestrian circulation, and property rights of adjacent owners, and would not significantly damage or create upheaval of sidewalks and pavement.<sup>181</sup>

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**G.H. Tree Preservation and Protection**

**(1) Plan Required<sup>182</sup>**

- a. No existing trees on any lot or parcel shall be removed and no person shall strip, excavate, grade, or otherwise remove top soil from a site without a site development plan, a tree removal plan, a grading plan, or a landscape plan.
- b. The city may retain the services of a qualified arborist as deemed necessary to assist in the review process. The cost of the arborist’s review shall be paid by the applicant requesting the tree removal.

**(2) Tree Removal Plan Requirements<sup>183</sup>**

No existing trees shall be removed from any lot or parcel except those that meet one or more of the following criteria:

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<sup>179</sup> Previously 910.12.

<sup>180</sup> New.

<sup>181</sup> Previously 910.06.B.

<sup>182</sup> Previously 910.07 and 909. The current standard requires submittal of a site development plan, a tree removal plan, grading plan, and a landscape plan. These plan submittal requirements will likely be replaced with the site plan submittal requirements when they are drafted in Part 3, *Administration and Procedures*.

<sup>183</sup> Previously 909.A.

- a. The tree is located in an area where structures or improvements will be placed and non-removal would unreasonably restrict the economically beneficial use of the lot or parcel; or
- ~~b.~~ The tree is dead, diseased, injured, in danger of falling upon existing or proposed structures, abuts or overhangs a building so as to create a potential ~~fire~~-hazard, interferes with the growth of other trees or existing utilities, creates unsafe vision clearance or conflicts with other ordinances or regulations; or
- ~~b.c.~~ The tree is a potential fire hazard.
- ~~c.d.~~ The tree is identified on an adopted city, county, or state list of trees that are invasive species, exotic, noxious, or discouraged tree species for the Sedona area: or<sup>184</sup>
- ~~d.~~ The tree's placement is in violation of the defensible space requirements in Section 5.6.F., Wildfire Mitigation Standards.

**(3) Tree Protection During Construction Activities<sup>185</sup>**

Trees not specifically authorized for removal from a property shall be protected during construction activities to prevent root damage, soil compaction, and trunk damage. The following standards shall apply:

**a. Generally**

- 1. All trees which are to be saved within the construction envelope shall be fenced during construction to avoid compaction of the root system, and low branches from being broken.
- 2. Protective fencing and barriers shall be no smaller than one foot past the diameter of the dripline of the tree to be saved and shall be a minimum of three feet in height.

**b. Exemptions**

Trees within five feet of a structure's walls or trees that overhang a driveway or patio are exempt from this requirement; provided:

- 1. That six or more inches of gravel is placed over that portion of the dripline to reduce compaction damage; and
- 2. It can be demonstrated that construction activities would be unduly hindered by the fencing requirement.

**c. Alternative Protection Procedures**

Other recognized procedures for tree preservation may be approved by the Director.

**(4) Tree Replacement Required<sup>186</sup>**

- a. If any existing trees are removed that do not meet the criteria in Section 5.6.H(2): *Tree Removal Plan Requirements*, new or transplanted trees shall be planted on the property in the same quantity as those removed and shall meet the minimum plant size requirements in 5.6.E(3).

<sup>184</sup> New. City staff is preparing a list of plant species that are allowed and prohibited in Sedona.

<sup>185</sup> Previously 909 and 910.07.C.

<sup>186</sup> Did not carry forward the distance standard of 30 feet from structure's walls (909.E). This standard has been replaced by the minimum planting requirements along building facades. Did not carry forward the requirement of a transplant report from a licensed tree transplant company (910.07.E).



- b. This requirement may be waived by the Director if the remaining trees on-site satisfy the minimum tree planting requirements.

**(5) Disposal of Removed Trees<sup>187</sup>**

Trees that are cut down shall be removed from the lot or parcel within two weeks, chipped on site, or cut and stored for firewood on the property in a manner that does not encourage the propagation of insects or risk of wildfire.

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## H.I. Screening

**(1) Roof-Mounted Mechanical Equipment<sup>188</sup>**

- a. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.
- b. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.
- c. The color of roof-mounted equipment and vents shall be in compliance with exterior color standards in 5.7.I and compatible with the roof or adjacent wall color, screened, or integrated into the design of the structure.
- d. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements when it can be clearly demonstrated that required screening will clearly restrict their efficient operation.<sup>189</sup>

**(2) Ground-Mounted Mechanical Equipment<sup>190</sup>**

- a. Outdoor ground-mounted mechanical equipment (e.g., subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
- b. In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
  1. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
  2. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.

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<sup>187</sup> Previously 909.

<sup>188</sup> New unless otherwise noted.

<sup>189</sup> Previously 907.01.A.

<sup>190</sup> Replaces 907.01.A and 907.01.B. Current standard requires equipment to be painted to be compatible with the surrounding wall color, screened from surrounding properties and streets, or enclosed within a building. We propose replacing those standards with more specific screening options.

## **Attachments, Part 2:**

3. Firewise adoption memorandum from legal staff

**To:** Robert Pickels

**From:** Robert Pollock

**Re:** FireWise Principles Adoption Memo

**Date:** 1/25/18

**I. Questions Presented**

- a. Does the adoption of Firewise principles in Sedona's revised Land Development Code and enforcement of those principles create a duty for the city to protect residents based upon a special relationship created?
- b. Is there a risk of liability to the city if, in the Land Development Code, we identify problems using Firewise principles but then do not enforce these principles?
- c. Is there a risk of a Proposition 207 regulatory taking action against the City of Sedona in adopting Firewise principles and enforcing them if enforcement of principles lessens a property owner's land value in the process?

**II. Brief Answers**

- a. Likely yes. Under Restatement of the Law, Torts § 323, when an entity gratuitously undertakes a service to another, it undertakes a duty of reasonable care in the rendering of that service, and can be held liable for failure to exercise reasonable care in undertaking that service if the receiving party is injured.
- b. Likely yes. Under Arizona common law, even if no service is rendered on behalf of an entity to protect another, the entity can still be held liable if they had previously given notice of a dangerous condition and then failed to remove the dangerous condition, leading to injury.

- c. No. Under A.R.S. § 12-1134, land use laws enacted that reduce “the existing rights to use, divide, sell or possess private real property” and they reduce the fair market value of the property, then the owner is entitled to just compensation from the political subdivision that enacted the land use law. However, this restriction does not apply to land use laws that “limit or prohibit a use or division of real property for the protection of the public’s health and safety,” an exception which FireWise principles, if enforced by the City of Sedona, likely falls under.

### **III. Analysis**

#### **a. Duty of City With Adoption of FireWise Principles**

To establish a claim of negligence, a plaintiff must prove four elements: “(1) a duty requiring the defendant to conform to a certain standard of care; (2) a breach by the defendant of that standard; (3) a causal connection between the defendant's conduct and the resulting injury; and (4) actual damages.” Gipson v. Kasey, 214 Ariz. 141, 143, 150 P.3d 228, 230 (2007). A duty of care is a necessary part of a negligence claim, and is defined as an obligation to “conform to a particular standard of conduct” to protect others from unreasonable risk of harm. Hogue v. City of Phx., 240 Ariz. 277, 280, 378 P.3d 720, 723 (Ct. App. 2016). Duty also requires that the danger of some injury be reasonably foreseeable. Bishop v. State, 172 Ariz. 472, 475, 837 P.2d 1207, 1210 (Ct. App. 1992). Public entities and employees of public entities are subject to tort liability for negligence on the part of their actions, even though there is some qualified immunity given to certain employees in some situations. Hogue, 240 Ariz. at 280. In some situations, a city can create a special relationship, and thus a special duty of care, by gratuitously undertaking a service on behalf of others. This is codified under Restatement of Laws, § 323, as follows:

*“One who gratuitously renders services to another, otherwise than by taking charge of him when helpless, is subject to liability for bodily harm caused to the other by his failure, while so doing, to exercise with reasonable care such competence and skill as he possesses or leads the other reasonably to believe that he possesses.”* Restatement of the Law, Torts § 323.

The person who undertakes gratuitously to provide a service to another is subject to liability for the harm if either “(a) his failure to exercise such care increases the risk of such harm, or (b) the harm is suffered because of the other’s reliance upon the undertaking.” Bishop, 172 Ariz. at 475. When an entity routinely removes, for public safety purposes, a dangerous condition from an area in which they are not required to remove it, or routinely notifies a third party entity about a dangerous condition when they have no duty to do so, they have undertaken a duty to report or remove the dangerous condition and can be held liable for not doing so if the court determines they have failed to exercise reasonable care. Id. The scope and nature of the undertaking “determine the scope and nature of the duty gratuitously assumed,” meaning the person offering to undertake an action cannot be held liable for an extended duty beyond what they have undertaken. Id.

If a city hosts a youth conference and they gratuitously undertake to “supervise and coordinate” transportation used by students to and from the conference, a city may be held liable for a failure to provide reasonable care in supervising and coordinating if there is a factual basis for believing that the danger of some injury is reasonably foreseeable and the injury does in fact happen. Id. In Bishop v. State, the State of Arizona, along with the city of Flagstaff and others hosted a youth conference. Id. The conference ended mid-day Sunday and three students left the conference together. Id. The student who drove was exhausted from the conference, and fell asleep driving, leading to a fatal crash. Id. The family sued the State, among others, claiming that they acted negligently in scheduling the conference so that the activities necessitated a likelihood that the students would be exhausted upon

leaving, and thus more likely to get in an accident. Id. Plaintiffs claimed that this was a duty undertaken gratuitously, and that because of that gratuitous undertaking, and because a foreseeable result of this undertaking was that the students could crash, they had a duty of care to ensure adequate rest time which they breached. Id. The court agreed that there was at least enough that a reasonable jury could find that the state gratuitously undertook a duty to provide adequate rest time, and failed to do so, and thus overruled the lower court's granting of summary judgment on the matter. Id.

Even when an entity provides notice of a dangerous condition, they can still be held liable because of a special duty created by their gratuitous undertaking. McDonald v. City of Prescott, 197 Ariz. 566, 566, 5 P.3d 900, 900 (Ct. App. 2000). In McDonald v. City of Prescott, plaintiff was a motorcycle driver who struck a piece of metal in the road and was injured. Id. The road was within the defendant city's limits and on the state highway. Id. The plaintiff sued the city and state claiming that due to the defendants' negligence in failing "to maintain the highway in a safe condition," the plaintiff was injured. Id. Statutory control over the highway was given to the state exclusively, but the city police often "removed dangerous conditions on the road way" and "informed the State of Arizona of dangerous conditions on the roadway" regularly. Id. The court found that either one of these police activities, including the notification, constituted a gratuitous undertaking of a duty of reasonable care of the highway which made the city liable. Id.

In the case of Sedona adopting language in the Land Development Code talking about FireWise principles and possibly enforcing those principles, the adoption of the language in the code would likely be enough to subject the city to a duty to protect citizens based upon those FireWise principles. Whether the city enforces the principles or only includes language in the code warning about fire safety, the duty would likely be the same. The adoption of the language in the Land Development Code referring to FireWise principles might lead the average citizen to assume that Sedona is enforcing the

principles, whether they are or not, and the average citizen might not perform certain actions to protect their property from fires as a result. Like the court determining in Bishop that scheduling activities right before students leave was foreseeable and that it could lead to exhaustion on the road and a crash, it is foreseeable that a citizen would not check for fire safety themselves as a result of Sedona adopting language about fire safety in the Land Development Code.

There could be an argument to say that by Sedona placing language in the Land Development Code warning about dangers and giving guidelines of fire safety is equivalent to putting the residents on notice of the danger. Like the Prescott police officers placing the state on notice of dangerous conditions on the roadway causing them to have a duty of reasonable care over the roadway in McDonald, the City of Sedona giving notice in their Land Development Code of fire safety principles would likely cause Sedona to have a duty of reasonable care over fire safety according to those principles, whether the city enforces them or not.

#### **b. Adoption of FireWise Principles Effect on Proposition 207**

Proposition 207, codified as A.R.S. § 12-1134, prohibits what is otherwise known as an unconstitutional Fifth Amendment regulatory taking as follows:

*“A. If the existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action **reduces the fair market value of the property the owner is entitled to just compensation** from this state or the political subdivision of this state that enacted the land use law.”* A.R.S. § 12-1134.

A.R.S. § 12-1134 also has a number of exceptions to the general rule that land use laws shall not reduce the fair market value of property owners without just compensation. One such exception is found in part B.1., which states:

**“B.** This section does not apply to land use laws that:

- 1.** Limit or prohibit a use or division of real property for the protection of the public’s health and safety, including **rules and regulations relating to fire and building codes**, health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution control;” A.R.S. § 12-1134.

The law is quite new, so it remains to be seen how case law will play out regarding the statute, but the adoption of FireWise principles, if given enforcement effect and enacted as legitimate laws, would likely fall within this exception to the rule and would likely allow Sedona to encroach upon a private property owner’s land in order to remove shrubbery, trees, etc. if it were in the interest of fire safety and it was imperative for the health and safety of the public to do so. Any reduction in the fair market value of such encroachment on private property owners would not need to be compensated by the city of Sedona if this is the case. On its face, the language in the Land Development Code referring to FireWise principles will most likely be related to public health and safety and should, thus, fall under this exception.

#### **IV. Conclusion**

According to current Arizona common law on gratuitous undertakings, if the City of Sedona adopted language regarding FireWise principles in their Land Development Code, that language, whether enforced or just used as notice, would likely trigger a duty on the City of Sedona for reasonable care to protect citizens according to those FireWise principles, and would subject them to liability for a



breach of that duty of reasonable care. In addition, those principles would likely fall within the exception 2.B. to A.R.S. § 12-1134 relating to public health and safety, and would not require the city to compensate private property owners if removing fire safety items on their property reduces the fair market value of their property.

## **Attachments, Part 2:**

4. Notes from January 23 and 24 Focus group meetings regarding Part Two of the LDC

## Land Development Code Update Focus Group – January 23, 2018

**Participants:** Max Licher, Dave Norton, Tina Allegrezza, Deborah Shehan, Cathleen Baiza, Radhika Jen Marie and Brock Delinski

**Staff:** Warren Campbell and Mike Raber

### Discussion - Development Standards (Part II of the LDC Update draft)

#### Staff's questions:

- Is there something missing?
- Are there some standards removed that should have been retained?
- Are there any standards that aren't clearly understood?
- Each section has a purpose statement; does it seem that it is addressing that purpose?

#### Participants' Comments:

- Page 16, 5.4, 4.B paragraph 4 - We're referencing the MAG specs in here and they are pretty darn good, but since that deals with Maricopa County, is there a corollary in Yavapai or Coconino that would be better as a reference?
- There are a few organizational things that on first blush seem a little more difficult about this. Reading through the Building Site and Design Standards, he didn't find height or color, and that is in back in the Zoning, but height, color and alternate standards should be in the Development Standards, not in Zoning. It would be much clearer; it doesn't change it that much, you have a slightly different height in Commercial zones than in Residential, but that all goes with building design and to have it in the same place would make sense. Zoning is thought of as uses, lot sizes and setbacks; these are building-related requirements.
- There was an intent to blend the three previous pieces that were Residential, Multi-family and Commercial, but it was hard when just looking for one thing, so is this applicable to residences or this or that. There wasn't a clear way to tell, when just looking at a section, which use it was applicable to. Suggested keying every one of these notes to what is applicable in these sections on Development Standards. It wasn't clear where the break was. Understand the goal is to make it thinner, but just being able to go to the residential section for a residential project was easier.
- Article 9, Rules of Construction, what does that mean? If an Article about that remains, call it something else.
- In that same section talking about lighting, it doesn't say "dark sky". It should be everywhere you talk about lighting. Also, it doesn't say it is required; it says updating the Ordinance is a priority. We should require and focus on that.
- "Dark sky" is not defined.
- On page 87, there is a reference to be dark-sky compliant, then it says page 78, but on page 78, it is not found. (It is page 78 of the Community Plan.)
- The boxes should be highlighted; we're supporting the Community Plan with the new Land Development Code.
- Suggestion to title that box, "Sedona Community Plan Reference", and then pull out the page number, section, etc. Call it a reference.
- Suggestion to reference it in more detail; exactly what does dark-sky compliant mean?
- For a dark-sky designation, the Code must comply with their requirements. We need to say not seek compliance; you will comply with it, because we have the designation. The language gives it

an “I would like to, but . . .” If some other City document has a requirement, say the requirement in here or give the reference.

- Regarding the grading and drainage section – there was reference to Engineering Standards and it would be helpful for residential designers to not have to go to an engineering book to know retention or detention and what is required in terms of onsite. It talks about the aesthetics of detention basins, but what is the requirement? It is on pages 9, 10 and 11; it mentions storm drainage facilities and retention basins, but it doesn’t say under what conditions, on a residential lot, a detention basin is needed or not needed. Suggestion is to say detention basins are required in every commercial development or under these conditions for residential and for specific design requirements see such and such.
- On page 10 in General Standards for Grading and Slope Protection, item C is a mistake. It makes things worse where it says, “When you do a vertical cut and get near the top you round it off or slope it back”, but that almost always extends the area of disturbance up the hill. When you go to the top of the hill and cut back, you have to remove vegetation that leaves another scar in addition to the road, and you have impacted more land in a horizontal fashion too. Cuts are fine; the top of cuts being where they end up in the natural grade is fine. This is counterproductive; get rid of C. The intent was to make it better, but it doesn’t work that way in our terrain.
- C is actually in conflict with B. The cut and fill practices shall be minimized; you are adding to, so the two are fighting each other. Recommend getting rid of C.
- On G, in general, he would agree, but it doesn’t hold true 100% of the time. It says on sloped properties, structures shall be designed to stepdown with the existing topography. Shall incorporate stepped vertical massing and plan view offsets, and the intent is that the structure steps down, but sometimes from a distance, it can make the elevation-style, visual mass more. If the structure were up and even on stilts with shadow lines under it rather than a series of whole walls stepping down, from a distance visually, that might actually be less obtrusive than doing this. In general, this helps people stay within the height regulation, but there are always going to be exceptions where the opposite of this will be the better solution. The problem is trying to codify design aesthetics and that is the problem with some of the other stuff later on under building wall planes and textures, etc. where you are trying to assign percentages. It is going to be an administrative nightmare. Suggestion, there might be a way to say that generally this is a good thing. It is a problem that the City has that they have to live with. You make it into a definitive thing, and then the exception comes along and we have to argue the point and it is an expensive way that frustrates the clients, etc. You will never be able to create a simple rule that always gives you the best solution.
- With the solution to save the existing vegetation and land form, then perhaps that needs to be stated more clearly with a reference to the Community Plan, specifically the six key points where they are not. Keeping the Community Plan in mind, let’s be sure to save existing vegetation and here is one way that could be applied if it can be proven otherwise, then that can be submitted in the application.

**Staff’s Questions:**

- Any thought about standards that might be cost-prohibitive?
- Are some of these not in sync with trying to create more affordable housing options?

**Participants’ Comments:**

- In general, the intent stated by Clarion is mostly taken into account. There was a lot of trimming, clarifying of the ambiguity, but there are a few Sections and Articles that pertain to each other

that state almost different things. Because this Land Development Code is largely in support of the Sedona Community Plan, it should reference that more throughout. Likes that most of the images were removed and there is clarity with Clarion's statements and input, but would suggest more reference to the Community Plan.

- Are you saying that within the Plan the six major outcomes will change?
- Page 10, look at the layout. Section 2 at the bottom has nothing to do with grading, the little two-sentence paragraph and the note under it really belongs on the next page. A person copying out of the code could then get it all on one sheet. As we look at the final product, those are things to look at in the layout for usability and readability.
- Thought storm drainage related to grading and slope, so it wasn't out of place there at all.
- Within the Community Plan, one major outcome is economic diversity, housing diversity and community gathering places and if we have a code that literally builds our town, then it needs to be in support of the Community Plan. They have to be a little more in sync, so she would like to have more reference to specific major outcomes. Gathering places is not touched on in our Code at all. Another big piece of the Community Plan is Sedona is a place of sustainable and natural beauty. It touches on it in trees and landscaping, but because Sedona is a historical town founded on orchards, maybe there could be something that mentions that if you are going to do deciduous trees, why not fruit-bearing trees, nut-bearing trees. To merge the two, she would like to see a little more of a marriage.

**Staff's Question:**

- Does the section on Access, Connectivity and Circulation address connectivity?
- Does the draft address in-fill and redevelopment?

**Participants' Comments:**

- Regarding page 15 and the driveways that should be resurfaced, does that include residential or is that commercial only?
- There is a general set of requirements, then some specifics for those fronting 89A, plus additional for residential and a section on non-residential that are additional to the general. Under non-residential, there is Section B, which is general driveway standards, so it is confusing overall.
- If you want general things, then have residential and non-residential and maybe the specific things for driveways fronting 89a, but don't repeat something called general standards under non-residential, when you already have a general category.
- The goal should be to have a document that is useable regardless of your knowledge. What applies to what is the key.
- We need to nurture connectivity more, and there should be more strict regulations on noise in regards to motor bikes and big trucks. Going into Section 5.4, it covers public transportation and it is common sense that hour public transportation isn't going to be big and loud, so . . .
- Have a reference to the City Code that applies to noise. Possibly on page 12 in A.2, connecting neighborhoods to each other and local destinations. Within that concept, we are connecting everything.
- Suggestion in #6 where it says to improve air quality, so why couldn't noise be incorporated in there.
- Suggestion to have a new #7 and make the list 11.
- The west side of 89A is the most largely used area in Sedona in terms of traffic and our vision is clean air and clean water, and their garden seating is on 89A, so sometimes you can't hear the

person speaking to you. The idea is connectivity and circulation, so is there a way to cut down on the traffic in that area?

- Comments about the loudness of the OHVs. They do not meet the Noise Ordinance that is in the City Code now, but there is no will and backbone to enforce what they've got.
- Regarding pedestrian and bike traffic, doesn't know how to get more people to do that. There is a beautiful bike lane everywhere, but half of the time they are on the sidewalk, which is illegal.
- Off-highway connectivity things help to create an environment for people to make that choice. Alternate connections for bikes and pedestrians that traverse terrain around instead of up and down big hills; it tends to put people off to ride up the big hill in West Sedona.
- Plant more trees along SR 89A to create more shade, then it is a more desirable place to ride a bike.
- What has been done about connectivity is a good start.
- Could bike lanes be put down Sanborn for those that don't want to go cruising down SR 89A like in Bend? There are no sidewalks in the neighborhoods, so they can't ride on that either.
- The UK, Holland, etc., they had a budget top provide bikes. You could get on one, ride it across town and leave it in another spot, so it is accessible for anyone else to use and that encourages connectivity.
- Page 18, is visibility triangle referring to residential? If this is general, maybe it should say general applies to all. Put the general stuff together and then break out the specifics.

**Staff's Question:**

- Regarding 5.6, Landscaping and Buffering, page 58 is Wildfire Mitigation Standards would not be mandatory, and we are no longer requiring the planting or preserving trees near buildings and we are reducing the plant density requirements. Wanted thoughts on that.

**Participants' Comments:**

- Get rid of this entire page. If people aren't required to retain trees next to the buildings and they opt to design for defensible space, you could have projects with no trees. Unless you further restrict the lot coverage on a big mixed use development or commercial, so there has to be some native land left. With currently lot coverage, it is a recipe for an aesthetic and environmental disaster in town. It is on the commercial and mixed-use projects that you can have much higher lot coverage than on residential.
- Are you saying someone could cut down all the trees and say it is for fire mitigation; she read the opposite. If that happened they would have to plant X amount.
- If they don't plant within 30 ft. of the structure, they don't have the room on a lot.
- Like he heard at a Council meeting the other day, why have guidelines if they have no teeth?
- Let the Fire Department make that suggestion and keep it out of the City completely. It is sort of a mixed message. If you want to be Firewise do this, but it is contrary to all of our other environmental goals.
- We are at a point in culture that it becomes a liability and if you force someone to keep that tree near their house and something happens, they could sue the City, which is not appropriate, but if you put together a brochure that doesn't have teeth, but you are still recommending, a number of people will do that and it will slowly eat away at the character of the community.
- Everything else in this Article talks about how you can plant, etc., and then there is this section on fire that says you can cut everything down and that is okay. Take it out; it is completely contrary to everything else.

- He gets that it is too much liability for the City to require that replanting at this point in the way that people behave.
- Don't we have some responsibility to parent some people; there are people that are lazy that don't trim trees that are clearly dying and that is a problem. As a resident, she feels responsible that if you are not going to do this, we have it written that you need to have this done, because you are compromising not only you, but your neighborhood. It says potential fire hazards; we shouldn't remove that, because there are people that don't take care of their plants.
- Regarding page 59 on irrigation, you don't have an issue with any live irrigation that is being irrigated. The issue is things like tumbleweeds and dry landscape that isn't irrigated. The real wildfire threat is external to this town, and the town is creating so much moisture from irrigation, it is not really an issue, unless someone is burning under a dead tree, but that is not allowed, so it is already remedied.
- It says can; you want it to say dead trees must be taken down.
- A tree is only dead if it is two-years dead. Most trees have so much life in the roots; it is dead when it has been classified by a professional.
- You can trim those down though until it really goes south.
- Suggestion to discuss it at a higher level as to whether you make that a requirement on the dead trees or not.
- On page 59 regarding landscaped area use and maintenance, does that apply to residential development or commercial only? Number 3 about incorporating water conservation, etc., there are a lot of particulars in there that someone has to know how to design and someone in the City has to know how to review, etc. Maybe they would be good guidelines, but seem hard to administratively manage without wasting a huge amount of money. They are good ideas, but from a bureaucratic administrative and user-friendly sort of a thing, are you requiring someone to demonstrate this in plans that need to be reviewed?
- You are not taking into account waterways and areas that might already be over or under watered.
- Who does this apply to? If you are going to require something you have to be able to administer it, so someone on staff has to know all of that.
- It says you shall water landscaped areas by . . . , and then it says using irrigation controls with soil moisture sensors, and he can point out a thousand that don't have those sensors. That is a whole different technology and people need to understand that and you shouldn't have the sale of any other in the area.
- You have to have the sensors changed every year.
- For water preservation, it is a good thing and many basement leaks are traced to a broken irrigation system.
- Still on page 58 in 3.G, it mentions the planting of deciduous species is preferred over evergreen, but maybe we shouldn't have preferences in the Code. It either needs to be that this is the Code. Say if you are going to cut down a dead juniper, you need to plant a deciduous in its place, and she would say put a fruit-bearing tree there to restore Sedona's cultural heritage and grow food.
- Firemen like that, because conifers are high in volatile oil and they burn like crazy.
- Agree in general that fruit trees and that heritage is great to encourage here.
- Those aren't native to the area, and if you take out something that is native, you are going to change the look of the hillside from junipers and mesquites.
- They are not native; junipers and mesquites are the result of several hundred years of drought, but native are deciduous trees; this is a riparian area. The junipers, mesquites and catclaw are a

byproduct of the desertification we've done. We can't even call something a weed, because it is a plant you don't want, like the dandelion that is food to others.

- In general, there are plenty of introduced plants that are fine, but there is a handful that is a problem and should be paid attention to. When you get into large lots, the current native look is worth trying to preserve. When you get closer to the urban core and small lots, it is far less important to preserve a juniper versus planting an apple tree. It is a relative thing and you could create a zoning map about that.

**Staff's Question:**

- Comments regarding parking?

**Participants' Comments:**

- It looks like you have slightly reduced the amount of parking required for retail, like one per 300 versus one per 250, and reducing parking footprint in general is good and if we can move towards more transit, pedestrian connections and bicycles, we won't need as many parking spaces and can preserve more open space or allow higher density. That is moving in a good direction.
- His partner was advocating for some car-free development sites for people who didn't own a car, so you had no parking requirements.
- The City is taking a very responsible approach, because the City has built its infrastructure in a way that there is a highway and an area that is quite limited as to how much parking is around, and as a business owner, parking has always been an issue, but it is a great problem, because it means that people want to come to their business.
- On Inspirational Drive until two months ago, there was enough off-street parking for eight cars comfortably, and the City just made it three spots instead of eight. Why are we reducing our parking?
- Regarding mapping the in lieu fee in Uptown, you are almost talking about a parking district then. That makes sense where you are actively creating truly public-owned parking spots and you can use that to offset. In the future, if it makes sense to create some parking district or public parking in West Sedona, then maybe that same type of thing extends. The in lieu fee can contribute to something, but for you in West Sedona, it can't create a parking space close to your business now. That is the wave of the future.
- On page 39 regarding the height of a parking structure, it said that it wouldn't exceed the height of the principal building, so how high is that?
- You would have to go to something that you don't have, but it is 22' for residential and 25' for commercial.
- What is the covered parking behind Burger King? It is horrific, dark, dank, unsightly, so hopefully that is not the vision we are going to if we did some kind of structure. It should have solar on the top, even on the parking in Uptown; we should have a cover on that with solar and it would protect the cars.
- Have charging stations there.
- There will be parking structures, and they can be designed better in the future. Burger Kings' isn't too high; it is tucked down in there and that is part of its problem, so they can't have open light on the other end.
- Is there going to be any requirement for public charging facilities, because that is the way we are going. We need to think about that and have spaces, because it is difficult to create after-the-fact. If there is a new parking facility, that needs to be incorporated.



- Page 40 regarding motorcycle parking, 30% of the total permitted compact spaces may be motorcycle spaces; that is overkill.
- Page 29, looking at the top 2/3 of the page, everything under a number of spaces isn't formatted the way the other list is. A lot of that stuff is use type and the spaces are mixed with the use type all in that one column; it only happens on that one page.
- That's old code and that will all be gone.
- On page 27 in the single-family residential, you have two spaces per dwelling unit typically, but where you have really big houses with more than six bedrooms, then you have them add an extra space for each bedroom over six, and that is fine. Usually a house that big will be on a big enough lot that you can usually get three spaces off of the street instead of two, but now that state law allows private houses to be rented, even a four-bedroom house could have four different couples with four cars and start negatively impacting neighborhoods. If someone is going to do that, they need to register the business with the City and they may need to provide extra spaces. If they can't provide more spaces, then they can't rent their house to that many people.
- It isn't that family's problem; parking is a community issue, but that is a little more personal as to whether they rent out three or five of their bedrooms. We don't really have the diversity of housing available in the whole City that the City knows we need, in order to have a balance of working class with tourism, etc., so we need to look at it more like a community, and the City needs to be asking how we can provide an ample amount of parking for a growing City that was incorporated in the '80s and pieced together. When you build your city you have an idea in place with commons and parking areas, etc., and Sedona has not been that. They have that concept to a "T" in Europe. We need to think culturally and big, big picture.
- It goes beyond this Code, because it leaps into how the City manages the nightly rentals in residential, and that is a community issue that needs to be discussed. He doesn't know how your legal hands are tied or what you can require, but from an ethical and community standpoint, people choosing to do that should have to get a business license and contribute their bed tax. Otherwise, it is an unfair advantage to the commercial people doing it and the whole point of single-family zoning is so when people buy in an area, they are in a neighborhood of people and not nightly transients.
- The thing about affordable housing and actual low-income rentals in guesthouses or mother-in-law bedrooms or apartments is something that the City was encouraging, then the state law made it difficult, because it made it more profitable for people who rent it nightly. All of that rental stuff went away, and that is bad for the community.
- Understand that statute was changed because of a group in Sedona that forced that issue; he has the names. He was part of the anti-group, because he owned vacation rentals elsewhere. There were people here that didn't like all the restrictions, so they went to the state legislature and got the law changed. That came from here, because of the ordinance, so beware of what you wish for.
- The question is how do we work around it best? There still might be some way to require people to make sure they are not overly impacting the neighborhood.. There is nothing wrong with doing it if people are respectful and not over parking the streets.
- It is a business, and there are certain things businesses have to do, and nobody is saying we should say no, but there has to be some sort of pathway to follow.
- With some really big homes, you might need to require more off-street parking.
- If you make that requirement, the Goldwater Institute will be right down your throat with some kind of challenge, and it couldn't be retroactive, so . . .
- On 5.5, she wants to reiterate that West Sedona has more traveling cars than anywhere else in Sedona and she likes that we are looking at Uptown issues, but with more cars in West Sedona,

that means we have more cars parking in West Sedona. Multiple people park at Whole Foods and have to cross the street to go to businesses. West Sedona also needs to be looked at for parking.

- That will probably come up in the CFA planning, but He doesn't think just requiring every business to have enough parking onsite on a major thoroughfare creates a positive urban experience. It creates classic strip development, which is why we are trying to get away from that, so there does need to be a collective way of looking at it.

**Staff's Question:**

- Any questions or concerns about the section on Site and Building Design?

**Participants' Comments:**

- This is another example that he can figure out, but it is less than forthcoming on pages 69 and 70 – Residential Additions. If it is less than 50%, only certain sections apply, and if it is more than 50%, then all of it applies. He is not sure why he is not liking that, but it is a gut feeling.
- If you are going to pop all the way up to 78 or 79, the whole thing about building massing and building articulation, there is an attempt to codify a bunch of this stuff that is ultimately arbitrary and will result in a lot of consternation on the designer's end in trying to make sure they are meeting all of the different percentages, and if the design doesn't quite meet it, we will be arguing that in front of P&Z or with staff. It just seems that it is setting them up for a lot of wasted time and effort.
- One example is on page 78 in C.2, it says that in plan view, the largest single building mass shall contain no more than (audio unclear) % of the total footprint, and the largest two together shall contain no more than 80% of the building footprint. In general, maybe that is a good rule of thumb, but it is the sort of thing where there might be like an old lodge and it is just one big simple form, but it is articulated with nice materials and to have to break it up, based on these percentages, may just . . . it seems arbitrary. You can create a good design without adhering to that. These are like "Design for Dummies", someone who doesn't get design well and you are afraid they are going to screw up, and this may be a way of cookie-cutting something together that will be less obtrusive than one big box, but it is overly restrictive.
- That building articulation thing was gobbledy-gook on pages 79 and 80.
- On Page 77 in A.2, page 78 in B.2 and in C.3, they all say the same thing. One is for single-family, one is for Multi-family and one is for Commercial. If the minimum depth is 6 ft. and 100 sq. ft. is acceptable as an offset, put that in a general thing and don't repeat it three times as long as you make it clear that it applies to all.
- It is confusing when you can't decide what is Commercial and what is Residential.
- Suggestion is that Max Licher work with staff on the language to make it understandable for the industry as well as the City's needs.
- Rather than design by Code which is massing, articulation, etc., if you just eliminated all, would you get horrible submissions? We're used to dealing with the largest unrelieved building plane for a while and seeing three masses; he doesn't recall percentages before, so he is wondering if just saying you shall have three masses and the offsets is enough, so you don't have to give percentages. When you get into these other things, the whole building articulation . . . (Interrupted by request to explain "three masses".)
- In the long term, when do you plan on having this stamped and when do you project it going into action?
- Will this go retroactive and address homes that may not be compliant?

- We talked about all of the ingress and egress on SR 89A and SR 179, would you have a stronger arm there? Thinking visually as well as all the ways coming in and out.
- In working with ADOT on SR 179, they will grant a curb cut to anybody instead of directing the traffic to go around the roundabout. It is a mindset and they don't see the issue.
- Is Part I of the redraft still open for comments?
- It says the Wireless Communications is currently being revised as a separate project, so how does she get on board with that?
- The group got divided into two, when is the other group meeting? Will there be meeting minutes or notes? Will Clarion review that?
- If you need further comment from us, for example, we don't have a solution for the parking issue, do we go from here to a wider public audience?
- This is a very particular thing; it is a Code and you are talking about at the planning level, but it is a whole different thing that this can't really address.

*End of meeting*

## Land Development Code Update Focus Group – January 24, 2018

**Participants:** Luke Sefton, Jessica Williamson, Susan Culp and Rob Holman

**Staff:** Warren Campbell and Mike Raber

### Discussion - Development Standards (Part II of the LDC Update draft)

#### Participants' Comments:

- Did you say you recreated land uses or zoning land uses? There won't be C1 and C2, it will just be C? What other designations do you have, Residential and Multi-family? What is RS10a and RS10b? So, you are trying to keep it simple.
- Is your ultimate goal to have Commercial, Multi-family, Residential Single-family, and Residential Multi-family?
- Where do duplexes fit into your zoning? Could there be more flexibility or is single-family kind of sacrificed, and therefore, you can't do anything to permit . . . Duplexes are not the same as the 48-unit apartment building, but you are just working on that right now. It has a lot of connotation or it is very political and contentious, but I would like it to be considered and if it is too toxic to touch, fine.
- The only neighborhood I'm familiar with is mine in Harmony Heights, and he is looking at those one-eighth acre lots picturing a duplex on there; the lots are not so deep, but they are wide enough and you could have entrances off of Sanborn. Could you say a certain amount of dirt is needed, so if two lots became available, could you put in a triplex?
- A duplex is different, because they can be made to look like single-family, but three begins to be more of a multi-family issue.
- When we talk about Community Planning Areas, we could recommend duplexes in some portion of it, and then know that you would have to go ahead and make the amendment. That is still a possibility, but the level of opposition is really important. You don't want to poison the whole process by creating a firestorm, as opposed to just a little smoldering.
- Was encouraged to see the cluster Subdivision provision in the Land Development Code, which is a move in the right direction and wondered if it could incorporate some sort of density bonus as a way to encourage that plus mixed-use and multi-family, like duplexes.

#### Staff's Questions:

- Is there something missing?
- Are there some standards removed that should have been retained?
- Are there any standards that aren't clearly understood?
- Each section has a purpose statement; does it seem that it is addressing that purpose?
- Was the format easy to follow? Was it organized well and clear?

#### Participants' Comments:

- Not having read this very far, because of not knowing that much about the applicability, what about permeable materials, is that a requirement here for surfaces? On page 45 in 5.5 Surface Materials number 6, it says colored concrete, asphalt or approved surfaces, so they don't seem to be permeable. CVS did it.
- That was my question too and how those might be incorporated.
- Why is permeable only an option, what would be the disadvantage of making it. . .?

- An answer to dealing with the storm water is permeable material, so that may be less expensive if you are running out of land, so it is an option that could be used, but concrete permeable is really expensive, and then decomposed granite, which is an inexpensive option, but is really hard to maintain.
- So, there is no good permeable material at this time that is cost-effective and maintained.
- The school on Posse Grounds used to have the block, but with the traffic, they could never get the grass to grow out of it, so they finally replaced it.
- Those are good points; as long as it is not there yet, there is nothing to say. Doesn't know about strengthening the language, because these are good technical issues. It sounds like the permeable material isn't there yet to be affordable.
- It is not affordable; they make pavers with bigger gaps in them, but those pavers are expensive – about three times more expensive than doing asphalt.
- It is an option and that was the concern; just making sure it was in there.
- Wanted it to be stronger, but if the technology isn't there, it isn't there.
- When you are running out of land and you have to put in a detention basin, you know put in some type of permeable pavers, etc., is an option, but decomposed granite just . . . developers want to do it because it is less expensive, but then every time it rains, it creates maintenance needs.
- One question is in combining Commercial, what is happening with the Office Space (Office Professional). The Office District is always kind of a weird one. When explaining that to people, they kind of look like. . .
- As to the format, it is really clean and clear. It is pretty user-friendly from her perspective. She likes it; it is a good change.
- It's very nice.
- In terms of sustainability, has this been reviewed by any of the groups interested in sustainability? Looking at the permitted colors and reflectivity, etc., which have sustainability aspects to them. It is the reflectivity that is exactly the opposite of what is intended here, so one of the goals, when we first started this was to make this a document that went in the direction of sustainability.
- Has any group committed to sustainability looked at this? As long as the input is . . .
- The trails certainly are a big step forward; really liked the idea of the trails.
- Back to the question about color and reflectivity, this isn't changed, and the reason is . . .
- Other people have talked about at least roofs.
- For a town as small as Sedona, you don't have as severe an urban heat island issue here, which is why you would use reflective surfaces to help cooling. There is so much vegetation here and you are surrounded by National Forest land, so it is not an urban. . .
- It is not necessary.
- Color is important for sense of place, etc.
- In terms of reviewing the Land Development Code Update for sustainability, she is sort of doing that for her client. The one right now is Friends of the Verde River who has retained her to help them look at land use planning in the Verde Valley, and how it is connected with water and what we could do to reduce demand for water, and improve sustainability generally.
- Talking about circulation; parking is right in there. That was brought up at the Council.
- Regarding 5.4G, are you talking about pedestrian, bicycle or . . .? Riding a mountain bike on the Chimney Rock Loop and cutting through that guy's yard, and he wrote a letter asking if he would be interested in selling a 10ft. chunk, after the Federal guy closed down the trail and everyone jumped over the other guy's fence that created the illegal trail that is going through his land – the very north part of that. The guy that came from the Department of Interior that built that home and closed down that bypass they used to get us off of the Chimney Rock Loop trail to Dry Creek

Road, then Dry Creek Road would get us out there. Their daughter rides Dry Creek Road; it is a dangerous road if you have ever ridden it on a bicycle. I hold my breath for 10 minutes.

- How far do you guys want to go on that, because at the top of Chimney Rock, you have a 15' or 20' spread of wilderness that you are not supposed to ride your bike on, and when you drop down the other side, if you were to throw some money at the trail system, you could create an access trail to get you out there to Upper Lizard Head, which then would get you all the way off of the road. That would be a citizen benefit for everybody, especially if you live in Harmony Heights and hike or bike, you can get out there to Devil's Bridge without even hitting asphalt.
- So, the non-residential section is all about commercial? The two points were that they had access to that lot for so many years; no one ever said anything, and it was grandfathered in; they couldn't close it off. He was wondering if you could do that to some of these empty residential lots where people could cut through?
- Don't know what you would do on a wilderness area; you have like a 20 ft. swath and that is it. He doesn't know why they would give you an easement, but it is wilderness.
- There is a whole study that he thinks Mike and or Audree worked on years ago; isn't there a citywide trail plan?
- An updated pedestrian plan would alleviate a little bit of the traffic problems we have. In the spring crawl, we could ride our bikes and walk; we don't have to take the (audio unclear).
- The western hikers are really big and do a lot of the hiking improvements, and there is a biking association.
- The Westerners, and then you have the Verde Valley Cycling Coalition and the Red Rock Trail Fund, but that is designed just to collect money and give to the Forest Service to enhance and maintain trails. The Cycling Coalition is looking for mountain bikers and the Westerners are looking for hikers, but when he rides his mountain bike, 50% of the hikers hate him. It doesn't matter if he is nice to them or not; they won't even say boo to him. You already have that animosity between those two groups, so to put them together is going to be very. . .
- The Verde Valley Regional Economic group is doing a Verde Valley Economic Plan and he pulled up the Verde Valley study done on interconnecting all of the trails in the Verde Valley, and he had them put that in there.
- He hasn't looked at the Western Gateway project, but the Forest Service is going to reroute a couple of trails out there, so you can get down further from the Cultural Park, which has some pretty steep steps in there. Those are good things, but the Marriott came in and dumped all that money for Skywalker, Scorpion and Pyramid, so as far as commercial development he agrees, but would like to get residents involved too.
- To get the community involved, it would probably be a community planning process. It is not a separate check to create an updated trail plan.
- On the Commercial, to do the connectivity, there are some times that you just can't, and maybe at some point, although he hates to do that to developers. You say instead of or if it is too costly, they do something to go towards connecting other trails in the City as a credit to something. You probably know like the other half of Taco Bell; back when they were trying to get accessibility to that, they zoned it as a used car parking lot. That was the use allowed within the zoning, but ADOT would say no access, the neighbors were saying no access, but since you don't have access, we will buy your property, because it is worthless, so there was a lot of that going back and forth, and in trying to deal with the neighbors and doing that, it would have solved a few issues, but they wouldn't have. . .
- You could do an in-lieu fund, but also the neighbors used it to kind of. . . If they see that as an opportunity for them to squeeze a neighbor or say you can't do it, don't do that.

- One thing she really likes in Kachina is that little path from Kachina behind the library; it is a little walking path, and that is what she would really like. She would walk a lot more if she didn't have to walk on the streets. Is that part of what this trail contemplates? Specifically, a trail system for pedestrians and their dogs that keeps you off of the streets. She doesn't ever walk to Safeway, because she is not going to walk on SR 89A, but she likes little cut throughs that make it interesting to walk somewhere, where you are not walking on a street. Is that a contemplation of what the trail means?
- You can't really put anything more specific other than what you've got, until you have that kind of trail network planned out.
- CFA is under six trails, but the trails are basically, for the most part, going to require it on private property, so it is a huge. . .
- Doesn't see how we could do it like from your home to Safeway with all those trailers, but a new development, especially when you are talking about big areas, then you are going to run into places downstream like Soldiers Pass has around parking and going to Tea Cup and all of that other stuff up there. Residents don't want them there once they move into town, so it is going to be interesting.
- Used to live in Kachina long before Thunder Mountain was in, etc., and now you can do it all on residential streets. Some of those streets, you might not want to walk on, but we have a lot more connectivity and we're slowly moving that more.
- Sanborn needs sidewalks.
- A lot of the subdivisions originally were built and designed so they were self-enclosed. They didn't connect on purpose; does this now require that they connect or can they still be built as little enclaves in and of themselves? Thinking of the controversy with Rolling Hills. . .
- You still could build a gated community that doesn't connect with anybody else, and what does a connection "where it needs to be made" mean? Just thinking of Rolling Hills and the big thing about second means of egress, and the fact that they don't want anybody on their private streets. So, it still provides for private streets, but it still has to be kept up to a standard that allows. . .
- Is there a mechanism now where, like by Brewer, the private streets are basically un-travelable now, so is there a way to have a program to have private streets where people want it come to the City in whatever form they are in, and we will maintain them, but in return we require something from them in terms of connectivity or something like that?
- As a way to increase connectivity proactively, say that we will take it over and you don't have to bring it up to grade, but you have to provide connectivity.
- It would be really costly for the City to have to . . .
- That depends on how important of a goal this is.
- There are a lot of communities that have substandard streets and a lot of them maintain them and deal with that. You are never going to get the City's standard on any of those streets; it is just not going to happen and a lot of those streets were here before the City existed. Communities grow or their standards change, so they have substandard. Just to give an example, recently with Les Springs, which is all private streets, after 30 years, they were looking to repave it and they did a couple of bad treatments a couple of years ago, so his recommendation was to grade it and do a million in paving, and it is going to be \$600,000. They tried to find a coating, but that previous coating added problems and the paving has stayed really well; it has lasted over 30 years and usually after 20 if you have maintained it.
- It is just an idea to increase connectivity, maybe in one instance.
- You may not be able to do a lot about what is already out there, but to discourage it going forward.

- Take advantage of an opportunity for connectivity that might arise, and agreeing that acceptance of it might come at a cost of providing connectivity. It is obviously not something that would work everywhere in the world, but it is a tradeoff in a situation; what works in terms of traffic management.
- Regarding parking, it sounds like a real good approach.
- I like the in lieu.
- The only problem with the in lieu is what are you going to do with it? The only structure is that Chamber deal, and he doesn't know if the Chamber is going (audio unclear). How long would it take for you to . . .?
- Prescott put in a parking structure behind Whiskey Row and once you own it, you realize you can go in there and go in the back of all the shops.
- As far as the in-lieu fee, for 500 sq. ft. of space and if you can't have more parking spaces, every 500 sq. ft. of space of a rental or building along SR 89A? So, if we have 50% of the parking available, you would have them come up to 50%. A smaller unit might be \$100 per unit; bigger would be \$150 per unit. What is it going to be a couple thousand bucks?
- \$30,000 a parking spot!
- What do you do between the gap when people have developed their entire site and don't have parking, and when the parking is put in?
- As an idea, why don't we go where the Fire Department is going to be knocked down and put a parking structure right there?
- With two or three models, can you get this and say parking structures can go to four levels?
- He knows the tourism business, and as many hotels as you guys are looking through, you've got the Residence Inn coming in and now you have two or three others coming up, and then all of the other HomeAway and Airbnb. Traffic – we are going to have issues and they are only going to get worse.
- Likes the idea of buying out and it is going to be expensive. Some parking; they went back and looked at other national standards and studies that are up-to-date on this, because from just dealing with Mariposa, he did more parking, and it is frustrating, because he had more parking than required, but staff said you are only required this many, because it takes up open space, but the owner is saying if we are only required to put in 64, why are you putting in 86. He said they are going to need it, and then the expense of it, so he was in this Catch-22 with the owner saying that is going to be expensive, and then after it opened; they are filled. They want to put more tables, and they have more parking than what was required. Hillside, he has been there when it is just packed, but there is a lot of mixed-use, so it flows a little more, but they get packed in there. To one extent, it kind of says okay, I'll go to another place, so sometimes the parking balances itself out. If there is no parking, you go someplace else. He doesn't know the answer, but with restaurants, it seems to be a little under parked. The timeshares are always packed and they have the required parking, but others have done ghosted parking and don't seem to ever be filled up. It is hard to tell, and that is why he asked if standards were there.
- When you brought up the parking and in-lieu fee, there are a lot of properties being redeveloped or can't be redeveloped that . . . There is a little hotel in Uptown and a few of those places that the current Code, if they want to rebuild, they are not doing that, so you have a 50-year-old building and a lot of buildings are like that where they are not going to rebuild. He doesn't know what is going to happen with the old KFC that just had the fire. A lot of the current Codes to bring things up to standard prevent redevelopment.
- Even in West Sedona, some of the buildings are getting old and they want to rebuild them, but they know that as soon as they do, they lose half of their building.



- Why was there a maximum that you couldn't park beyond 30% more than the minimum – so we would just reduce the amount of unused parking spaces?
- On larger chains like Oreganos, that whole corporation studies their parking and they know exactly how many spaces they need, and that is how they evaluate price. Where the City might require more parking, they see they need less than there are, and they will say they need more. A lot of the bigger companies have that down to a science and it is very profitable for them.
- I have no opinion on that; I have no idea.
- Regarding Wildfire Mitigation Standards, people could not clear their trees. So right now, people can't just chop their trees down when they build?
- Has the Fire Department done a comprehensive look at the City and where the properties are that are at most risk, which probably would be those on the fringes more so than in the center of the City, and if there is a plan to look at those differently?
- When the Fire Marshal was talking at the Council meeting, part of what he got out of it was how well is it working? When you have a forest fire coming in, it just rolls over the whole . . . and there is no. . . so, where does that really make a difference? It is like in Flagstaff where you have a house out in the National Forest and you clear cut your lot, how well does that save your house? Then pretty soon, we have the whole forest cut down and houses are there. When he built his house and called the insurance company, they said you have to do Firewise and clear cut all vegetation around your house within 30 ft. He was 10 ft. away from the landscaping and they said 30 ft.; that was their interpretation and he couldn't convince them otherwise. He went with another insurance company and it was lower insurance. His house is in Wilson Canyon and his other house is in Cottonwood on the Verde River and some kids started fires down there and the Fire Department had to come in on 4-wheelers, but he is glad you are removing it.
- He is from Montana and he doesn't see enough fuels, but he doesn't see the fuels in California either. He doesn't see enough fuels in the surrounding area to have a fire that would burst through town and burn 90% of the structures.
- You mean like they did in California in Ventura?
- He is unfamiliar with Ventura, so he doesn't know what it is like, but he doesn't see the fuels around Sedona with the junipers being so scattered and somewhat healthy and not very much grass on the ground. He was in Bozeman, Montana when Yellowstone burned, and that is like 100 miles away from the fire, but they could see the glow of the fire on the clouds and the devastation was incredible, but the fuels -- because they don't forest, there were standing dead trees everywhere. The combustion was huge, but he doesn't see that here; he doesn't see that much standing dead trees or fuels on the ground. He understands from home to home, three or four homes; he can see that happening pretty easy, but he can't see 90% of the homes in town.
- Some of it is the nature of the fire and the wind, etc., but anything required to clear cut is probably just a bad idea on the face of it.
- There is a whole level to it; it is not clear it. They talk about different levels of landscaping, but the interpretation is a lot of times that you have to clear cut everything.
- Well that is the simple answer; that is what we always do.
- One of the harder things is to keep your gutters clean, because if you get a spark with a bunch of needles in the gutters.
- Masonry or tiles work better too.
- Is there anything where building materials are addressed in this like a preference for asphalt or metal roofs versus anything that is combustible?
- He has been there 21 years on Dry Creek Road and SR 89A and your maintenance always stops on the other side of the street, so across the road at Pinon, because you did all of that between the

sidewalk and the curb with all that red crushed rock all the way, but not on the other side of Arroyo Pinon you never touched his side, so under Section 5.6C - C-2, Maintenance including Weed Control with Landscaped Installed, what happens when it's not installed in his situation. He has never done anything between the sidewalk and curb, because he was always told that is ADOT's responsibility, so he never pushed his landscaping over to that, but is this now saying that he can with permits. It is page 52 and it is talking about landscaping in public right-of-way.

- The problem would be that it is ADOT's property, not the City's.
- If the City did all of it just on the other side of Arroyo Pinon from him, maybe all the way from Arroyo Pinon to Soldiers Pass, but they never wanted to go from his place up to the high school. He doesn't know what problem ADOT would have unless he had something tall.
- ADOT requires you to have a permit; he has done a few of them, and he is sure the City has a permit.
- Can you just extend your weeding and everything, he knows this isn't even the right department, up to Upper Red Rock Loop Road is what he would really prefer? He has those yucca plants in front of his place and they are about 15' to 18' tall. He's never touched them in 21 years. He has done from the sidewalk to his building, but he hasn't done the sidewalk to the curb, which is only 3', and ADOT has signs in there and some really ugly plants they need to get rid of.
- See the red rock where the lady is on the other side, and then the other side is all the gravel and dirt. You stopped at Dry Creek Road. Why? Everything stops there for some reason.
- It's not developed enough above there; it is really you.
- You have Relics and all those subdivisions up there.
- But the Subdivisions are actually back from the road.
- Across the street you have a little park that is probably maintained by the City, and then when they did all of the sidewalk improvements, did they do that? Yes, but they probably stopped there.
- It goes almost back to that sign, but most of that is in ADOT's right-of-way, because it is where the telephone poles are. The other question is when are you going to finish burying those power lines?
- APS took the grant away; they paid 50%, and then they took it away.
- What did we have, a mile left?
- We had the hardest part left – all in front of Harkins, that whole thing.
- Isn't it from Walgreens to his place? Past Relics it goes down, doesn't it? You guys just don't like me.
- It goes all the way down; you would have 15 or 20 people who would have to give their approval to have it done around Harkins and that area.
- Would love it if those babies were gone.
- It is very, very expensive.
- Is there a reason to not include like approval of xeriscape strategies in the landscaping code? She didn't see mention of it, and there was like some requirements for certain density of plants.
- What is xeriscape?
- Xeriscape is using low-water use plants, which is mentioned, but then also combining it with rock or gravel, other things to reduce water use.
- Like most of the homes in this town.
- The new Marriott by Upper Red Rock Loop Road has done a really good job, but she is not sure they would even meet some of the standards for the number of bushes and plants that you have to have.

- On the opposite side of that, have you thought about reenergizing that effluent line anymore? That effluent line from the plant back to town. The park and schools now own turf, but you get away from recharging all of that stuff. With the high school going into turf, it is even less, and that would have been a lot. When we did our place, that is the reason we put in grass, because we were told that we were going to be able to tap into that effluent.
- Like having water rights.
- It made a lot of sense, because the only place that you could really do it is along SR 89A, because there is no other infrastructure for it, so you have his place and a couple of other places. The high school is gone and you can't get it to Posse Grounds unless you dig it up.
- It would be way too expensive.
- It wouldn't be worth it; that is the whole problem.
- You've got Sunset Park; that's off of the highway.
- You can't get it to Sunset Park either.
- Cottonwood decided to do the Riverfront Park, put in a wastewater . . . it is going to be \$16 - \$17 million and there are still pumping solids up to the plant and treating it there, so they got no use, but they do get the water -- \$16 million for 100,000 gallons per day to get gray water.
- Some issues with Arizona Water Company too is competition, but that can always be resolved. They have the right to sell water in the area and he thinks that was one of the questions that came up at the time.
- The thing he understood was as soon as it goes out of the tap, it is not theirs anymore; it is yours, so when you resell it or the City charges us to take it; it is not drinkable water and that is the whole thing.
- It will be soon enough; you will be drinking that water. It is actually the real solution to the water problem in the desert, which no one wants to accept yet.
- Until they make beer out of it and convince people it is a good idea, it will be tough. The Storm Water Management, do you have more detailed design standards or thought about low-impact development in storm water design practices? I brought some stuff to share with you, if you want to take a look at it. She doesn't know if you want it in the Code; you may want it somewhere else as a companion.
- In Section 9 on page 57, it was just requiring landscape and buffer areas and areas that meet the requirements, but there wasn't a lot of detail on what that meant and what it would look like, and how low-impact development strategies might be incorporated.
- A lot of times when you are doing storm water design, you really try to do that and incorporate it into the landscaping.
- There is a lot you could do though like with curb cuts and how it channels towards infiltration areas and detention basins.
- Now if you have a lot of best management practices when you put that together; there are a lot of different ones.
- Artificial trees, shrubs and plants are prohibited, which is fine, but around issues of lawn or turf, there is some reasonable artificial turf options available, and you may not want to necessarily prohibit those if people want to incorporate them in as a water conservation measure. When we lived in Phoenix, our neighbors put in artificial turf and it looked pretty good, and then they would just go out once in a while with a leaf blower and blow it out, and it was perfectly fine.
- Thinking of buying a couple of artificial bushes to put up by the garage, because there are planters there and he doesn't have a green thumb, but he would like to have the greenery there.
- On 57, lawn or turf shall not exceed 10% of overall landscaped area, which is good, but if people want to use more and fake grass that looks good . . .

- Therein lies the . . .
- Some is available now that is pretty durable.
- I might choose the ugly turf and you would have to look at it all day long.
- You would want to have something to keep people from putting in the ugly stuff.

**Staff's Questions:**

- Regarding Site and Building Design, does this draft include the appropriate standards and is there anything that should be included that hasn't been?
- How many of the standards apply to redevelopment?

**Participants' Comments:**

- If something is destroyed by fire 50% or more, they have to meet the new standards.

**Staff's Questions:**

- In the next section, the question will be how does that conform with our non-conforming section?

**Participants' Comments:**

- Often there is a lot conflicting between engineering and planning, and you get into this tennis match or you have to try to get staff in two different departments to figure it out, and that leaves a lot of the public in limbo.
- Would your goal be flexibility as where you would like to end up?
- There is no way to rate the encouragements, and they are antithetical, so how do you make it X and Y; you can't anticipate all of those.
- Regarding the fake rock, the materials are getting a lot better. It is like with the fake turf; it is improving. You don't want cheap fake rock, but there is some nice.
- That is always the challenge with these documents. If it is in for another 20 years, you know there is going to be technology that improves a lot of this stuff. She likes the exceptions; she likes the flexibility, but she can't tell you. . .
- Regarding pages 83 and 84, she doesn't see anything immediately, but you might want to combine it if you do an analysis with the Fire Marshal on where the highest risks are and homes in that area are encouraged to use non-combustible materials or replace them when they are at particular risk. Having it be like a blanket part of the Code would just apply to too many homes where it wouldn't be relevant, but there are areas where you might want to have something about it.
- Regarding the use of mirror-reflective surfaces, he is doing a project now that is trying to do very mirrored glass, but the idea is to reflect the environment, and a couple of examples are you seeing the reflection of the vegetation around it, but on the other hand, you have a big building that is all glass-mirrored, but here it is supposed make the building more invisible.
- What do you feel about faux logs? That is a product he is looking at in Montana; Now they are making concrete log homes for fire retardation, and there is no maintenance; they are beautiful. You can't even tell that they are concrete. There is some faux rock that looks really darn good, and it is about 30% to 50% of the cost of real rock.
- At Westfork, that whole rock wall right at the hairpin turn; it was expensive at the time, but that whole retaining wall is faux rock.
- The question of whether or not part of your fire protection would include the ability to use one of those things, which is totally flame-resistant. Is that provided for in here?
- A concrete house?

- Yeah, that wasn't there. Concrete, rocks, logs, and God only knows what else there will be in time.
- Regarding straw bales without the insulation, in Albuquerque, they have a lot of really big thick walls there. Is that prohibited by our Code? Okay, it is just very expensive; no one is going to do it.
- Is there any provision around water features and reducing water consumption and water features through recirculation or other strategies? They are only mentioned once on page 83, and she doesn't know that there are a lot of water features in Sedona that you really need to worry about. It doesn't seem like an area where people do a lot of wasteful fountains or anything like that.
- Didn't the Barking Frog have water and Biddles used to have that fountain thing too, because it used to freeze.
- It was just a question as to if there was some incorporation of some water conservation language around the use of water features. Maybe this isn't the place where you talk about that; maybe it goes back in water conservation in the landscaping section, where you mention if the project is incorporating a water feature these are some of the best practices that are encouraged.
- On lighting, you have a prohibition of floodlights; are you talking about a regular floodlamp that you stick on a wall? There are some areas in his hotel and they are all downward, but they are trying to illuminate steps or a curb. It is on page 90 – prohibited lighting types. Is that a fixture or in some areas for public safety, you might need to consider. . . He had a woman going in and out of her room and in the middle of the night, she hit that curb and fell on the baby – not good. He put in the floodlight, so they are probably not compliant, because he has one there at the end of the wall on a curb that he can't move. There is no shielding, but it is all downward. It is not a big searchlight, but he didn't know if that was the same category.
- The only other thing in lighting, is as accidents do happen, there should be some consideration, because when they did their expansion with Roger Eastman, they had a bunch of complaints from older people that couldn't see at night, and then the responsibility comes to him and he says he can't put any more lights in, because the City won't allow him too, so he doesn't know what you do, but it is something to consider . . . to maybe put in a downward shielded floodlight or something. Once your concrete, asphalt and foundation are in, you can't really do much more wiring. It is what it is and you guys probably won't catch him, so . . . My site will never be atrocious, because we try to follow the guidelines.

*End of meeting*

## **Attachments, Part 2:**

5. Additional public comment on Part Two of the LDC, also including landscaping comments

**Mike Raber - LDC Update**

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**From:** Brian Sinnott <BrianSinnott@msn.com>  
**To:** "mraber@sedonaaz.gov" <mraber@sedonaaz.gov>  
**Date:** 1/30/2018 12:35 PM  
**Subject:** LDC Update

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Hi,

I placed the same language as below in the Comments section on-line of the Proposed LDC, but received a error code when submitting. If this is a repeat of that information, please excuse me for filling up your email box unnecessarily.

I am concerned with the use of "shall" in section 5.6 – Section F - (4) "Landscape Maintenance", and the referral to the previous section of Section F (2) "Primary Defensible Space". The word "shall" can be determined that the 10' Defensible Space and 30' Defensible Space "shall be established", will result in mandates either by the City or by HOA's utilizing the City Development Plan language interpretation. Our community, Les Springs, has been divided on this issue of a mandated 10' and 30' areas would be detrimental to some property values. I am in agreeance with the new insertion in section G – (4a) there is now latitude to allow individuals to implement Defensible Space, but the above mentioned "shall" in section F could allow HOA mandated enforcement of the 10'/30' guidelines with the City's blessing and possible enforcement. If this position was adopted, many HOA's could certainly diminish property values in areas where vegetation, regardless of its proximity to the home, would reduce the home's appeal and privacy. I agree that the Development Standards should allow for Defensible Space if an owner so desires, but the insertion of "shall" seems to take a mandate position, rather than optional position.

Thanks

Brian Sinnott

**Mike Raber - comments on LDC update**

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**From:** J something <sedonalandscapedesigner@gmail.com>  
**To:** <mraber@sedonaaz.gov>  
**Date:** 7/22/2017 10:23 AM  
**Subject:** comments on LDC update

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**To city staff and Clarion Associates regarding the updates to the LDC:**

**As a landscape design professional and contractor who works often within the City, I have a few comments regarding the LDC as it is currently written and hopefully can be addressed during the update process.**

**Article 909 Trees – Contrary to Article 910 Landscaping which specifically exempts single family residential development, it is not clear whether Article 909 Trees applies to both single family residential projects and commercial projects. It also states “ Existing trees on a lot or parcel shall be preserved” without clarifying the intent is to preserve (presumably) native trees.**

**For context, I frequently remodel existing landscapes around a residence. Often I am asked by homeowners to remove native trees so as to improve their views. These trees are usually native Pines and Junipers left intact during the original development of the home. If the LDC does not specifically exempt single family homes from applicability, then it could be construed so as to apply. In the spirit of enforcing the Community Plan and intent of the Design Review Manual, removal of native trees for the purpose of opening up views should not be allowed other than otherwise permitted.**

**Regardless of whether staff applies Article 909 to both residential and commercial projects equally, paragraph E is contradictory to paragraph A which stipulates preservation. Paragraph E allows native trees to be removed that are 30 feet away from the development provided the removal is mitigated with replacement trees. However, it allows these replacement trees to be “adaptive species” as listed in the Design Review Manual Plant List Appendix. Such trees include Mimosa and Crape Myrtle which are clearly more ornamental in character compared to native indigenous species.**

**A definition of the term “tree” should be added if this section on trees is to be retained. Also, a statement of the intent and purpose of the section should be added to help clarify the**



**interpretation of the language. Allowing adaptive trees is inconsistent with the intent of tree preservation and preservation of habitat for the benefit of wildlife, etc.**

**Lastly, is it currently allowed for a homeowner to cut down a perfectly healthy mature Pine or Juniper tree for no other reason other than to improve the view of the red rocks? If the City has policies of environmental preservation and sustainability, why not apply those policies to be enforced through the LDC and applicable to all residential projects. Is there concern over private property rights and over reaching regulations by the City?**

**On another topic, and in keeping with the sustainable Sedona policies, why not have regulations pertaining to rainwater catchment systems? The city of Tucson requires new commercial projects to incorporate rainwater catchment systems. If Sedona is so committed to being considered a leader in sustainability, not to mention boasting about its Dark Sky Certification, why not get on board and implement some regulations that either require them or offer incentives to homeowners.**

**The LDC should clearly articulate which sustainable practices are being implemented. Adding rainwater harvesting systems to the zoning districts as a permitted accessory use should be added. The engineering manual could provide alternative design options and specify whether a permit is required or exempt.**

**John Leslie  
Chapel area resident**

**Mike Raber - Re: LDC update - Focus Group**

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**From:** Brock Delinski <brock.delinski@gmail.com>  
**To:** Mike Raber <MRaber@sedonaaz.gov>  
**Date:** 1/23/2018 6:34 PM  
**Subject:** Re: LDC update - Focus Group

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Hi Mike,

I just got back from a hike with my dog, which is where I do most of thinking and here are some thoughts about our meeting this afternoon.

Longevity and environmentally sustainability.

One takeaway I had from the entire meeting was that of longevity. How far out are we looking at when updating the code. For example like one of the other people said are we thinking about electric car charging stations being required in new parking structures or car parks? In just a few years time electric cars are going to be the norm and then retro fitting all these new buildings with stations will be way more expensive then adding them from the start.

I think we need to decide how far out we want to project so the code remains viable for years to come. Public parking, public transit depots or stations, bike lanes, bike paths. I'm not saying I have all the answers just some ideas. But we don't want to only focus on our problems right now and then be caught with our pants down in 5 years with a new problem either directly because of the code or due to poor foresight.

I really thought the idea of trying to consolidate people and their cars to areas and then have them rent bikes, segway rentals, electric bike rentals, then have public transit stations that could move them from say uptown to the safeway complex and do the whole rental process over again.

Building codes

I'm not sure how this relates to the code updates but where are we at on encouraging alternative building practices? Things like straw bale houses, rammed earth, shipping container homes, earth ships. I know that right off the bat most of the HOAs probably have things restricting them but those cc&rs were written in most cases before cell phones existed! I think we have an obligation with Sedona's new push towards sustainability to look into these new building practices and see where they work and where they don't.

Straw bale homes for example are fire proof,as are shipping container homes. In turn this would help alleviate the whole fire wise non sense. Also both are far more energy efficient. I'm not suggesting we bulldoze everything and build whole neighborhoods with straw bale homes, but I think its something we should think about for people that want to build environmentally friendly. If we are really looking to take Sedona down a sustainable path we need to look at how we build things from the ground up. The materials we use and require people to use when building.

Could we include things like water conservations when building? Things like rain water harvesting, or gray water recycling? I'm not sure where this falls either but its worth mentioning.

What about the materials themselves when building? I'm sure you know about all the chemicals in just about every product that goes into building. From formaldehyde being in plywood and all sorts of nasty chemicals in insulation is there anything we can do to curb that? Maybe giving some sort of incentive to use alternatives? Recycled denim is a new product turned into insulation and it has higher R values than standard pink panther insulation.

I think this is all for now but I'm sure more ideas will come to me in my sleep.

Thanks for putting up with my rambling!

Thanks again for all that you do!

Brock

On Thu, Jan 18, 2018 at 2:52 PM, Brock Delinski <[brock.delinski@gmail.com](mailto:brock.delinski@gmail.com)> wrote:

Hi Mike,

I will be there.

Thanks,

Brock

On Jan 18, 2018, at 8:39 AM, Mike Raber <[MRaber@sedonaaz.gov](mailto:MRaber@sedonaaz.gov)> wrote:

Greetings:

Thanks again for participating in a focus group for the Land Development Code update. We will meet on Tuesday, January 23 at 2:00 p.m. in the Schnebly Conference Room in the Community Development Department at City Hall (102 Roadrunner Drive, Sedona). Please plan on about two hours. Please let me know if you can't make it. Thanks!

The purpose of the focus group is to provide the City's consulting team and staff with feedback on the draft Development and Subdivision Standards that have been developed as Part 2 of the LDC update.

In preparation for our meeting on Tuesday, attached are some points to think about that will help with our discussion. This is not meant to be an all-inclusive list but one that will help focus the discussion. I have also attached the draft Development and Subdivision Standards here in case you do not have these. You can also visit the City's LDC website at: [www.SedonaLDCupdate.com](http://www.SedonaLDCupdate.com) to review the draft Development and Subdivision standards (Part 2 of the LDC update), make comments, or to review other draft documents from the update and to learn more about the LDC and the update process.

Please let me know if you have any questions.

Thanks again!

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Michael Raber, Senior Planner  
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Be a fan on Facebook: [www.Facebook.com/CityofSedonaAZ](http://www.Facebook.com/CityofSedonaAZ)

Sedona City Hall is open for business Monday through Thursday from 7 a.m. to 6 p.m. and closed on Fridays. The Municipal Court and Wastewater system maintenance remain on a Monday through Friday, 8 a.m. to 5 p.m. schedule. Police and maintenance services are not impacted.

<LDC update Focus Group Questions 1-23, 24-18.docx>

<Sedona\_LDC\_Development Standards\_PUBLIC DRAFT\_4web.pdf>



**Mike Raber - RE: LDC update - Focus Group**

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**From:** "Joel Gilgoff" <joel.gilgoff@gmail.com>  
**To:** "'Mike Raber'" <MRaber@sedonaaz.gov>  
**Date:** 1/23/2018 10:02 AM  
**Subject:** RE: LDC update - Focus Group  
**Cc:** <joel.gilgoff@gmail.com>

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I reviewed the 131 pages as best as I could – it generally looks good and well presented. I will not be attending today's meeting. I have a few comments:

- 1. From the document:** Site design shall respond to the following standards:

Development shall be avoided on odd-shaped lots, at prominent intersections, on sites with unusual topography, and in areas with prominent views identified by a CFA.

**I don't think the above is possible – You can't deny the right of someone owning an odd shaped lot from fully utilizing their property.**

- 2.** Structures and access shall be designed and located to fit into the topographic contours of the site, minimize disturbance of sensitive areas, and preserve geologic and natural vegetative features. Natural vegetation, significant rock outcroppings, and existing landforms shall be retained to the maximum extent practicable. Flexibility and creativity are encouraged in designing development around existing features.

Site design shall maximize the use of disturbed land for roads, parking areas, or structures.

**I don't think the above is possible for residential property –**

- 3. Why are Federal, state, county, or city projects or structures exempt from the public art standard?**
- 4. Using different colored fonts and diagrams for sections of the code relating to residential property vs. multi-family residential vs commercial property would make the document much easier to read for lay individuals. I.e.: green for residential, red for commercial, etc.**

**Thank you –**

Joel Gilgoff  
Sedona, AZ  
282-2310

---

**From:** Mike Raber [[MRaber@sedonaaz.gov](mailto:MRaber@sedonaaz.gov)]  
**Sent:** Thursday, January 18, 2018 8:39 AM  
**To:** Mike Raber  
**Cc:** Audree Juhlin; Warren Campbell  
**Subject:** LDC update - Focus Group

Greetings:

Thanks again for participating in a focus group for the Land Development Code update. We will meet on Tuesday, January 23 at 2:00 p.m. in the Schnebly Conference Room in the Community Development Department at City Hall (102 Roadrunner Drive, Sedona). Please plan on about two hours. Please let me know if you can't make it. Thanks!

The purpose of the focus group is to provide the City's consulting team and staff with feedback on the draft Development and Subdivision Standards that have been developed as Part 2 of the LDC update.

In preparation for our meeting on Tuesday, attached are some points to think about that will help with our discussion. This is not meant to be an all-inclusive list but one that will help focus the discussion. I have also attached the draft Development and Subdivision Standards here in case you do not have these. You can also visit the City's LDC website at: [www.SedonaLDCupdate.com](http://www.SedonaLDCupdate.com) to review the draft Development and Subdivision standards (Part 2 of the LDC update), make comments, or to review other draft documents from the update and to learn more about the LDC and the update process.

Please let me know if you have any questions.

Thanks again!

---

Michael Raber, Senior Planner  
City of Sedona  
102 Roadrunner Drive  
Sedona, AZ 86336

928-204-7106  
mraber@SedonaAZ.gov  
Visit: www.SedonaAZ.gov

**Mike Raber - Re: Planning and Zoning LDC update - feedback**

---

**From:** Audree Juhlin  
**To:** William Chisholm  
**Date:** 1/22/2018 7:55 AM  
**Subject:** Re: Planning and Zoning LDC update - feedback  
**Cc:** Mike Raber

---

Good morning Bill,

Thank you for taking the time to put your comments and thoughts in writing, we greatly appreciate that! I have copied Mike on your email who is the staff lead for this particular project.

Hope you are doing well and staying warm!

Audree

Audree Juhlin, Director  
Community Development Department  
[\(928\) 204-7107](tel:9282047107)

>>> William Chisholm <wjchisholm80@gmail.com> 1/19/2018 7:33 AM >>>

Good morning Audree,

During the 1/16/2018 P&Z evening meeting I gave some feedback regarding the LDC update.

Chair Losoff suggested I send my comments in writing to staff. I am assuming you are the right staff member :-). If not if you could point me in the right direction (Warren?) I would appreciate it.

My comments regarding the LDC Update;

1. If the city were to allow "in-lieu" of fee's vs. creating parking spaces how will those funds get earmarked and tracked specifically for projects supporting parking needs?
2. Do we have estimates for the number of new parking spaces required by location?
3. Do we have estimated costs to provide the new parking spaces by location?
4. Several cities were mentioned in the parking spot ratio discussion e.g. cottonwood, Scottsdale, gilbert, 'around the verde valley'. Do we have any data that shows that these cities are valid 'comps' regarding Sedona's parking needs? i.e. 10k residents, 2-3M annual tourists, day-trip vs. overnight, # of roads, etc.
5. I support the joint team taking the time to do the additional analysis discussed regarding firewise parameters, current urban/forest boundaries, and the synergies or lack thereof between the two.

Thank you for all you do for the city - it is appreciated.

Bill

---



**Mike Raber - Santa Fe's recent ordinance re sustainable LDC, implied priorities emerging from Council meeting**

---

**From:** "Darcy Hitchcock, Sustainability Alliance" <sustainabilityallianceaz@gmail.com>  
**To:** "mraber@sedonaaz.gov" <mraber@sedonaaz.gov>, Justin Clifton <JClifton@se...>  
**Date:** 1/5/2018 11:23 AM  
**Subject:** Santa Fe's recent ordinance re sustainable LDC, implied priorities emerging from Council meeting

---

Mike,

I thought this might be helpful for you to reference as you work on the LDC update.

<https://www.santafecountynm.gov/media/files/Ordinance2016-9-p0001-p0769.pdf>

And an associated set of articles related to the challenges associated with this:

<https://www.westernplanner.org/sustainability-articles/2017/12/27/implementing-the-recently-adopted-santa-fe-county-sustainable-land-development-code>

As I listened to the most recent City Council meeting, a few priorities seemed to emerge out of their conversation:

- Climate/renewable energy
- Water conservation/river levels
- Workforce housing

So I would encourage you to do all you can with the LDC update and the Building Code changes to address those issues.

In particular, buildings and developments should:

- Have some south or west facing roofs (ideally large enough to provide all the energy needed to run the buildings), solar ready (PV and/or thermal hot water)
- Have dual plumbing and a use for gray water
- Provide green infrastructure/earthworks (pervious pavement, bioswales, catchment basins, etc) to capture and slow stormwater
- Xeriscaping or plants watered only with graywater/rainwater collection except food crops
- Charging stations at least wired in for electric cars and shared vehicles
- Mixed use with some housing stock that would be affordable for local workers to rent or buy.
- Enough space to separate recyclables. (Recycling saves energy and water but too many of our developments only have space for one dumpster.) Ideally also have space for composting (food waste is a major source of greenhouse gases.)

Darcy

--

Darcy Hitchcock  
Co-Founder, Sustainability Alliance  
[www.SustainabilityAllianceAZ.org](http://www.SustainabilityAllianceAZ.org)  
[www.SustainabilityCertifications.org](http://www.SustainabilityCertifications.org)  
[@SustainabilityAllianceAZ](https://www.instagram.com/SustainabilityAllianceAZ)

## **Attachments, Part 3:**

1. Clarion Memorandum – Part Three Draft
2. Part Three – Draft Administration and Procedures of the LDC Update

## **Attachments, Part 3:**

1. Clarion Memorandum – Part Three Draft

## MEMORANDUM

**TO:** Mike Raber, City of Sedona  
**FROM:** Matt Goebel and Tareq Wafaie, Clarion Associates  
**DATE:** March 12, 2018  
**RE:** LDC Update Part 3: Administration and Procedures - PUBLIC DRAFT

---

We are pleased to submit the public draft of Part 3 of the LDC Update, Development Standards. This draft includes the following:

- **Article 1:** General Provisions
- **Article 9:** Administration and Procedures
- **Article 10:** Rules of Construction and Definitions (partial, building on the definitions already submitted with Parts 1 and 2).

In addition to an overarching recommendation to make the LDC more user friendly, the LDC Analysis and Annotated Outline emphasized the following improvements related to administration and procedures:

- Establish common review procedures,
- Evaluate decision-making authority;
- Strengthen approval criteria;
- Rethink Temporary Use Permits; and
- Create an administrative manual.

The remainder of this memorandum covers the major issues addressed in the draft articles. These drafts are based on our own analysis and meetings with staff and other stakeholders, with particular focus on the LDC Analysis and Annotated Outline.

### General Comments

#### Separate Manuals

Throughout the current LDC, there are supporting, detailed materials that do not need to be in the code itself. These include administrative details (such as application submittal requirements); technical engineering standards (such as street design standards); and design guidelines (which are encouraged but not mandated). Many of these materials should be relocated outside the LDC to separate administrative, engineering, and design manuals. In such cases, we did not carry forward those standards but rather saved them in separate “bin” documents for staff’s review and footnoted within the text of the LDC wherever we recommended such relocation. We are still discussing the appropriate format and content for those separate manuals.



### **Footnotes, Cross-References, and Commentary**

As with the prior articles, footnotes are included to highlight relocations, new or modified provisions, and to ask questions. There are also cross-references hyperlinked to other sections within the document for ease of reference. Each article (and some sections) begins with a shaded text commentary box drawing the reader’s attention to the primary purpose of the article and the major changes from the current LDC. These commentary boxes provide context for review and will be removed prior to a consolidated adoption draft.

### **Article 1: General Provisions**

This article includes general provisions that apply to the entire Code, such as the overall purpose and intent, applicability, and jurisdiction. This article also includes transitional provisions that address how applications will be processed during the transition from the current development regulations to the new Code.

Two major topics addressed here are nonconformities and enforcement; however, per the Analysis report, they are generally carried without major substantive edits, though some updates are made based on comments from staff.

### **Article 9: Administration and Procedures**

This article describes the process for reviewing and approving development applications in Sedona. The article begins with a **summary table** that provides a snapshot of the review procedures, the review and decision-making authorities, and public notice requirements.

The next section includes **common review procedures** that apply to most development application types. Common review procedures (as recommended in the Analysis and Annotated Outline) will help Sedona avoid repetition throughout the Code and eliminate conflicting information among development applications. The remaining sections describe the application-specific development procedures, linking back to applicable common review procedures and noting any modifications or additions. Each specific procedure includes a flowchart depicting the steps for review and approval. The final section of this article describes the decision-making authorities in Sedona as they relate to this Code.

The term “Director” is used throughout this article, and is defined as the Director of the Community Development Department (or designee).

In this article, we refer to an “**administrative manual,**” which was recommended in the Analysis report and is proposed to include the requirements for application submittal materials, fees, time periods for review, and other administrative information that does not need to be included in this Code. Keeping such material outside the Code allows it to be updated more regularly without formal Code amendments.

#### **Section 9.3: Common Review Procedures**

Common review procedures are new to Sedona. Although the current development code has a good organizational framework for procedures, a lot of the information is repeated for each application procedure. Per the Analysis report, these common review procedures consolidate general steps that are applicable to multiple development application types. The application-specific procedures then refer back to these common review procedures and note any modifications or additions.

#### **Section 9.4A: Development Review**

This section is based generally on the existing development review procedures, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures. New thresholds are suggested to place more projects in the

“minor” category, subject to staff approval. The “findings” and “considerations” are not carried forward, since all those issues are covered in the “general approval criteria” introduced in the common procedures.

The review of minor projects for compliance with zoning standards currently is done through the building permit process in Sedona. A separate formal approval for zoning compliance would be new. While this draft does create a new process, it is an administrative process, and the thresholds have been raised for decisions that could be made at the staff level. The proposed process also would allow applicants to obtain zoning approval (including site and architectural design) before having to complete detailed construction drawings, if they wish. That could make it easier to make changes to construction plans based on the results of the development review.

#### **Section 9.4B: Conditional Use Permit**

This section is based generally on the existing Section 402, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

In addition to this CUP process, staff has requested an additional procedure be added that would allow staff approval of minor conditional use permits. This would not require public process; examples might be the Administrative Use Permit process in Mesa and the Use Permit heard by the Zoning Administrator in Phoenix, and the Gilbert Administrative Use Permit.

#### **Section 9.4D: Temporary Use Permit**

This is a proposed major simplification of the temporary use permit procedure, which has been rewritten to fit into the new common procedures framework.

#### **Section 9.5: Subdivision Procedures**

This section is based on the current Section 704, Platting Procedures and Requirements. We have rewritten the material to fit into the new common procedures format and organization. We removed the existing language about “five stages,” which did not fit cleanly into the new organization.

Further discussion is necessary about the approval authority for final plats. In many communities, that authority is delegated to the Director. Doing so would eliminate a public hearing and help streamline the overall efficiency of the process. However, additional research is necessary to determine whether this would be permissible under state law.

This draft does not carry forward the existing “subdivision waivers”; the intent is that the new Minor Modification tool can serve the same purpose, without requiring a separate public hearing before the Council, as that existing waiver process does now.

#### **Section 9.6: Ordinance Amendments**

This section describes the procedures for all ordinance amendments, including rezonings, PD approvals, and Code text amendments. Generally, the procedures follow the summary table of procedures at the beginning of this article. Specific procedures applicable to each type of application are listed in subsection C within each respective procedure. These are in addition to the new applicable common review procedures.

#### **Section 9.6A: Rezoning (Zoning Map Amendment)**

This section is based generally on the current Section 400; however, that section groups multiple types of rezonings together, plus amendments to the text of the Code, and is repetitive. In this draft, we have separated out general rezonings from historic district rezonings, and we also have removed the special language that implied that conditional rezonings are a distinct procedure. Also, Code text amendments are separated out and given their own procedure.

### **Section 9.6B: Rezoning to Planned Development District**

This section is generally new, since there are new specific procedures for rezoning to PD in the current code. The general rezoning procedure (in the current Section 400) is presumably used. Per the Analysis report, we recommend a new dedicated feature for this special type of rezoning, which includes unique public process and submittal requirements, included a PD plan that is adopted at the same time as the rezoning.

Staff notes that the city already requires a plan adopted with traditional rezonings; however, that appears to be merely a site plan, which is different than the more involved PD plan anticipated by this section. Further discussion is needed as to whether a separate PD rezoning process is necessary.

### **Section 9.6C: Code Text Amendment**

This section is generally new. The current Section 400 covers both rezonings and Code text amendments. We typically separate these out because they rely on slightly different procedures and approval criteria.

### **Section 9.7: Historic Preservation Procedures**

This section carries forward the current 1507, 1508, and 1509. There are no major substantive changes proposed, but the sections have been rewritten to match the new organization. The major sections are based generally on the existing procedures, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

### **Section 9.8: Flexibility and Relief**

This section includes procedures for modifications and relief of standards in this Code, including variances and appeals. Per the Analysis report, this section also includes a new procedure for minor modifications by which the Director may approve minor modifications to numeric Code standards.

### **Section 9.9: Minor Modification**

As recommended in the Analysis, this new procedure gives staff flexibility to approve minor deviations from certain dimensional or other numeric standards. It is intended to replace the existing “administrative waiver.” The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right. Many communities use such a procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, we include a table of allowable adjustments to indicate which standards may be adjusted, and to what extent. The permitted deviations are lower than allowed under the current administrative waiver, which allows deviations up to 25 percent.

In initial comments on this section, staff indicated that they would like for this procedure to provide even greater administrative flexibility than currently available.

The section also authorizes the use of modifications to make reasonable accommodations under the Fair Housing Act and for RLUIPA.

This tool does not reference the common procedures; instead, the procedure is proposed to “piggy-back” on a concurrently submitted application (and using the same decision-maker).

Finally, note that this draft does not carry forward the existing “subdivision waivers”; the intent is that this new Minor Modification tool can serve the same purpose, without requiring a separate public hearing before the Council, as that existing waiver process does now.



### **Section 9.9: Review and Decision-Making Bodies**

This section is based generally on the current Article 3. It has been simplified and streamlined, since many of the specific powers/duties identified in Article 3 are now summarized in the earlier parts of this article. Also, some of this material is contained elsewhere in City Code or can be in separate manuals.

### **Article 9: Definitions**

This article includes general rules of construction and defined terms related to the procedures and administration of the LDC. The definitions from Parts 1 (Districts & Uses) and 2 (Development Standards) of the LDC Update are not included in this draft. Many of the terms were carried forward from the current LDC and revised as noted. New terms are also noted and are based on our work in other jurisdictions and tailored for Sedona. There are several placeholders where we will prepare graphics to supplement the text definitions, both by updating existing graphics and creating new graphics.

### **Next Steps**

We want your feedback! Reviewers should consider the following questions:

- Is something missing that should have been included?
- Were any standards removed that should have been retained for one reason or another?
- Are there any standards that are not clearly understood after a thorough read?

While the public and city officials continue reviewing Part 3, Clarion will be preparing the staff draft of the consolidated code. That draft is expected to be available for public review later in the spring of 2018.

### **Attachments:**

- Sedona\_LDC\_Administration and Procedures\_PUBLIC DRAFT

## **Attachments, Part 3:**

2. Part Three – Draft Administration and Procedures of the LDC Update



## **PART 3 – ADMINISTRATION and PROCEDURES**

Article 1: General Provisions

Article 9: Administration and Procedures

Article 10: Definitions (partial)

**PUBLIC DRAFT – March 2018**

**CLARION**



# Table of Contents

<b>Article 1: General Provisions</b> .....	<b>1</b>
<b>1.1. Title and Effective Date</b> .....	<b>1</b>
A. Title.....	1
B. Effective Date .....	1
<b>1.2. Purpose</b> .....	<b>1</b>
<b>1.3. Authority, Applicability, and Jurisdiction</b> .....	<b>2</b>
A. Authority .....	2
B. General Applicability.....	2
C. Compliance Required .....	2
D. Severability.....	2
E. Adoption of Zoning Map .....	3
<b>1.4. Interpretation and Conflicting Provisions</b> .....	<b>3</b>
A. Interpretation of Terms.....	3
B. Minimum Requirements.....	3
C. Harmonious Construction .....	3
D. Conflict with Other Public Laws, Ordinances, Regulations, or Permits.....	3
E. Conflict with Agreements Between Private Properties.....	3
<b>1.5. Transition from Prior Regulations</b> .....	<b>4</b>
A. Repeal.....	4
B. Adoption of Existing Conditions of Approval.....	4
C. Prior Development Approvals.....	4
D. Pending Applications.....	4
E. Prior Violations .....	5
<b>1.6. Nonconforming Situations</b> .....	<b>5</b>
A. Purpose.....	5
B. Nonconforming Lots.....	5
C. Nonconforming Developments.....	6
D. Nonconforming Signs .....	8
E. Nonconforming Uses.....	8
<b>1.7. Enforcement</b> .....	<b>9</b>
A. Criminal Penalty .....	9
B. Civil Citation Authority.....	10
C. Enforcement Actions or Proceedings .....	11
D. Nuisance.....	12
E. Remedies Not Exclusive.....	12
F. Administration .....	12
<b>Article 2: Zoning Districts</b> .....	<b>13</b>
<b>Article 3: Use Regulations</b> .....	<b>14</b>
<b>Article 4: Wireless Communications Facilities</b> .....	<b>15</b>
<b>Article 5: Development Standards</b> .....	<b>16</b>
<b>Article 6: Main Street and Character Districts Design Manual</b> .....	<b>17</b>
<b>Article 7: Signs</b> .....	<b>18</b>

<b>Article 8: Subdivision.....</b>	<b>19</b>
<b>Article 9: Administration and Procedures .....</b>	<b>20</b>
<b>9.1. Purpose and Organization of this Article .....</b>	<b>20</b>
<b>9.2. Summary Table of Review Procedures .....</b>	<b>20</b>
<b>9.3. Common Review Procedures.....</b>	<b>22</b>
A. General.....	22
B. Pre-Application Meeting.....	22
C. Application Submittal and Handling.....	23
D. Citizen Review Process.....	25
E. Staff Review and Action.....	27
F. Scheduling and Notice of Public Hearings.....	31
G. Review and Decision.....	33
H. Post-Decision Actions and Limitations.....	33
<b>9.4. Development Permits .....</b>	<b>37</b>
A. Development Review.....	37
B. Conditional Use Permit.....	42
C. Administrative Use Permit.....	46
D. Single-Family Residential Review.....	47
E. Temporary Use Permit.....	48
<b>9.5. Subdivision Procedures.....</b>	<b>50</b>
A. Preliminary Plat.....	50
B. Final Plat.....	54
C. Land Division or Combination.....	58
D. Condominiums and Condominium Conversions.....	60
E. Reversion to Acreage.....	61
F. Improvement Standards.....	62
<b>9.6. Ordinance Amendments.....</b>	<b>65</b>
A. Rezoning (Zoning Map Amendment).....	65
B. Rezoning to Planned Development District.....	69
C. Code Text Amendment.....	76
<b>9.7. Historic Preservation Procedures .....</b>	<b>79</b>
A. Historic Landmark Designation.....	79
B. Historic District Designation.....	81
C. Certificate of Appropriateness (or No Effect).....	84
<b>9.8. Flexibility and Relief .....</b>	<b>88</b>
A. Variance.....	88
B. Minor Modification.....	90
C. Appeal.....	94
D. Special Exceptions.....	97
<b>9.9. Review and Decision-Making Bodies.....</b>	<b>100</b>
A. Purpose.....	100
B. City Council.....	100
C. Planning and Zoning Commission.....	100
D. Historic Preservation Commission.....	100
E. Board of Adjustment.....	100
F. Community Development Department and Director.....	101
G. City Engineer.....	101
<b>Article 10: Rules of Construction and Definitions.....</b>	<b>103</b>

<b>10.1. Rules of Construction.....</b>	<b>103</b>
A. Meanings and Intent.....	103
B. Headings, Illustrations, and Text.....	103
C. Lists and Examples.....	103
D. Computation of Time .....	103
E. Technical and Non-Technical Terms .....	103
F. Mandatory and Discretionary Terms.....	104
G. Conjunctions.....	104
H. Tenses, Plurals, and Gender .....	104
I. Titles and Headings.....	104
<b>10.2. Definitions of Use Categories and Specific Use Types.....</b>	<b>104</b>
<b>10.3. Terms of Measurement .....</b>	<b>104</b>
<b>10.4. Other Defined Terms.....</b>	<b>104</b>

# Article 1: General Provisions

## Commentary:

This article includes general provisions that apply to the entire Code, such as the overall purpose and intent, applicability, and jurisdiction. This article also includes transitional provisions that address how applications will be processed during the transition from the current development regulations to the new Code.

Two major topics addressed here are nonconformities and enforcement; however, per the Analysis report, they are generally carried without major substantive edits, though some updates are made based on comments from staff.

## 1.1. Title and Effective Date

---

### A. Title

This document shall officially be known as the "Land Development Code of the City of Sedona." It is referred to within this document as "this Code" and may be referred to as the "LDC."

---

### B. Effective Date

This Code shall become effective on [insert month/day/20\_\_].

## 1.2. Purpose<sup>1</sup>

The general purpose of this Code is to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development and use of lands in Sedona, while also protecting the rights of property owners. This Code also is intended to:

- A.** Implement the policies, goals, and strategies adopted by the City of Sedona, including those set forth in the Sedona Community Plan and other adopted plans;
- B.** Establish and apply zoning districts guided by the Sedona Community Plan that regulate the location, height, bulk, and size of buildings; provide for a variety of housing types; reduce congestion; and prevent the overcrowding of land;
- C.** Safeguard and enhance the appearance and quality of development of Sedona;
- D.** Facilitate the adequate provision of transportation, water, schools, parks, and other public infrastructure requirements; and
- E.** Sensitively fit the built environment into the natural environment with minimal disturbance to Sedona's natural ecosystem by requiring planning, design, and development that:
  - (1)** Is compatible with, preserves, and enhances sensitive natural areas such as steep slopes, floodplains, watercourses, drainage ways, and ridge lines; and natural topographic features such as rock outcrops and trees;
  - (2)** Clusters dwellings and other structures to help save larger areas of open space and preserving natural terrain, minimizing public infrastructure costs, and preventing public safety hazards;

---

<sup>1</sup> Based on the existing 101. There has been some initial streamlining to shorten this purpose statement, to eliminate repetition, and to remove references to specific zoning districts. Additional streamlining may be possible in the consolidated draft.



- (3) Minimizes adverse visual impacts on view corridors and take advantage of the natural terrain, as well as provide for public safety and human enjoyment;
- (4) Minimize construction of building pads in sensitive areas and steep slopes; and
- (5) Encouraging the placement of roads and driveways so that they follow natural topography wherever possible and minimize cutting and grading.

## 1.3. Authority, Applicability, and Jurisdiction<sup>2</sup>

---

### A. Authority

This Code is enacted pursuant to the requirements and authority granted the city by the Arizona Constitution, Article XIII, Section I and A.R.S. Sections 9-276, 9-461, 9-462 and 9-463.

---

### B. General Applicability<sup>3</sup>

This Code shall apply to all land, buildings, structures, and uses thereof located within the City of Sedona, as those terms are defined in Article 10: *Rules of Construction and Definitions*, unless an express exemption is granted within this Code.

---

### C. Compliance Required

- (1) No permit, certificate, or approval of any use that is subject to this Code shall be issued or granted by any department, agency, City official, or City employee without a finding of compliance with this Code having been issued by the appropriate review authority.
  - (2) Unless otherwise stated in this Code, no building or structure shall be erected, moved, converted, enlarged, reconstructed, or altered, nor shall any land or building be used, developed, or intended to be used for any purpose whatsoever, without a determination by the Director of substantial compliance with this Code.
  - (3) No lot of record that did not exist on the effective date of this Code shall be created by subdivision or otherwise unless it complies with this Code.
- 

### D. Severability<sup>4</sup>

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Code or the application of it to any person or place is held by a court of competent jurisdiction to be invalid under Arizona law, unconstitutional under the Arizona or United States Constitutions, or inapplicable in any way to the city, for any reason, such decision shall not affect the validity of the remaining portions of this Code or its application to other persons and places. The Council hereby expressly declares that it would have adopted this Code and each section, subsection, subdivision, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases may be declared invalid or unconstitutional.

---

<sup>2</sup> Existing 102 and 103.

<sup>3</sup> New.

<sup>4</sup> Existing 1300.

---

### E. Adoption of Zoning Map<sup>5</sup>

The official "City of Sedona Zoning Map," dated [March 1, 1995,] together with all notations, data, references and other information, is adopted concurrently herewith and not included in this Code. It applies each zoning district to parcels within the city.

## 1.4. Interpretation and Conflicting Provisions

---

### A. Interpretation of Terms

- (1) The Director shall be responsible for the interpretation of all provisions of this Code not referenced in paragraph (2) below.
- (2) The City Engineer shall be responsible for the interpretation of all provisions of this Code related to grading, drainage, and street dimensions as set forth in Sections ---, respectively.
- (3) Application for an interpretation shall be made in writing to the Director or City Engineer, as applicable.

---

### B. Minimum Requirements

This Code establishes minimum requirements for public health, safety, and welfare. Where regulations of this Code differ for a specific condition, the more restrictive, as determined by the Director, shall apply.

---

### C. Harmonious Construction<sup>6</sup>

The city intends that all provisions of this Code be construed harmoniously. When two or more provisions of this Code may appear to conflict, the Director shall construe such provisions in such a manner, if possible, as to give effect to both by harmonizing them with each other. In cases of conflict, the more specific provision shall govern.

---

### D. Conflict with Other Public Laws, Ordinances, Regulations, or Permits<sup>7</sup>

This Code complements other city, state, and federal regulations that affect land use. This Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Director, shall govern.

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### E. Conflict with Agreements Between Private Properties<sup>8</sup>

This Code is not intended to revoke or repeal any easement, covenant, or other agreements between private parties. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other agreements between private

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<sup>5</sup> 100.3

<sup>6</sup> New. While the Code generally avoids the use of vague terms like "harmonious," this specific instance of the term uses a generally accepted name for a specific legal doctrine.

<sup>7</sup> New.

<sup>8</sup> New.

properties, then the requirements of this Code shall govern in accordance with applicable Arizona law. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the city be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, unless the city is a party to such agreements and only if the city decides, in its discretion, to pursue enforcement action.

## 1.5. Transition from Prior Regulations<sup>9</sup>

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### A. Repeal

This Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code. The previous Land Development Code for the City of Sedona, as was amended and supplemented, is hereby repealed.

### B. Adoption of Existing Conditions of Approval<sup>10</sup>

This Code adopts and incorporates by reference the stipulations and conditions from particular development approvals in effect under the [Interim Zoning Ordinance.] The Code further adopts and incorporates by reference all development plans, use permits, variances, stipulations, and conditions that currently apply to any parcel prior to the date of adoption of this Code.

### C. Prior Development Approvals

- (1) Any development approved under regulations in effect prior to the effective date of this Code may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this Code regarding ongoing operations and maintenance.
- (2) If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.
- (3) Unless otherwise provided in the initial approval, any proposed amendment to a permit or other form of approval issued under prior regulations shall be reviewed based on the development standards in effect at the time of submission of a complete application for the amendment.

### D. Pending Applications

A development application that has been determined to be complete by the Director prior to the effective date of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Code.

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<sup>9</sup> Section is all new except for the first subsection.

<sup>10</sup> 100.5

## E. Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this Code, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations may still be valid and may remain the responsibility of the violator under the prior regulations, as determined by the Director.

## 1.6. Nonconforming Situations<sup>11</sup>

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### A. Purpose

A nonconforming situation is a condition that occurs when, on the effective date of adoption of this Code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

- (1) Any nonconforming situation that lawfully existed as of the effective date of the ordinance codified in this Code and that remains nonconforming, and any nonconforming situation that has become nonconforming as a result of the adoption of this Code, or any subsequent amendment to this Code, may be continued or maintained only in accordance with the terms of this section.
- (2) This section provides for the regulation of nonconforming situations in order to protect the rights of legally existing nonconforming situations, but not promote their expansion or enlargement. Nonconforming situations are encouraged to become conforming in the future in order to preserve the integrity of this Code and the character of the city.
- (3) The City Council, by resolution, may authorize the acquisition of private property by purchase or condemnation for removal of nonconforming uses and structures.

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### B. Nonconforming Lots

- (1) A nonconforming lot is a lot or parcel, the area or dimensions of which was lawful prior to the adoption, revision, or amendment of this Code or Zoning Map or previously applicable zoning ordinances and maps, but that fails, by reason of such adoption or amendment, to conform to the present requirements of the zoning district.
- (2) A nonconforming lot that was made nonconforming by virtue of enactment of this Code's minimum lot depth or width requirements may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met, unless as otherwise provided for in this Section 1.6.<sup>12</sup>

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<sup>11</sup> This is the existing Article 12, which the Analysis report generally said should be carried forward without substantive edit – beyond a review of the thresholds for redevelopment. We have cleaned up minor issues for grammar and stylistic consistency. However, staff notes that more significant rewrites may be necessary to help clarify lines between different types of nonconformities. We will continue to work with staff on this material through the review process and may introduce additional proposed updates in the consolidated draft.

<sup>12</sup> This is a proposed new simplification from the current code, which limits this allowance to single-family dwellings only, and which is further limited to lots made nonconforming only by lot width requirements.

### C. Nonconforming Developments<sup>13</sup>

- (1) Nonconforming developments include buildings, structures, parking, landscaping, and other property improvements that were lawfully existing prior to the adoption, revision, or amendment of this Code, or previous ordinance, in which the uses are otherwise in conformance with the district in which they are located, but which fail, by reason of such adoption, revision or amendment, to conform to the development standards applicable to the district. This Code is not intended to and shall not affect the right of nonconforming developments to be used in accordance with the uses permitted in the zoning district in which they are located, subject to compliance with all applicable development standards.
- (2) All expansions, modifications, alterations, or repairs of existing nonconforming buildings and structures for which the use is otherwise in conformance with the district (including uses and property development standards) in which it is located are subject to the following:
  - a. Any expanded portion of a building or structure shall be in full conformance with the development standards of this Code, except where such conformance is not practical without the entire building or structure fully conforming, in which case the provisions of c below apply.
  - b. In no case shall any expansion, modification, alteration, or repair result in an increase in nonconformity with current development standards.
  - c. If additional parking is required per ---, due to a change of use or expansion, such additional parking must be provided, and all parking facilities, including new and existing parking areas, shall be made to comply with all applicable development standards including access, landscaping, surfacing materials, lighting, screening, and other standards as specified in this Code.
  - d. If the total, cumulative increase in the floor area on the lot (including accessory structures) occurring after the effective date of this Code is greater than 50 percent for single-family residential or greater than 25 percent for all other uses, then the entire building or structure and associated parking shall be in full conformance with the development standards of this Code (such as lighting, signage, landscaping, color and the like).<sup>14</sup>
  - e. Nonconforming buffers, landscaping, screening, and exterior lighting shall be upgraded to comply with this Code's buffer, landscaping, screening, and exterior lighting standards if the site containing the nonconforming site feature is proposed for any of the following development activities:<sup>15</sup>
    1. Any increase in the total square footage of the off-street parking, loading, circulation, and driveway areas;
    2. A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less;

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<sup>13</sup> This section requires additional work to distinguish different types of nonconformities. We often, for example, have separate sections that address "nonconforming structures" and "nonconforming site features," like landscaping and parking.

<sup>14</sup> Existing, with clarification that it applies to all structures on the lot, and the measurement is cumulative since the effective date of the Code.

<sup>15</sup> New. This is provided for discussion purposes in response to staff comments. It is proposed to replace the existing section that requires some compliance for minor improvements, but no guidance as to what specific compliance should consist of.

3. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period (as shown on building permit applications), excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;
4. Any tenant change of a stand-alone nonresidential structure that also involves substantial building elevation changes as determined by the Director, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;
5. Any tenant change of a nonresidential structure that is the anchor tenant of the property that also involves substantial building elevation changes as determined by the Director, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs. For purposes of this section, an "anchor tenant" shall mean a tenant that holds at least 50 percent of the gross floor area of the structure; or
6. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas by 1000 square feet or 20 percent, whichever is less, shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity.

**(3) Abandonment, Discontinuance, Damage, Destruction, and Reconstruction of Nonconforming Buildings or Structures**

- a. Any nonconforming building or structure or one or more of a group of buildings or structures related to one nonconforming use, and under one ownership, which has been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before, if done within 12 months of such calamity. Where provisions of this article are in conflict with county flood control requirements, the more restrictive provisions shall apply.
- b. Within nonconforming mobile home parks, mobile and manufactured homes may be replaced subject to the following:
  1. Replacement of damaged or destroyed mobile and manufactured homes shall be subject to the provisions of paragraph E(2)b below of this section;
  2. The total number of spaces in the mobile home park shall not be increased over the number existing at the time the park became nonconforming;
  3. Mobile and manufactured homes shall maintain a minimum 10-foot setback from the perimeter of the park;
  4. There shall be a minimum 10-foot spacing between each mobile and manufactured home;
  5. Mobile and manufactured homes shall not be replaced with recreational vehicles;
  6. Within mobile home parks, existing recreational vehicles used for residential purposes may be replaced only with manufactured or mobile homes and shall not be replaced with recreational vehicles.

- c. The Director may grant a reasonable extension of time for reconstruction if it is determined that a delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner of the premises.

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## D. Nonconforming Signs<sup>16</sup>

### (1) Continuance

A nonconforming sign lawfully existing at the time of adoption or subsequent amendment of Article 7: *Signs*, may continue, although such sign does not conform to the provisions of Article 7: *Signs*.

### (2) Maintenance

Any lawfully existing sign may not be enlarged, reworded (other than in the case of cinema or theater signs), redesigned, or altered in any way, including repainting in a different color, except to conform to the requirements of Article 7: *Signs*; and provided further, that any such sign that has deteriorated or is damaged or destroyed to such an extent that the cost of restoration would exceed 25 percent of the replacement cost can only be repaired or rebuilt or altered to conform.

### (3) Replacement

Any sign replacing a nonconforming sign shall conform to the provisions of Article 7: *Signs*, and the nonconforming sign shall no longer be displayed. However, any nonconforming sign lawfully existing at the time of adoption or subsequent amendments to Article 7: *Signs*, advertising multiple businesses, may continue to exist as long as the sign structure itself is not redesigned, enlarged, or altered, although the copy text for an individual business on a multiple tenant sign may periodically change.

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## E. Nonconforming Uses

A nonconforming use is a use or activity that was lawful prior to the adoption, revision, or amendment of this Code and Zoning Map, or previously applicable zoning ordinances and maps, but that is unlawful by the use regulations and/or property development standards currently applicable to the zoning district in which the use or activity is located. A legal nonconforming use may continue only in the manner and to the extent that it existed at the time of such enactment, amendment, or annexation, subject to the following provisions:

### (1) Expansion of Nonconforming Uses

No expansion shall be made of any nonconforming use unless such expansion conforms to the regulations specified for the district in which it is located. In cases where the nonconforming use occupies a building, structure, or any portion of a site, expanding the use into an additional building or land area is prohibited.

### (2) Abandonment, Discontinuance, Damage, Destruction and Reconstruction of Nonconforming Uses

- a. No nonconforming use that ceases to be used for a period exceeding six months or is superseded by a conforming use shall again be devoted to the nonconforming use, except as otherwise provided in paragraph b below of this section.

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<sup>16</sup> Staff is working on changes to this section based on recent direction from Council.

- b. If a building or structure related to one nonconforming use and under one ownership that is damaged by fire, flood, explosion, earthquake, war, riot, or act of God, the nonconforming use may be reestablished and used as before, if done within 12 months of such calamity.
- c. The Director may grant a reasonable extension of time for reconstruction if it is determined that a delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner of the premises.

### (3) Repair, Maintenance and Remodeling of Nonconforming Uses

Minor repairs and routine maintenance of property where nonconforming uses exist are permitted and encouraged; provided, that no structural alterations are made to buildings and structures unless required by ordinance or law, or permitted under the other provisions of this Code. Exterior remodeling of buildings and structures is also encouraged if the remodeling brings the building or structure into closer compliance with current development standards.

### (4) Change in Use of Property Where a Nonconforming Use Exists<sup>17</sup>

- a. A nonconforming use shall not be changed to a different nonconforming use. This shall not prevent a name change or change in ownership of the same nonconforming use.
- b. If a change in use is from an impermissible to a permissible use, but full conformance with current standards cannot be achieved, then the change may be allowed subject to the Board of Adjustment or Director granting a variance or minor modification, as applicable. In addition to other findings required for a variance or minor modification, as applicable, the Board or Director must find that: compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial structure that is on a permanent foundation. Financial hardship related to such requirements as paving a parking lot may not constitute grounds for granting a variance/modification.

## 1.7. Enforcement<sup>18</sup>

### A. Criminal Penalty

- (1) Except as otherwise provided, any person found guilty of violating any provisions of this Code, any amendment hereto, or any order or regulation made hereunder (collectively, the "Code"), including the failure to perform any act or duty so required, shall be guilty of a Class 1 misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$2,500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.
- (2) Probation may be imposed in accordance with the provisions of A.R.S. Title 13, Chapter 9.
- (3) Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction.
- (4) In the alternative, an action may be commenced as a civil violation pursuant to Section 1.7.B., *Civil Citation Authority*.

<sup>17</sup> Changed administrative waiver to minor modification.

<sup>18</sup> This is the existing Article 14, which the Analysis report said should be carried forward without substantive edit. However, are any edits necessary based on staff experience enforcing the current code? Are the powers and duties described correctly, and are all available remedies listed?



## **B. Civil Citation Authority**

### **(1) Commencement of Action**

- a.** In the alternative and in the sole discretion of a peace officer or the Code Enforcement Officer, an action for violation of this Code, any amendment hereto, or any order or regulation made hereunder, including the failure to act or perform any duty so required, may be commenced by issuance of a civil citation. Each day that any violation continues shall be a separate offense subject to civil sanction or criminal penalty.
- b.** The civil citation will be substantially in the same form and format as the Arizona Traffic Ticket and Complaint standard form and shall direct the defendant to appear in Sedona Magistrate Court at a time certain. The time for appearance will be specified on the face of the citation and will be in compliance with all Sedona Magistrate procedures.
- c.** The citation will further notify the defendant that if he fails to appear on or before the date specified in the complaint, a judgment by default will be entered against him and the court may, in its discretion, impose a civil sanction for the amount that the court determines.<sup>19</sup>
- d.** Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
  - 1.** By having the defendant sign the citation with the promise to appear in court on or before the date specified on the face of the citation;
  - 2.** If the defendant refuses to sign the citation, then the officer shall hand-deliver a copy of the citation to the defendant and note on his copy of the citation the date and time of hand-delivery to the defendant;
  - 3.** By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address;
  - 4.** In the event that service cannot be accomplished as set forth in paragraphs 1, 2, or 3 of this subsection, the defendant may be served by any means contemplated or allowed by the Arizona Rules of Civil Procedure or the Arizona Rules of Practice for the Superior Court.

### **(2) Authority to Issue Civil Citation**

Any peace officer of the Sedona Police Department may issue a civil citation pursuant to this section. In addition, the Code Enforcement Officer is hereby granted authority to issue a civil citation pursuant to this section.

### **(3) Appearance by Defendant**

The defendant shall appear within the time specified on the face of the citation in person or through his attorney. Appearance shall be at the Sedona Magistrate Court in Sedona, Arizona. At the time of appearance, the defendant shall either admit or deny the allegations contained in the citation. In the event the defendant admits the allegations, the court shall enter judgment against the defendant and, in its discretion, may impose a civil sanction in the amount that the court determines for the violation. If the defendant denies the allegations contained in the citation, the court shall set a date for the trial of the matter.

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<sup>19</sup> Specific dollar limitation removed.

**(4) Default Judgment**

- a. If the defendant fails to appear as directed on the citation, the court may enter a default judgment and may, in its discretion, impose a civil sanction in the amount that the court determines for the violation.
- b. If the defendant fails to appear for the trial, the defendant's failure to appear shall constitute an admission of the offense and the court shall enter judgment against the defendant and may, in its discretion, impose a civil sanction in the amount that the court determines for the violation.

**(5) Rules of Procedure**

The Arizona Rules of Court for Civil Traffic Violations may be followed by the Sedona Magistrate Court for civil citation proceedings under this section except as modified or where inconsistent with the provisions of this section, local rules, Arizona Revised Statutes, or Rules of Court for courts in the State of Arizona.

**(6) Collection of Civil Sanctions**

Any judgment for civil sanction taken pursuant to this section may be collected as any other civil judgment. Such collection shall be in accordance with the common law of the State of Arizona, Arizona Revised Statutes, and all other applicable rules and regulations. Said sanctions are subject to any exemptions contained in the laws of the State of Arizona.

**C. Enforcement Actions or Proceedings <sup>20</sup>**

- (1) If any building, structure, or improvement is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, improvement or land is used in violation of this Code, including any amendment hereto or any order or regulation made hereunder, the city, or any owner or tenant of real property in the same or an adjoining zoning district as the building, structure, improvement or land in question, in addition to other remedies, may institute any appropriate action or proceedings including but not limited to the following:
  - a. To prevent the construction, reconstruction, alteration, repair, conversion, maintenance, or use;
  - b. To prevent the occupancy of the building, structure, improvement or land;
  - c. To prevent any illegal, unauthorized or prohibited act, conduct, business or use in or about the premises;
  - d. To restrain, correct or abate the violation.
- (2) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the City of Sedona at the time suit is begun, by filing a copy of the complaint with the City Clerk.
- (3) In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purpose of this Code.

<sup>20</sup> Additional edits may be necessary to distinguish between city-initiated enforcement proceedings and other types of enforcement actions.

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#### **D. Nuisance**

Any building or structure erected or maintained, or any improvement made, or any use of property not in accordance with the provisions of this Code, any amendments hereto, or any order or regulation made hereunder is unlawful and prohibited, and deemed a public nuisance per se.

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#### **E. Remedies Not Exclusive**

Any violation of this Code, any amendment hereto, or any order or regulation made hereunder is in addition to any other violation enumerated in other Sedona ordinances and the Sedona City Code, and in no way limits the penalties, actions or abatement procedures which may be taken by the city for any violation of this Code which is also a violation of any other ordinance or City Code provision or statute of the State of Arizona. All remedies concerning this Code shall be cumulative and not exclusive. Conviction and punishment or judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

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#### **F. Administration**

The City Manager, City Attorney and Prosecutor, peace officers of the Sedona Police Department, the Code Enforcement Officer, the Zoning Administrator and all officials charged with the issuance of licenses or permits shall enforce the provisions of this Code, any amendment hereto, and any order or regulation made hereunder. Any license, permit or certificate issued which conflicts with or is not in accordance with this Code is void.

# Article 2: Zoning Districts

[PART 1]

# Article 3: Use Regulations

[PART 1]

# Article 4: Wireless Communications Facilities

[CURRENTLY BEING REVISED IN A SEPARATE PROJECT].

# Article 5: Development Standards

[PART 2]

# Article 6: Main Street and Character Districts Design Manual

[Further discussion is necessary about this manual. Depending on further discussion, this may be relocated outside the new Code to a separate manual of design guidelines.]



# Article 7: Signs

[Recently adopted revisions will be incorporated into Consolidated Draft]

# Article 8: Subdivision

[PART 2]

# Article 9: Administration and Procedures

## Commentary

This article describes the process for reviewing and approving development applications in Sedona. The article begins with a **summary table** that provides a snapshot of the review procedures, the review and decision-making authorities, and public notice requirements.

The next section includes **common review procedures** that apply to most development application types. Common review procedures (as recommended in the Analysis and Annotated Outline) will help Sedona avoid repetition throughout the Code and eliminate conflicting information among development applications. The remaining sections describe the application-specific development procedures, linking back to applicable common review procedures and noting any modifications or additions. Each specific procedure includes a flowchart depicting the steps for review and approval. The final section of this article describes the decision-making authorities in Sedona as they relate to this Code.

The term “Director” is used throughout this article, and is defined as the Director of the Community Development Department (or designee).

In this article, we refer to an “**administrative manual**,” which was recommended in the Analysis report and is proposed to include the requirements for application submittal materials, fees, time periods for review, and other administrative information that does not need to be included in this Code. Keeping such material outside the Code allows it to be updated more regularly without formal Code amendments.

## 9.1. Purpose and Organization of this Article<sup>21</sup>

- A. The purpose of this Article is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this Code.
- B. This Article describes the review and approval procedures for application for land use and development in the city, and is divided into the following sections:
  - (1) Section 9.3, *Common Review Procedures*, describes the standard procedures that apply to most development application types.
  - (2) Sections 9.4 through 9.8 contain specific information on each application type within five categories (development permits, subdivision procedures, historic preservation, ordinance amendments, and flexibility and relief procedures), including approval criteria and any additions or modifications to the common review procedures.
  - (3) Section 9.9, *Review and Decision-Making Bodies*, describes the duties of the City Council, Planning and Zoning Commission, Historic Preservation Commission, Board of Adjustment, Director, City Engineer, and other City officials in administering this Code.

## 9.2. Summary Table of Review Procedures

Table 9.1 lists the development applications authorized by this Code, whether public notice is required, whether a pre-application conference is required, and the role of City review and decision-making bodies.

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<sup>21</sup> New.

**Table 9.1**  
**Summary of Development Review Procedures**

**KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = required <> =public hearing**

Procedure	Code Reference	Notice			Pre-Application Conference	Review and Decision-Making Bodies					
		Published	Written	Posted		Staff	Historic Prsvtn Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment	
<b>Development Permits</b>											
Development Review	Minor	9.4.A				✓	D [1]		< A >		
	Major	9.4.A	✓	✓	✓	✓	R		< D >	< A >	
Conditional Use Permit		9.4.B	✓	✓	✓	✓	R		< D >	< D >	
Administrative Use Permit		9.4.C					D				
Single-Family Residential Review		9.4.D					D			< A >	
Temporary Use Permit		9.4.E					D				
<b>Subdivision Procedures</b>											
Preliminary Plat		9.5.A	✓	✓	✓	✓	R		< R >	< D >	
Final Plat		9.5.B					R			< D >	
Land Division or Combination		9.5.C					D			< A >	
Reversion to Acreage		9.5.E	✓	✓	✓	✓	R		< R >	< D >	
<b>Ordinance Amendments</b>											
Rezoning		9.6.A	✓	✓	✓	✓	R	< R > [2]	< R >	< D >	
Rezoning to Planned Unit Development (PD)		9.6.B	✓	✓	✓	✓	R		< R >	< D >	
Code Amendment (Text)		9.6.C	✓			✓ [3]	R		< R >	< D >	
<b>Historic Preservation Procedures</b>											
Historic Landmark Designation		9.7.A	✓	✓	✓	✓	R	< D >		< A >	
Historic District Designation		9.7.B	✓	✓	✓	✓	R	< R >	< R >	< D >	
Certificate of Appropriateness		9.7.C	✓	✓	✓		R	< D >		< A >	
Certificate of No Effect		9.7.C					D [4]				
<b>Flexibility and Relief</b>											
Variance		9.8.A	✓	✓	✓	✓	R			< D >	
Minor Modification		9.8.B					<i>Considered by decision-maker for associated application</i>				
Appeal		9.8.C	✓	✓	✓		<i>As indicated in table above</i>				
Special Exception		9.8.D	✓	✓	✓		R			< D >	

**Notes:**

- [1] The Director may refer minor development review applications to the Planning and Zoning Commission.
- [2] Applies only in historic districts.
- [3] Pre-application meetings are required only for text amendments proposed by an applicant, not staff.
- [4] HPC Chair (or designee) and Staff make the determination regarding a Certificate of No Effect.

## 9.3. Common Review Procedures

### Commentary

Common review procedures are new to Sedona. Although the current development code has a good organizational framework for procedures, a lot of the information is repeated for each application procedure. Per the Analysis report, these common review procedures consolidate general steps that are applicable to multiple development application types. The application-specific procedures then refer back to these common review procedures and note any modifications or additions.

### A. General

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Code. Common review procedures include seven steps, as shown below in Figure 9-1: *Common Review Procedures*, not all of which are applicable to every development application. Application-specific procedures in Sections 9.4 through 9.8 identify additional procedures and rules beyond those in this Section.

Figure 9-1: Common Review Procedures



### B. Pre-Application Meeting<sup>22</sup>

(1) **Purpose**

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review applicable submittal requirements and review procedures associated with the proposed development concept.

(2) **When Required**

A pre-application meeting is required according to Table 9.1, *Summary Table of Review Procedures*.

<sup>22</sup> New. This common procedure for pre-application conferences replaces and consolidates those currently found in multiple individual procedures, including rezoning, conditional use, development review, and others. The name is changed from the current "pre-application consultation."

**(3) Procedure**

**a. Request**

The applicant shall submit a request for a pre-application meeting to the Director.

**b. Scheduling**

The Director shall schedule pre-application meetings and notify appropriate staff and the applicant of the time and location of the meeting.

**(4) Effect<sup>23</sup>**

Any information or discussions held at the pre-application meeting shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

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**C. Application Submittal and Handling<sup>24</sup>**

**(1) Authority to Submit Application**

- a.** Unless expressly stated otherwise in this Code, a development application shall be submitted by:
  - 1.** The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
  - 2.** A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.
- b.** If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
- c.** No application shall be submitted prior to attending a pre-application conference, if required per Table 9.1, *Summary Table of Review Procedures*.

**(2) Application Content<sup>25</sup>**

- a.** The application shall be submitted to the Director on a form established by the Director. The applicant bears the burden of demonstrating compliance with application requirements.
- b.** Some of the requirements listed below will not apply to a given proposal or piece of property; in those instances, the Director may waive those requirements.
- c.** The information requested by this Code, and as required by other applicable codes and ordinances, may be combined into one or more maps or plans; provided, that the combined maps or plans adequately and legibly depict the required information.

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<sup>23</sup> New standard to establish that the pre-application conferences are intended to encourage problem-solving and innovation. Additionally, this provision helps clarify that any pre-application discussions of potential conditions do not in fact constitute actual conditions placed on the approval.

<sup>24</sup> These standards consolidate and replace those currently found throughout the Code.

<sup>25</sup> Items b-e are from the current code.

- d. If required information has previously been submitted to the city and formed the basis of an approved development project, the same information need not be submitted again (for example, an applicant for a single-family residential building permit is not required to submit information previously submitted in conjunction with the subdivision plat approval).
- e. After approval of any development plan, any change to the approved plan shall be resubmitted for a new approval prior to proceeding with the changed portion of the development plan.

**(3) Application Fees<sup>26</sup>**

- a. Application fees shall be paid at the time of submittal according to the type of application on the development review fee schedule. The fee schedule shall be established by resolution of the City Council and reviewed periodically.
- b. In the event the Director determines that it is necessary to utilize the services of a consultant not on staff, the Director may impose additional fees associated with such outside consultant.<sup>27</sup> The Director shall inform the applicant of the necessity to utilize the services of a consultant and the applicant may choose whether or not to proceed with the application.

**(4) Application Review Timeline<sup>28</sup>**

The Director shall establish a review timeline for development applications and shall include that information in the Administrative Manual. The Director may amend the timeline to ensure effective and efficient review under this Code.

**(5) Determination of Application Completeness<sup>29</sup>**

The Director shall determine whether the application is complete or incomplete within five business days of submittal. A complete application shall be processed according to the procedures in this Article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Director shall be addressed by the applicant prior to resubmitting the application.

**(6) Abandoned Applications<sup>30</sup>**

If an application has not been resubmitted to address staff-noted deficiencies within three months, such application shall be deemed abandoned. The applicant may request three additional months to address staff-noted deficiencies. Abandoned applications shall require a new pre-application conference and may be subject to additional fees.

**(7) Minor Application Revisions<sup>31</sup>**

An applicant may revise an application after receiving notice of compliance deficiencies following staff review, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application.

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<sup>26</sup> Consolidates and replaces references in current individual review procedures. New reference to annual review of fees by City Council.

<sup>27</sup> New; this is typical, but we did not see similar language in the current procedures.

<sup>28</sup> New; this is typical, but we did not see similar language in the current procedures.

<sup>29</sup> The five-day period is new; the current code has a maximum of two days, which staff indicated is too brief in some instances

<sup>30</sup> New. Many communities include this standard to ensure that delayed applications are still in alignment with the City's current policies and regulations.

<sup>31</sup> New.

Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application.

**(8) Application Withdrawal<sup>32</sup>**

- a. After an application has been accepted, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
- b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn and prior to preparation of any official written comments.

**(9) Concurrent Review<sup>33</sup>**

- a. Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this Code intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process.
- b. Review and decision-making bodies considering applications submitted simultaneously shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.
- c. Examples of concurrent filing and processing of applications include, but are not limited to:
  - 1. Development review and conditional use permit;
  - 2. Development review and rezoning;
  - 3. Conditional use permit and rezoning; and
  - 4. Development review and subdivision.
- d. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Code intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this Code has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval herein.

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**D. Citizen Review Process<sup>34</sup>**

**(1) Purpose**

The Citizen Review Process is intended to:

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<sup>32</sup> New standards to formalize an application withdrawal process.

<sup>33</sup> New.

<sup>34</sup> Modifications to language since staff draft – step relocated to after application submittal since staff draft as well.



- a. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
- b. Ensure that citizens and property owners within the community have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
- c. Facilitate ongoing communication between the applicant, interested citizens, and property owners throughout the application review process.
- d. The Citizen Participation Plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

**(2) Applicability<sup>35</sup>**

- a. Every applicant who is proposing a project that requires a public hearing, except for those application types listed in paragraph b below, shall prepare a Citizen Participation Plan following the pre-application meeting and submission of the application. Implementation of the plan shall begin prior to the first public hearing.
- b. A Citizen Participation shall not be required for an application for a variance, Certificate of Appropriateness, appeal, conditional use permit (except those associated with a development review), or extension of time for an existing approval.

**(3) Target Area**

The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. At a minimum, the target area shall include the following:

- a. Property owners within the public hearing notice area required by other sections of this Code;
- b. The head of any homeowners association, or community/neighborhood appointed representative adjoining the project site; and
- c. Other interested parties who have requested that they be placed on the notification list for a particular project.
- d. The Director may determine that additional notices or areas should be provided.

**(4) Citizen Participation Plan**

At a minimum, the Citizen Participation Plan shall include:

- a. How those interested in and potentially affected by an application will be notified that an application has been submitted;
- b. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;

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<sup>35</sup> This updated text is intended to clarify the types of applications for which a CRP is required, and also the timing of the CRP preparation. Both issues are addressed inconsistently in the current code.

- c. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems they may have with the proposal in advance of the public hearing;
- d. The applicant's schedule for completion of the Citizen Participation Plan; and
- e. How the applicant will keep the Department of Community Development informed on the status of their citizen participation efforts.

**(5) Public Notice**

These requirements are in addition to public notice provisions required by 9.3.Fj, *Scheduling and Notice of Public Hearings*.

**(6) Additional Meetings**

The Director may require the applicant to hold additional citizen participation meetings based on:

- a. The length of time between the last citizen participation meeting and the date of the submittal of the application;
- b. The extent of changes that have occurred to the development proposal since the last citizen participation meeting was held; and/or
- c. The length of time between last public hearing (such as a conceptual review hearing) and the date of submittal for further development application consideration.

**(7) Citizen Participation Report<sup>36</sup>**

The applicant shall provide a written report to the Director and the Planning and Zoning Commission on the results of their citizen participation effort (prior to the notice of public hearing). The Citizen Participation Report shall include the information specified in the Administrative Manual.

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**E. Staff Review and Action<sup>37</sup>****(1) Referral to Staff and Review Agencies**

The Director shall distribute the complete application to appropriate staff and appropriate review agencies, per the Administrative Manual.

**(2) Staff Review and Application Revisions**

Staff shall review the application and shall consult with applicable city departments and participating reviewing agencies with jurisdiction over public health and safety. Staff shall submit recommendations and comments to the applicant in a form established by the Director. The applicant shall attend a meeting with the appropriate staff as determined by the Director to discuss staff recommendations and comments. The application will not move forward for further review until the Director determines that the applicant has adequately responded to the City's recommendations and comments, or the applicant requests that the application move forward without responding to the City's recommendations and comments.

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<sup>36</sup> Detailed list of plan contents are proposed for removal to the Administrative Manual.

<sup>37</sup> Generally, these new standards are intended to simplify and consolidate the staff review procedures that appear throughout the current code. Note that some procedures currently describe a relatively strict "investigation and report" by staff; this proposed new text above simplifies and does not carry forward the "investigation" language, per a recommendation in the Analysis Report.

**(3) Applications Subject to Staff Recommendation<sup>38</sup>**

**a. Staff Report**

If an application is subject to staff review and recommendation to the Planning and Zoning Commission and/or City Council per Table 9.1, *Summary Table of Review Procedures*, staff shall prepare a written staff report, which includes:

1. The location and nature of the proposed improvements;
2. The comments and concerns of reviewing agencies;
3. The revisions to the project proposed by the applicant as necessary to address the reviewing agencies' comments and established review criteria;
4. How the application complies with applicable requirements of this Code or any other City requirements, including addressing any required findings;
5. Recommendations on the approval, conditional approval, or denial of the request based on the applicable review criteria in this Code; and
6. Conditions of approval that may be necessary to address the concerns.

**b. Distribution and Availability of Application and Staff Report<sup>39</sup>**

The Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review at least seven calendar days prior to the hearing at which the application is scheduled to be heard.

**(4) Applications Subject to Staff Decision**

- a. If an application is subject to staff review and a final decision by the Director, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or conditions of approval.
- b. Appeals of administrative decisions may be made pursuant to 9.8.C, *Appeal*.

**(5) Approval Criteria Applicable to all Applications<sup>40</sup>**

**a. Generally**

1. Unless otherwise specified in this Code, City review and decision-making bodies shall review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.
2. The application may also be subject to additional review criteria specific to the type of application, as set forth in Sections 9.4 through 9.8.
3. If there is a conflict between the general review criteria in this section and the specific review criteria in Sections 9.4 through 9.8, the applicable review criteria in Sections 9.4 through 9.8 control.

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<sup>38</sup> New. The list of items for the staff report is from the "Investigation" language in the current code.

<sup>39</sup> The seven-day timeframe is from the current code.

<sup>40</sup> This draft section is intended to shorten the Code and eliminate redundancy by clearly stating the most common approval criteria once, so that they do not have to be repeated in whole or in part for the various specific types of development applications.

**b. Prior Approvals**

The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

**c. Consistency with Sedona Community Plan and Other Applicable Plans**

Except for proposed subdivisions, the proposed development shall be consistent with the Sedona Community Plan and any other applicable plans. The decision-making authority:

1. Shall weigh competing plan goals, policies, and strategies; and
2. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Sedona Community Plan or other applicable plans.

**d. Compliance with This Code**

The proposed development shall comply with all applicable standards in this Code, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

**e. Compliance with Other Applicable Regulations**

The proposed development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

**f. Minimizes Impacts on Adjoining Property Owners**

The proposed development shall not cause significant adverse impacts on surrounding properties. The applicant has made a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the Citizen Participation Plan for the specific development project, if such a plan is required.

**g. Consistent with Intergovernmental Agreements**

The proposed development shall be consistent with any adopted intergovernmental agreements, and comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this Code.

**h. Minimizes Adverse Environmental Impacts**

The proposed development shall be designed to minimize negative environmental impacts, and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.

**i. Minimizes Adverse Fiscal Impacts**

The proposed development shall not result in significant adverse fiscal impacts on the City.

**j. Compliance with Utility, Service, and Improvement Standards**

As applicable, the proposed development shall comply with federal, state, county, service district, City and other regulatory authority standards, and design/construction

specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

**k. Provides Adequate Road Systems**

Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

**l. Provides Adequate Public Services and Facilities**

Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, potable water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

**m. Rational Phasing Plan**

If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.

**(6) Conditions of Approval<sup>41</sup>**

- a.** Where this Code authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
- b.** All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the City's comprehensive plan, other adopted City plans, and this Code.
- c.** No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.
- d.** Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
- e.** During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions

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<sup>41</sup> This new language enables the decision-making body to impose conditions; however, rather than attempting to list specific elements of a project that can be conditioned, this language provides more flexibility and is more general in nature.

by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.<sup>42</sup>

- f. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

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## **F. Scheduling and Notice of Public Hearings<sup>43</sup>**

### **(1) Scheduling**

- a. If an application is subject to a public hearing per Table 9.1, *Summary Table of Review Procedures*, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.
- b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per 9.3.E, *Staff Review and Action*.

### **(2) Public Hearing Notice**

#### **a. General Notice Requirements**

All public hearings required by this Code shall be preceded by the notices identified in Table 9.1, *Summary Table of Review Procedures*. Persons with specific issues or concerns regarding a proposed application are encouraged to contact the Department of Community Development in writing, by phone, or in person prior to the hearing.

#### **b. Responsibility for Notice<sup>44</sup>**

The City shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing. The applicant shall be responsible for maintaining the posted notice once posted on the site by the City.

### **(3) Notice Format and Content**

#### **a. Published and Mailed Notice<sup>45</sup>**

- 1. Required published or mailed notices shall:
  - i. Identify the application type;
  - ii. Describe the nature and scope of the proposed project;
  - iii. Identify the location subject to the application;
  - iv. Identify the date, time, and location of the hearing being noticed;
  - v. Identify where and when the application and associated materials may be inspected; and
  - vi. Indicate opportunity to appear at the public hearing.

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<sup>42</sup> New. We include this provision in development codes to protect local governments based on recent case law, specifically *Koontz vs. St. John's River Water Management District*. The intent is to clearly designate that "talk is talk" concerning mitigating conditions, unless and until it is integrated into an official decision by a local government.

<sup>43</sup> This section generally consolidates multiple notice provisions from the current code. There are several new provisions suggested, but the core elements (15-day time frame, 300-foot distance, etc.) are from the current code.

<sup>44</sup> New.

<sup>45</sup> New.

2. Published notice shall appear in a newspaper of general circulation in the city at least 15 days prior to the scheduled hearing.
3. Mailed notices shall be sent via first-class mail to all property owners as listed in the records of the County tax assessor's office within 300 feet of the subject property, as measured from property boundaries.

**b. Posted Notice<sup>46</sup>**

1. Required posted notice shall include at least one sign on the subject property at least 15 days prior to the public hearing. The City is responsible for posting the sign(s). The applicant is responsible for maintaining the sign(s) once erected. The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.
2. The Director may require additional signs based on access and configuration of the property.<sup>47</sup>
3. Required posted notice shall:<sup>48</sup>
  - i. Identify the application type;
  - ii. Describe the nature and scope of the proposed project;
  - iii. Identify the date, time, and location of the hearing being noticed; and
  - iv. Identify a telephone number for additional information.

**(4) Constructive Notice**

**a. Minor Defects in Notice Shall Not Invalidate Proceedings<sup>49</sup>**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

**b. Failure to Receive Notice Shall Not Invalidate City Action<sup>50</sup>**

As provided in A.R.S. Section 9-462.04(A)(7), or any successor statute, the failure of any person or entity to receive notice as set forth in the statute or this subsection shall not constitute grounds for any court to invalidate the actions of the city.

**(5) Additional Notice**

In addition to notice by the means set forth above, the City may give notice of the hearing in a specific case in such other manner as it deems necessary or appropriate.

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<sup>46</sup> Staff questioned whether on-site posting is required by statute. The relevant statutory language is in ARS 9-462.04(A), which requires posting of notice by any municipality that has a hearing officer or planning commission that will "hold a public hearing on any zoning ordinance." Arguably that applies just to adoption or amendment of the ordinance itself, not to individual projects. Further discussion/research would be necessary prior to removal of posting requirements.

<sup>47</sup> New.

<sup>48</sup> Posted sign specifications should be included in the Administrative Manual.

<sup>49</sup> New.

<sup>50</sup> This carries forward and consolidates a provision that is repeated throughout the current code.

## **G. Review and Decision**

### **(1) Hearing, Review, and Decision<sup>51</sup>**

- a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 9.1, *Summary Table of Review Procedures*.
- b. If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application in accordance with 9.3.G(2), *Public Hearing Procedures*.
- c. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
- d. The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures. The body may also continue the hearing.
- e. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.
- f. The decision-making body may incorporate or require, as part of a condition of approval, a written agreement between the applicant and the City that enforces the conditions. All conditions shall comply with the limitations in 9.3.E(6), *Conditions of Approval*.
- g. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

### **(2) Public Hearing Procedures<sup>52</sup>**

Public hearings required by this Code shall be conducted according to the rules and procedures established by the respective bodies, and in compliance with City Code and state law.

### **(3) Pre-Development Activity by Applicant<sup>53</sup>**

Any furtherance of pre-development activity engaged in by or in behalf of the developer while an application is pending shall in no instance be construed as having been undertaken in reliance of an approval of such application.

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## **H. Post-Decision Actions and Limitations**

### **(1) Effective Date of Approval**

Unless otherwise provided in this Article, a decision made under this Article shall be final 15 days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Director pursuant to 9.8.C, *Appeal*.

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<sup>51</sup> New.

<sup>52</sup> Are there any adopted specific procedures the city would like to fold into the code?

<sup>53</sup> This has been relocated here from the subdivision section so that it applies to all applications. The existing text just applies to rezonings and subdivisions.



**(2) Appeal**

The applicant or any member of the general public may file a written appeal regarding a decision made under this Article, clearly stating the reasons for such appeal, within 15 days of the final action, pursuant to 9.8.C, *Appeal*.

**(3) Expiration and Revocation of Approval<sup>54</sup>****a. Expiration of Approval**

Approval under this Article may be granted subject to a schedule of development or set time period for development of specific improvements, and/or establishment of a specific use or uses for which the approval is requested. Approval shall expire at the end of this period or, if a specific time period is not specified, after two years<sup>55</sup> following the date upon which the final approval became effective, if none of the following have occurred:

1. The subject property has been improved for the development for which it was approved and a building permit has been issued and construction commenced and is being diligently pursued toward completion of the site for which the approval was originally granted; or
2. A Certificate of Occupancy has been issued for structure(s) that were the subject of the application; or
3. The site has been occupied for a permitted use if no building permit or Certificate of Occupancy is required.

**b. Revocation of Approval**

Upon expiration, the approval shall be considered revoked, unless a request for an extension of time is made by the applicant to the Director at least 90 days prior to the date of the expiration of the original approval in accordance with established application submittal scheduling requirements. The applicant is responsible for keeping track of the application expiration dates.

**c. Request for Extension of Approval**

An approval subject to expiration may be granted a maximum of two time extensions by the Planning and Zoning Commission (or by City Council if the Commission's decision is appealed).

1. The first time extension approval shall meet the following criteria and the expiration date shall not exceed two years from the original approval expiration date.
2. The second time extension approval expiration date shall not exceed two years from the first time extension expiration date.
3. In no case shall the combination of two time extension approvals exceed four years from the original approval expiration date. There must be exceptional circumstances to warrant a second time extension. The second time extension shall meet the following criteria, and in granting the second extension, the Planning and Zoning

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<sup>54</sup> This carries forward and consolidates language from the current code that applies to development review, conditional use permits, variances, and administrative waivers. Is there a reason not to include it in the common procedures and make it applicable to all types of applications?

<sup>55</sup> Revocation period changed from one year to two years, per the Analysis report.

Commission or City Council, if an appeal is filed, must consider the complexity of the project and identify the specific circumstances that warrant the extension.

4. Consideration of time extensions and/or revocations by the Commission and Council shall be at a public hearing and shall be noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.
5. Upon the expiration of the specified time period, if no extension has been granted or no application for the same has been submitted, or a granted time extension has expired, then the application shall be considered revoked. In the case of a revocation of a conditional rezoning, the Director shall initiate the process for reversion to original zoning, which shall follow the rezoning procedure set forth in 9.6.A, *Rezoning (Zoning Map Amendment)*.

**d. Evidence Required To Support Extension Requests**

In all public hearings to consider all time extension requests, the applicant shall provide substantial and verifiable evidence to the Planning and Zoning Commission (and City Council if applicable) that:

1. In spite of the good faith efforts of the applicant, circumstances beyond their control have prevented the timely pursuit of the development and completion of the necessary requirements within the originally authorized time period; or
2. The applicant has completed substantial property improvements, incurred substantial nonrecoverable monetary expenditures or commitments, or has completed supporting development improvements, or retained the services for preparation of supporting data in reliance upon the approval of the request.
3. In either instance, the applicant is, in good faith, continuing to diligently pursue implementation of the development to the degree authorized by the city. In either instance the applicant is also current on all city fees, including wastewater billing charges, and has no code violations or environmental, health and safety issues existing on the property.

**e. Conditions Applicable to Approval Extension**

Extension of previously approved applications may be subject to the following:

1. Modification of previously required conditions of approval as warranted by interim changes in the area, and/or to ensure continued compatibility with any improvements within the context area;
2. Project revisions as necessary to comply with ordinance or code amendments that may have taken effect since the time of the original approval.

**(4) Modification or Amendment of Approval**

**a. Minor Changes Allowed**

Development authorized by any approval under this Article may incorporate minor changes from the approved plan, permit, or conditions of approval, as appropriate, without the need for a new application, provided that the Director determines that the proposed changes:

1. Could be approved under the allowable minor modifications pursuant to 9.8.B, *Minor Modification*, had they been requested with the original application;<sup>56</sup>
2. Comply with the standards of this Code;
3. Are necessary to meet conditions of approval; and/or
4. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the administrative site/architectural plan.

**b. Major Changes**

Any modification of an approved plan, permit, or condition of approval that the Director determines does not meet the criteria in paragraph a above shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

**(5) Limitation on Subsequent Similar Applications<sup>57</sup>**

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

- a. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
- b. The new application is materially different from the previous application.

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<sup>56</sup> Further discussion needed. The minor modification process in part takes the place of the current system of administrative waivers. Staff questions whether such modifications could be approved automatically without going through the full modification process.

<sup>57</sup> These standards prevent applicants from repeatedly submitting applications trying to achieve a different response without providing a substantially different application or new information. This is in place for some procedures in the current code, but this new provision makes it generally applicable.

## 9.4. Development Permits

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### A. Development Review<sup>58</sup>

#### Commentary

This section is based generally on the existing development review procedures, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures. New thresholds are suggested to place more projects in the “minor” category, subject to staff approval. The “findings” and “considerations” are not carried forward, since all those issues are covered in the “general approval criteria” introduced in the common procedures.

The review of minor projects for compliance with zoning standards currently is done through the building permit process in Sedona. A separate formal approval for zoning compliance would be new. While this draft does create a new process, it is administrative, and the thresholds have been raised for decisions that could be made at the staff level. The proposed process also would allow applicants to obtain zoning approval (including site and architectural design) before having to complete detailed construction drawings, if they wish. That could make it easier to make changes to construction plans based on the results of the development review.

#### (1) Purpose

The purpose of development review is to provide guidance and direction in the physical improvements of properties within the city through the review of all aspects of a proposed development, including, but not limited to, design review, site planning, and the relationship of the development to the surrounding environment and the community. Development review shall promote development that is safe, attractive, and compatible with surrounding areas and the city at large.

#### (2) Applicability

##### a. Activities Subject to Development Review<sup>59</sup>

1. Development review is required prior to the issuance of a building permit and construction of physical improvements. Development review is required for all development subject to this Code, including signs, landscaping, site layout, and use associated with:
  - i. New building construction;
  - ii. Newly established uses of land;
  - iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, semi-public, and multifamily residential uses of property within the city that result in increased occupancy or intensity of use; and
  - iv. Creation or expansion of any vehicular parking area.<sup>60</sup>
2. Development review is not required for:

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<sup>58</sup> This is based on and replaces the current 401. While the term “site plan review” is more common in most communities, we have retained the term “development review” since the process encompasses other issues beyond just site design.

<sup>59</sup> This is the current list of development types subject to development review.

<sup>60</sup> The parking area provision is new; it arguably is covered in the prior item, but it helps to call parking lots out specifically.

- i. Detached single-family residential uses in single-family zones, and associated accessory buildings and uses, which are subject to 9.4.D, *Single-Family Residential Review*; and
- ii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances.

**b. Thresholds for Development Plan Review<sup>61</sup>**

Development plan review is conducted by the Director or the Planning and Zoning Commission, based on the thresholds in Table 9.2 below:

<b>Table 9.2 Applicability Thresholds for Development Review</b>		
<b>Type of Development</b>	<b>Minor Development Review (Director)</b>	<b>Major Development Review (Planning and Zoning Commission)</b>
<b>RESIDENTIAL</b>		
<b>Multi-family residential</b>	Up to 10 dwelling units	11 or more dwelling units
<b>NONRESIDENTIAL</b>		
<b>Any new building</b>		
<b>Any newly established use of land</b>	Less than 5,000 square feet gross floor area (individually or cumulatively)	5,000 or more square feet gross floor area (individually or cumulatively)
<b>Any expansion, alteration, or modification of existing structure or site</b>		

**Notes:** See exceptions to development review thresholds in 9.4.A(2)c.

**c. Exceptions to Development Plan Review Thresholds<sup>62</sup>**

**1. Director Referral to Planning and Zoning Commission**

The Director may require any of the following minor building improvement items to be considered by the Commission at a public hearing on the basis of location or visual impacts, or in conjunction with other aspects of overall site development or improvement:

- i. Signs;
- ii. Fences or walls;
- iii. Exterior stairways, porches, or balconies;
- iv. Exterior repair or replacement of existing siding and trim;
- v. Reroofing;
- vi. Exterior painting; and/or
- vii. Other similar minor improvements as determined by the Director.

<sup>61</sup> Per the Analysis report, these draft thresholds are substantially different (and simpler) from those in the current code. The number of MF units is raised to ten, and the size threshold is raised from 2,000 sq ft to 5,000 sq ft. These changes would fulfill the project goal of shifting more decision-making responsibility to the professional planning staff.

<sup>62</sup> These exceptions are from the current code, but the headings have been clarified.

**2. Director Approval of Certain Major Projects**

- i. The Director may approve the following types of expansions, alterations, or modifications to development projects or sites that would otherwise be subject to major development review and approval by the Commission per Table 9.2:
  - a. Interior alterations or modifications that do not increase the overall gross floor area of a building; and/or
  - b. Minor exterior alterations or additions to a building that do not exceed five percent of the gross square footage of the building, provided they are architecturally compatible with the existing building, and are not visible from public or private rights-of-way.<sup>63</sup>
- ii. However, notwithstanding paragraph i above, the Director may require such expansions, alterations, or modifications to be considered by the Commission at a public hearing on the basis of location or visual impacts, or in conjunction with other aspects of overall site development or improvements.

**(3) Minor Development Review: Application Submittal and Review Procedure**

Figure 9-2 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to minor development review. Additions or modifications to the common review procedures are noted below.

**Figure 9-2: Minor Development Review**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>64</sup>**

The minor development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

<sup>63</sup> Changed from 750 square feet to 5 percent, to be scalable with the size of the project.

<sup>64</sup> Submittals removed to bin file for administrative manual.

**c. Staff Review and Action**

1. The Director shall review the minor development review application and approve, approve with conditions, or deny the application in accordance with 9.3.E, *Staff Review and Action*, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*.<sup>65</sup>
2. Alternatively, the Director may refer the application to the Planning and Zoning Commission pursuant to 9.4.A(2)c.1, *Director Referral to Planning and Zoning Commission*.

**(4) Major Development Review: Application Submittal and Review Procedure**

Figure 9-3 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to major development review. Additions or modifications to the common review procedures are noted below.

**Figure 9-3: Major Development Review**



**a. Pre-Application Meeting**

1. A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.
2. Depending on the size and scale of the development proposal, the Director may recommend or require a preliminary conceptual review hearing with the Planning and Zoning Commission. Such hearing shall be scheduled as a public hearing before the Commission and shall be noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.<sup>66</sup>

<sup>65</sup> The “findings” and “considerations” for development review in the current code overlap. In addition, they also are redundant with the new general criteria introduced in this draft in the common procedures. To simplify, we have just referenced the general criteria.

<sup>66</sup> Staff suggests making the conceptual review mandatory for projects over a certain size (e.g., 10,000 square feet). This concept hearing is from the current code. Is it actually held as described in the text? Are there some more specific thresholds we can list to give an applicant notice as to when this might be required?

**b. Application Submittal and Handling<sup>67</sup>**

The major development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

**d. Staff Review and Action**

1. The Director may review and approve, approve with conditions, or deny those types of projects submitted for major development review as listed in 9.4.A(2)c.2, *Director Approval of Certain Major Projects*.

2. For all other major development review applications, the Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**e. Scheduling and Notice of Public Hearings**

The major development review application shall be scheduled for a public hearing before the Planning and Zoning Commission and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**f. Review and Decision (Planning and Zoning Commission)**

The Planning and Zoning Commission shall review the major development review application and approve, approve with conditions, or deny the application in accordance with 9.3.G, *Review and Decision*, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*.

**(5) Post-Decision Actions and Limitations for Development Review (Minor and Major)**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. No Building Permit without Approval**

No building permit shall be issued until the development review application and all other associated applications have been approved and any applicable appeal period is exhausted.

**b. Implementation Procedures**

1. Prior to the issuance of a building permit, the Director shall determine that the submitted plans for the building permit substantially conform to those approved by the Director, the Commission, or Council and that the time period for approvals has not expired. An approval stamp and the date of the approval shall indicate that the plans are in conformity.

2. Any conditions prescribed by the Director, the Commission, or Council shall be considered an integral part of the construction plans. The conditions of approval shall be noted or depicted on all plans that may be required by applicable city departments.

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<sup>67</sup> Submittals removed to bin file for administrative manual.



3. Upon completion of the development, the Director and all applicable reviewing agencies involved with the development review proposal shall conduct a site investigation to assure compliance with all applicable conditions of approval prior to the issuance of a Certificate of Occupancy.
4. Any building, structure, or sign that has been constructed or installed without the approval of the Director, the Commission, or Council, as applicable, may be ordered removed at the applicant's expense. Modifications, alterations, or changes to approved plans shall not be authorized without specific review and approval. Proposed revisions shall be submitted for consideration in the same manner as a new application.
5. Noncompliance with approved plans and conditions shall be grounds for the Director to either stop the work on the project or to deny a Certificate of Occupancy, as described in 1.7.C, *Enforcement Actions or Proceedings* .
6. Any building, structure, plant, material, or sign that has been approved by the Director, Commission, or Council and has been constructed or installed in accordance with approved plans shall be maintained in accordance with said approvals by the owner or person in possession of the property on which the building, structure or sign is located.

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## **B. Conditional Use Permit**

### **Commentary**

This section is based generally on the existing Section 402, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

#### **(1) Purpose<sup>68</sup>**

The conditional use permit procedure provides a mechanism for the City to evaluate proposed land uses that are generally characterized by infrequency of use, high degree of traffic generation, and/or requirement of a large land area.<sup>69</sup> This procedure is intended to ensure compatibility of such uses with surrounding areas and that adequate mitigation is provided for anticipated impacts.

#### **(2) Applicability**

A conditional use permit is required for the establishment of certain land uses as specified in Table ---: Table of Allowed Uses. Approval of a new conditional use permit is also required for modification or expansion of an existing conditional use.

#### **(3) Application Submittal and Review Procedure**

Figure 9-4 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of conditional use permits. Additions or modifications to the common review procedures are noted below.

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<sup>68</sup> New purpose statement.

<sup>69</sup> This language is from ARS 9-462.01.C.1.

**Figure 9-4: Conditional Use Permit**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>70</sup>**

The conditional use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

**d. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**e. Scheduling and Notice of Public Hearings**

The conditional use permit application shall be scheduled for a public hearing before the Planning and Zoning Commission and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*, with the following modifications:

- 1.** In a proceeding involving a conditional use permit that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.<sup>71</sup>

<sup>70</sup> Submittals removed to bin file for administrative manual.

<sup>71</sup> The language as drafted is from ARS 9-462.04. It could include the US Forest Service in practice, which owns much of the unincorporated land.

**f. Review and Decision (Planning and Zoning Commission)<sup>72</sup>**

1. The Planning and Zoning Commission shall review the conditional use permit application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Commission shall approve, approve with conditions, or deny the application in accordance with 9.3.G, *Review and Decision*, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*.
2. A conditional use permit may be granted for a limited time period or may be granted subject to such conditions as the Commission may prescribe, effective upon the satisfaction of certain conditions.

**g. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**1. Expiration and Revocation of Conditional Use Approval**

**i. Cessation of Conditional Use<sup>73</sup>**

If the use for which the conditional use permit was approved ceases for a period of two years, the permit shall automatically expire.

**ii. Failure to Comply with Conditions**

If a use permit is granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended automatically, may invoke enforcement per 1.7, *Enforcement*, or may be revoked subject to the following:

- a. The Director shall notify the applicant of the suspension and the reasons for the suspension and specify a time period for the applicant to comply with the condition or conditions.
- b. If the applicant fails to comply within the specified time period, the Commission shall hold a public hearing within 40 days. If not satisfied that the condition or conditions in question are being complied with, the Commission may revoke the conditional use permit or take action necessary to ensure compliance with the condition(s).
- c. The decision shall become final 15 days following the date on which the conditional use permit was revoked unless an appeal has been filed with the Director within the prescribed 15-day appeal period, in which case the Council shall render a final decision.

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<sup>72</sup> This draft does not carry forward the lengthy (but not exhaustive) list of potential conditions from the current code. Conditions of approval are addressed in the new common procedures.

This draft also does not carry forward a targeted waiver authority for conditional use permits from the current code. The minor modification tool should suffice. "A conditional use permit may waive or modify regulations generally prescribed by this Code for fences, walls, hedges, screening and landscaping; site area, width and depth; front, rear and side yards; coverage; height of structures; distances between structures; usable open space; signs; off-street parking facilities or frontage on a public street."

<sup>73</sup> This is a change from the current ordinance, which requires a hearing process after two years of inactivity to consider revocation.

**2. One-Year Bar on Refiling**

If an application is denied or withdrawn after the Commission hearing or if a conditional use permit is revoked, no application for a conditional use permit for the same or substantially the same use on the site shall be accepted within one year from the date the conditional use permit application was filed. If the application is withdrawn or continued at the request of the applicant, the one-year period will begin from the date the Commission acts upon the application.

**3. Conditional Use Permit – Validity and Revisions**

A conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the conditional use permit application. Any proposed revisions or changes to an approved conditional use permit application shall be submitted in the same manner, and subject to the same approval process, as the original review.

**4. Temporary Suspension of Conditions**

In the event that the City Manager determines a public emergency, the Community Development Director may suspend one or more conditions of approval on a conditional use permit.

**(4) Findings<sup>74</sup>**

The following findings shall be made before granting a conditional use permit:

- a.** The proposed location of the conditional use is in accordance with the objectives of this Code and the purpose of the zoning district in which the site is located;
- b.** The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - 1.** Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination;
  - 2.** Any hazard to persons and property from possible explosion, contamination, fire or flood; and
  - 3.** Any impact on surrounding area resulting from unusual volume or character of traffic;
- c.** The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area;
- d.** The proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances; and
- e.** The proposed expansion or change of a nonconforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.

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<sup>74</sup> Existing findings.

## C. Administrative Use Permit

### Commentary

This is a proposed new procedure per staff request. It was not discussed in the Analysis report. It would allow an administrative review of certain uses that may not need to rise to the level of a conditional use permit. Other Arizona examples include the Administrative Use Permit processes in Gilbert and Mesa and the Use Permit heard by the Zoning Administrator in Phoenix.

**(1) Purpose<sup>75</sup>**

The administrative use procedure provides a mechanism for administrative review of prospective uses to ensure compliance with applicable standards of this Code, including base zoning district regulations and location, design, configuration, intensity, and density of use or structures.

**(2) Applicability<sup>76</sup>**

An administrative use permit is required before establishing, constructing, or installing any use or structure designated as requiring an administrative use permit in Table --- [master use table].

**(3) Application Submittal and Review Procedure**

Figure 9-7 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to administrative use permits. Additions or modifications to the common review procedures are noted below.

**Figure 9-5: Administrative Use Permit**



**a. Application Submittal and Handling**

The administrative use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**b. Staff Review and Action**

The Director shall review the administrative use permit application and approve, approve with conditions, or deny the application in accordance with 9.3.E, *Staff Review and Action*, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all*

<sup>75</sup> New.

<sup>76</sup> New. A new designation in the use table will need to be added in the consolidated draft code, if this new procedure is adopted.

*Applications.* The Director may require cash bond to defray costs if the permittee fails to comply with conditions of approval.

## D. Single-Family Residential Review<sup>77</sup>

### Commentary

DISCUSSION: Staff proposes that this procedure also be used for up to a four-unit multifamily project.

#### (1) Purpose

The purpose of the single-family residential review procedure is to provide for administrative review of the development of a single-family residence on a lot or parcel zoned for single-family residential use.

#### (2) Applicability<sup>78</sup>

Single-family residential review shall be required for development of any new building or structure on any existing or new single-family residential lot or parcel.

#### (3) Application Submittal and Review Procedure

Figure 9-6 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to single-family residential review. Additions or modifications to the common review procedures are noted below.

Figure 9-6: Single-Family Residential Review



#### a. Application Submittal and Handling<sup>79</sup>

The single-family residential review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*, with the following modification: All required information relevant to the building of structures on a lot shall be submitted to the Department concurrently with the submission of a building permit application for proposed development.

<sup>77</sup> 403

<sup>78</sup> Applicability statement rewritten for clarity.

<sup>79</sup> Submittals removed to bin file for administrative manual.

**b. Staff Review and Action<sup>80</sup>**

The Director shall review the single-family residential review application based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*, and the approved subdivision final plat. If it is determined that the proposed development meets all applicable requirements, the building permit for the proposed development shall be issued. If it is determined that the proposed development does not comply, the Director shall advise the applicant in writing of the reasons for noncompliance.

**c. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply.

**E. Temporary Use Permit<sup>81</sup>**

**Commentary**

This is a proposed major simplification of the temporary use permit procedure, which has been rewritten to fit into the new common procedures framework.

**(1) Purpose**

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures of limited duration to ensure compliance with applicable standards of this Code, including Section --- [x-ref to temp use standards].

**(2) Applicability**

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in Section --- [x-ref to temp use standards].

**(3) Application Submittal and Review Procedure**

Figure 9-7 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to temporary use permits. Additions or modifications to the common review procedures are noted below.

**Figure 9-7: Temporary Use Permit**



<sup>80</sup> This is simplified from the current code, which distinguishes between “existing” and “new” single-family lots for decision-making purposes, but applies generally the same criteria to both.

<sup>81</sup> 407

**a. Pre-Application Consultation<sup>82</sup>**

A pre-application consultation shall be held in accordance with 9.3.B, *Pre-Application Meeting*, for the following types of temporary uses: ---.

**b. Application Submittal and Handling<sup>83</sup>**

The temporary use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**c. Staff Review and Action**

The Director shall review the temporary use permit application and approve, approve with conditions, or deny the application in accordance with 9.3.E, *Staff Review and Action*, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*, and the specific criteria in 9.4.E(4), *Temporary Use Permit Approval Criteria*. The Director may require cash bond to defray costs if the permittee fails to comply with conditions of approval.

**d. Post-Decision Actions and Limitations**

Post-decision actions and limitations in 9.3.H shall apply, with the following modifications:

**1. Effect of Approval**

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

**2. Expiration of Approval**

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit.

**3. Removal and Restoration**

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

**(4) Temporary Use Permit Approval Criteria**

The Director may approve a temporary use permit upon finding that the application meets all of the following criteria:

- a.** Complies with applicable temporary use standards, as well as all other applicable standards in this Code;
- b.** Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, lighting, and odor; and
- c.** Complies with all requirements and conditions of approval of any prior development permits or approvals.

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<sup>82</sup> Discussion needed. Staff suggested that pre-application conferences could be required for larger temporary uses, but these should be specifically identified.

<sup>83</sup> Submittals removed to bin file for administrative manual.



## 9.5. Subdivision Procedures

### Commentary

This section is based on the current Section 704, *Platting Procedures and Requirements*. We have rewritten the material to fit into the new common procedures format and organization. We removed the existing language about “five stages,” which did not fit cleanly into the new organization.

Further discussion is necessary about the approval authority for final plats. In many communities, that authority is delegated to the Director. Doing so would eliminate a public hearing and help streamline the overall efficiency of the process. However, additional research is necessary to determine whether this would be permissible under state law.

This draft does not carry forward the existing “subdivision waivers”; the intent is that the new Minor Modification tool can serve the same purpose, without requiring a separate public hearing before the Council, as that existing waiver process does now.

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### A. Preliminary Plat<sup>84</sup>

#### (1) Purpose<sup>85</sup>

The preliminary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this Code and the adequate provision of facilities and services in the city.

#### (2) Applicability

##### a. Preliminary Plat Required<sup>86</sup>

A preliminary plat is required for any proposed subdivision that:

1. Is on land that has not been platted;
2. Will include the dedication of public right-of-way, other public tracts, or public improvements; or
3. Is not eligible to be processed as a land division, pursuant to 9.5.C, *Land Division or Combination*.

##### b. Zoning Compliance Required<sup>87</sup>

A proposed subdivision shall be designed to meet the specific requirements for the zoning district within which it is located.

#### (3) Application Submittal and Review Procedure

Figure 9-8 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

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<sup>84</sup> For discussion purposes, this draft proposes including the Concept Plan step as the initial step in the preliminary plat procedure. Alternatively, it could be given its own distinct procedure (with its own separate flowchart).

<sup>85</sup> New.

<sup>86</sup> New.

<sup>87</sup> Existing, but this is located within the procedural sections of the current code.

**Figure 9-8: Preliminary Plat**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling**

**1. Concept Plan for Subdivisions of 10 Units or More<sup>88</sup>**

- i.** Before commencing with preliminary plat submittal and review procedures, a conceptual review public meeting for any subdivision with 10 or more units shall be scheduled with the Planning and Zoning Commission. The Director may waive the conceptual plat requirement for projects on the basis of potential location or visually related impacts.
- ii.** The Commission shall hold at least one public meeting on each conceptual plat, which shall be noticed pursuant to 9.3.F, *Scheduling and Notice of Public Hearings*. At the public meeting, no actions shall be taken by the Commission on the conceptual plat. The public meeting is intended to provide an opportunity for the applicant to hear any concerns, comments, or requests for additional information from the Director, Commission, applicable reviewing agencies and utilities, and members of the public.

**2. Preliminary Plat Submission**

Preliminary plat submission and review commences after the conclusion of conceptual review, if required. This stage of land and airspace subdivision includes detailed subdivision planning, submittal, review, and approval of the preliminary plat. The preliminary plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

<sup>88</sup> This is based on the existing 704.03, with significant streamlining.. Staff comments suggested that the current text does not accurately describe current practice. Much of the detail for the conceptual plan process can be in the administrative manual.

**d. Staff Review and Action<sup>89</sup>**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*, with the following modifications: Upon formal acceptance of the preliminary plat application, the Director shall:

1. Distribute copies of the application to representatives of utilities, agencies, and governments that may be affected or have a pertinent interest in the proposed subdivision for their written comments;
2. Distribute comments to the applicant and discuss these comments at a staff/applicant meeting; and
3. Prepare a written report for subsequent submittal to the Commission and the applicant not less than seven days before the scheduled public hearing.

**e. Scheduling and Notice of Public Hearings<sup>90</sup>**

The Commission shall hold at least one public hearing on each preliminary plat. The hearing shall be noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**f. Planning and Zoning Commission Review and Recommendation**

1. The Planning and Zoning Commission shall review the preliminary plat application and recommend approval, approval with conditions, or denial, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*.<sup>91</sup>
2. If the plat is generally acceptable but requires minor revision before proceeding with preparation of the final plat, the Commission may find conditional approval and note the required revisions in the minutes of the hearing.
3. If the Commission finds that the plat requires major revision, consideration of the plat may be continued pending revision or resubmittal of the plat or any part thereof. Major revisions shall be subject to the same review requirements as the original submittal.

**g. City Council Review and Decision**

1. The staff shall refer the written recommendations of the Commission on the preliminary plat to the Council.<sup>92</sup>
2. After conducting a properly noticed public hearing, the Council shall approve, conditionally approve, deny, or continue its consideration of the proposed preliminary plat, based on the general approval criteria in 9.3.E(5), *Approval Criteria Applicable to all Applications*.

**h. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

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<sup>89</sup> At staff suggestion, removed the existing requirements for this meeting to be within 28 days of formal acceptance of the plat, and for a written report to be provided at least seven days before hearing.

<sup>90</sup> At staff suggestion, removed the existing requirements for the P&Z hearing to be within 70 days of formal acceptance of the plat, and for no more than 45 days between P&Z and Council hearings.

<sup>91</sup> No specific findings are necessary; those in the current code all duplicate the general findings in the new code.

<sup>92</sup> At staff suggestion, removed the existing requirement for this referral to be within 56 days of the Commission decision.

**1. Refiling Following Denial**

If a preliminary plat is denied by the Council, a similar preliminary plat of the same area or portion thereof may not be refiled for at least one year from the date of disapproval. If a plat is refiled, it shall be treated as a new application and all fees shall be paid.

**2. Revisions to Preliminary Plat<sup>93</sup>**

Revisions to subdivision design may be required to satisfy required conditions of approval. Required revisions to the preliminary plat must be submitted for review by the Director within 60 days of Council action on the plat. The Director shall respond in writing to the revisions within 20 working days of their submittal.

**3. Expiration of Preliminary Plat Approval**

The approval of a preliminary plat shall expire 24 months<sup>94</sup> from the date approved by the Council, subject to the following:

- i.** Final plats shall be subject to the design and improvement standards applicable at the time of the approval;
- ii.** Applications for final plats processed through the city more than 12 months after original Council approval of the preliminary plat shall be subject to the design and improvement standards applicable at the time of the application;
- iii.** Preliminary plat areas for which no final plat has been approved within 36 months of original Council approval shall expire and shall require a new subdivision application;
- iv.** It shall be the responsibility of the subdivider to monitor elapsed time and reflect appropriate design and improvement standards with each submittal.

**4. Amendments to Approved Preliminary Plats**

The actions taken by the Commission and Council on any amended preliminary plat shall be limited to that portion of the plat affected by the amendment and shall not be construed as extending the time in which the final plat shall be filed. Any amended portion of a preliminary plat shall comply with the requirements in effect at the time this amendment is considered by the Commission. The amended plat shall show all of the information required by this section concerning any changes that may have been made on the plat.

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<sup>93</sup> This is an entire "stage" ("Stage IV") in the current code, but we propose rewriting it as drafted so that it merely is a potential element of the preliminary plan stage. At staff suggestion, removed the existing requirement for revisions to be submitted within 60 days of council action, and for Director to respond within 20 days. The existing Memorandum of Understanding language has been removed for potential placement in an administrative manual.

<sup>94</sup> Reduced from 36 months in current code.

**B. Final Plat<sup>95</sup>**

**(1) Purpose<sup>96</sup>**

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and applicable standards in this Code.

**(2) Applicability<sup>97</sup>**

The final plat procedure applies to all subdivisions in the city unless otherwise stated in this Code. Until a final plat of a subdivision has been approved in accordance with these regulations, no division of land either by recording a plat, conveyance, or other similar action which by definition constitutes a subdivision shall be permitted.

**(3) Final Plat Procedure**

Figure 9-9 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of final plats. Additions or modifications to the common review procedures are noted below.

**Figure 9-9: Final Plat**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>98</sup>**

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*. The final plat shall be presented in accordance with the requirements set forth in this Code and the administrative manual and shall conform to the approved revised preliminary plat.

<sup>95</sup> This carries forward and integrates 704.08 of the current code, which is now considered "Stage V" of the subdivision process. Further discussion is needed about the approval process and authority here; many communities streamline the overall process by not requiring a public hearing for final plats and delegating the decision-making authority to the Director, so long as that is allowed under state law.

<sup>96</sup> New.

<sup>97</sup> First sentence is new, second is from existing code.

<sup>98</sup> Submittals removed to bin file for administrative manual.

**c. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*, with the following modification:

1. The Director, upon receipt of the final plat submittal, shall immediately record receipt and date of filing and check it for completeness. If complete, the Director shall review the plat for substantial conformity to the approved preliminary plat and refer copies of the submittal to the reviewing offices specified in the administrative manual. The Director shall assemble the recommendations of the various reviewing agencies, prepare a concise summary of the recommendations, and submit this summary to the Council with the reviewers' recommendations.
2. If the Director finds that the final plat does not conform to the revised preliminary plat as approved by the Commission, then the final plat shall be submitted to the Commission for review and recommendation before submittal to the Council.

**d. Scheduling and Notice of Public Hearings**

The final plat application shall be scheduled for consideration and decision by the City Council. No public hearing or notice is required.

**e. Review and Decision (City Council)**

1. Upon receipt of a complete application for Council action on a final plat, the request shall be placed on the agenda of a regular Council meeting.<sup>99</sup> The Council shall approve or deny the plat at this meeting.
2. If the Council approves the plat, the Clerk shall transcribe a Certificate of Approval on the plat, first making sure that all required certifications have proper signatures.
3. When the Certificate of Approval by the Council has been transcribed on the plat, the Department shall retain the copy to be recorded until the City Engineer certifies that the subdivision has met the Arizona Boundary Survey Minimum Standards and the engineering plans have been approved.
4. The Director shall authorize the final plat to be recorded in the Office of the County Recorder of Yavapai and/or Coconino County.

**f. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**1. Approved Plat Required for Development**

The applicant shall not record a plat unless the plat has been approved by the Council. Any offer to sell, contract to sell, sale or deed of conveyance of a major or minor subdivision or any part thereof before a final plat, in full compliance with the provisions of these regulations, has been duly recorded in the office of the County Recorder shall be a violation of this Code.

**2. Submittal, Review and Approval of Improvement Plans**

Before the recording of the plat, the following shall be filed with the City Clerk:

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<sup>99</sup> The exiting 56-day timeframe for decision has not been carried forward.

- i.** A Certificate of Approval of improvement plans signed by the City Engineer;
  - ii.** A copy of the executed agreement between the city and the subdivider;
  - iii.** The letter of agreement with serving utilities; and
  - iv.** Financial assurance, cash, or letter of credit in an amount specified by the City Engineer and in a form acceptable to the City Attorney pursuant to 9.5.B(3)f.3.
- 3. Assurance of Construction<sup>100</sup>**
- i.** To ensure construction of the required improvements as set forth in this Code, except those utility facilities defined in subsection --- of this section, the subdivider shall deposit with the City Engineer an amount in cash or financial assurance or other legal instrument equal to 100 percent of the cost of all work plus the fees established in the administrative manual to cover administrative costs, or of each approved phase (as determined by the City Engineer), guaranteeing that all work will be completed in accordance with city plans and specifications in a form acceptable to the City Attorney.
  - ii.** When the improvement of a street by a governmental agency is imminent, the subdivider shall deposit the current estimated costs for the improvement of such facilities commensurate with estimated traffic impacts of the proposed subdivision, as approved by the Director, in an account to be disbursed to the city at the time the contract is awarded for the project.
  - iii.** The financial assurance shall be executed by the subdivider, as principal, with a corporation authorized to transact surety business in the State of Arizona through an authorized agent with an office in Arizona. The financial assurance shall be in favor of the city and shall be continuous in form. The total aggregate liability of the surety for all claims shall be limited only to the face amount of the bond, regardless of the number of years the bond is in force. The bond or cash shall be released upon satisfactory performance of the work and its acceptance by the City Engineer. The bond may not be canceled or the cash withdrawn by the subdivider until other security satisfactory to the city has been deposited which will cover the obligations remaining to be completed by the subdivider.
- 4. Assurance of Construction through Loan Commitments**
- i.** Instead of providing assurance of construction in the manner provided in 9.5.B(3)f.2, the subdivider may provide assurance of construction of required improvements (except those utility facilities defined in ---) by delivering to the City Engineer, before recording of the plat, an appropriate agreement between an approved lending institution and the subdivider. Funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, and approved by the City Engineer shall be deposited with such approved lending institution by the subdivider.

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<sup>100</sup> From current code Section 707.07. Further discussion required on whether the city wants to require more than 100 percent.

- ii. The agreement shall provide that the approved funds are specifically allocated and will be used by the subdivider, or on his behalf, only for the purpose of installing the subdivision improvements. The city shall be the beneficiary of such agreement, or the subdivider's rights thereunder shall be assigned to the city, and the City Engineer shall approve each disbursement from these funds. The agreement may also contain terms, conditions, and provisions normally included by such lending institutions in loan commitments for construction funds or necessary to comply with statutes and regulations applicable to such lending institutions.

#### **5. Amendments to the Final Plat**

All improvements required for the development of the subdivision shall comply substantially with the plans approved and adopted by the City Council. Any amendments to the approved subdivision final plat shall be accomplished in the same manner as the original subdivision application procedure, as prescribed in this section, with the exception of minor amendments, as specified below. The following procedure shall be followed for any amendment to a final plat, including amendments to the subdivision's phasing schedule.

##### **i. Major Amendments**

- a. An applicant or his successors in interest may file a request for a major amendment with the Director. The Director will bring the major amendment before the Commission and the Council following the same procedure as required for original submission of a final plat application.
- b. The change will be deemed major if it involves any one of the following:
  1. An increase in the approved total of units, lots, or gross commercial area for the subdivision;
  2. A significant change in the zoning district boundaries as determined by the Director, from those approved for the subdivision;
  3. Any change that could have significant impact on areas adjoining the subdivision as determined by the Director; and/or
  4. Any change that could have a significant traffic impact on roadways adjacent or external to the subdivision as determined by the City Engineer.

##### **ii. Minor Amendments**

- a. The applicant or his successors in interest may file a request for a minor amendment with the Director.
- b. Upon receipt of a request, the Director will determine whether the requested change is minor or major. If the requested change is determined to be minor, the amended final plat shall be submitted to the Director in the format specified in the Administrative Manual.
- c. The Director shall assemble the recommendations of the various reviewing officers, prepare a concise summary of the recommendations, and submit this summary to the Council.



- d. Upon receipt of a complete application for Council action on a final plat amendment, the request shall be placed on the agenda of a regular Council meeting. The Council shall approve or deny the final plat amendment at this meeting.
- e. If the Council approves the plat, the Clerk shall transcribe a Certificate of Approval on the plat, first making sure that all required certifications have proper signatures.
- f. The Director shall authorize the final plat to be recorded in the Office of the County Recorder of Yavapai and/or Coconino County.

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## **C. Land Division or Combination<sup>101</sup>**

### **(1) Purpose<sup>102</sup>**

This procedure provides an administrative review to ensure that divisions of land that do not constitute a subdivision comply with applicable zoning regulations and do not create landlocked parcels. This procedure also shall be used for the combination of land parcels. This section is not intended to prohibit or prevent the minor division of land as authorized and permitted by Arizona state law and the city and these subdivision regulations. Road standards shall meet the requirements of [SLDC 706.04.]

### **(2) Applicability**

#### **a. Land Division Permit Required<sup>103</sup>**

- 1. A parcel of land whose area is two and one-half acres or less may be divided into two or three separate parcels of land for the purpose of sale or lease only upon issuance of a land division permit, approved by the Director. The split shall be accomplished either by recording of a contract of sale or deed of conveyance or by requesting a split of a Tax Assessor parcel. The Director may review the history of transactions on the subject property through a series of owners and conveyances to determine whether further lot splits are permitted.
- 2. A property owner of two contiguous parcels may use the land division process to divide one of the two parcels one time to create a maximum of three parcels total. A property owner of three or more contiguous parcels shall be required to go through the subdivision process to divide lots.

#### **b. When a Land Division Is Deemed a Subdivision**

Any land division or sequence of divisions that are the result of two or more individuals, firms, partnerships or corporations conspiring together to create four or more parcels of land, each less than 36 acres in size, shall be deemed a subdivision and subject to all provisions of this Code regulating subdivisions.

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<sup>101</sup> This is based on the current 710, which is the existing Land Division procedure. However, the procedure has been expanded to also allow for land combinations, which staff notes have always been reviewed following the same procedure, though that was not explicitly addressed in the code.

<sup>102</sup> Purpose statement rewritten for clarity?

<sup>103</sup> This section has been updated to better reflect language in ARS 9-463 (definition of "land split") and also to clarify when a land division is permissible, versus the subdivision process. Additional fine-tuning may be necessary.

**(3) Application Submittal and Review Procedure**

Figure 9-10 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to land divisions. Additions or modifications to the common review procedures are noted below.

**Figure 9-10: Land Division**



**a. Application Submittal and Handling**

The land division application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*, with the following modification: The application shall describe the property involved, including existing and proposed lot lines and access and utility easements, identification of all parties of interest to the division, and the manner in which the divided parcels are to obtain access.

**b. Staff Review and Action**

Upon receipt of a complete application, the Director shall approve or deny the land division based on the findings in 9.5.C(4) below.

**(4) Land Division Required Findings<sup>104</sup>**

The Director shall review and approve a land division that conforms to the following findings:

1. The parcels resulting from the division conform to applicable zoning regulations;
2. The division of land would not result in a “subdivision” as defined by this Code;
3. None of the resulting parcels would be landlocked;
4. The street design requirements of SLDC 706 have been met;
5. The wastewater requirements as determined by the City Engineer have been met; and
6. The stormwater requirements as determined by the City Engineer have been met.

<sup>104</sup> Rewritten to simply reverse the negative posture of the existing findings, so that these are all phrased in the positive, as with other findings in this article.

## D. Condominiums and Condominium Conversions<sup>105</sup>

### (1) Purpose

This section establishes the requirements for condominium developments and condominium conversions (airspace planning).

### (2) Applicability

Final plats for condominiums shall be recorded before the issuance of a building permit.

### (3) Review Procedure

The processing of subdivision plats for condominium developments shall follow the procedures set forth in this Code for the processing of land subdivision plats. All sections of these regulations shall be applicable to condominium subdivisions.

### (4) Standards of Development

- a. A tentative tract map for a condominium development shall be prepared and submitted to the city, in accordance with the subdivision regulations and land divisions of this Code.
- b. All condominiums and condominium conversions shall be developed in accordance with applicable requirements set forth in the International Plumbing Code and National Electrical Code adopted by the city.
- c. All existing buildings and structures shall be made to comply with all applicable building regulations of the city.
- d. Utility systems shall exist or shall be constructed to adequately provide for utility services to all condominium units.
- e. Each existing tenant of the project shall be given a 120-day notification of the intended condominium conversion and the right to purchase their converted unit before the unit is offered for sale.<sup>106</sup>

### (5) Special Conditions

- a. Copies of the condominium documents<sup>107</sup> shall be submitted to the city. These documents shall set forth the occupancy and management policies for the project, as well as contain adequate and satisfactory provisions for maintenance, repair and general upkeep.
- b. A minimum area of 400 square feet per unit shall be provided in all residential condominium projects for recreational purposes. Patios of individual units may be included in the satisfaction of this condition.

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<sup>105</sup> Current 711. Per the Analysis report, no major substantive changes are proposed. Submittals removed to bin for administrative manual.

<sup>106</sup> This requirement is more than is required by state statute; however, on our initial review of the Arizona Condominium Act (ARS 33-1210 et seq) we did not see any language specifically prohibiting the city from enacting this requirement.

<sup>107</sup> This is the term used in ARS 33-1202 and includes the declaration, bylaws, articles of incorporation, if any, and rules, if any.

**E. Reversion to Acreage<sup>108</sup>**

**(1) Purpose and Applicability**

Any subdivided lands may revert to acreage upon approval by the Council according to this section.

**(2) Application Submittal and Review Procedure**

Figure 9-11 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that that apply to the review of applications for reversion to acreage. Additions or modifications to the common review procedures are noted below.

**Figure 9-11: Reversion to Acreage**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>109</sup>**

The application for reversion to acreage shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

**d. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**e. Scheduling and Notice of Public Hearings**

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

<sup>108</sup> Based on existing 709. Staff questions whether the process can be administrative if the reversion complies with zoning. We believe the answer is no, but further discussion and research is needed.

<sup>109</sup> Submittals removed to bin file for administrative manual.

**f. Review and Decision**

All common procedures in 9.3.G, *Review and Decision*, shall apply, with the following modifications:

**1. Planning and Zoning Commission Review and Recommendation<sup>110</sup>**

The Commission shall conduct a properly noticed public hearing. Upon completion of the hearing, the Commission shall recommend that the Council approve, approve in modified form, or deny the application, based on the findings in 9.5.E(3), *Reversion to Acreage Findings*.

**2. City Council Review and Decision<sup>111</sup>**

The Council shall conduct a properly noticed public hearing. Upon completion of this hearing, the Council shall approve, approve in modified form, or deny the application. Any action to approve shall be based on all of the findings in 9.5.E(3), *Reversion to Acreage Findings*.

**g. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modification:

**1. Recording of Survey**

The applicant shall record with the County Recorder a survey of all lands approved for reversion to acreage prepared by a surveyor or engineer licensed by the State of Arizona and a copy of the abandonment of subdivision filed with the Arizona Department of Real Estate.

**(3) Reversion to Acreage Findings**

Any action to recommend approval shall be based on all of the following findings:

- a.** That the subdivided lands to revert to acreage are under one ownership entity;
- b.** That no immediate use of such subdivided lands as they were intended appears imminent; and
- c.** That such reversion to acreage will not be detrimental to the general welfare of the public.

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**F. Improvement Standards<sup>112</sup>**

**(1) Purpose**

- a.** It is the purpose of this section to establish in outline the minimum acceptable standards for improvement of streets and utilities; to define the responsibility of the subdivider in the planning, constructing and financing of improvements; and to establish procedures for review and approval of engineering plans.
- b.** All improvements in streets or easements which are required as a condition to plat approval shall be the responsibility of the subdivider.

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<sup>110</sup> Removed requirement for this hearing to be within 60 days of application.

<sup>111</sup> Removed requirement for this hearing to be within 60 days of PC recommendation.

<sup>112</sup> From current 707. Some of the improvement standards were placed in the new Section 7.4, delivered as part of Module 2. This draft section carries forward the balance so that they are not lost in the drafting process; however, we recommend that the highlighted material be relocated to 7.4 in the consolidated draft.

**(2) Improvement Plans**

- a. It shall be the responsibility of the subdivider to have a civil engineer registered in the State of Arizona prepare a complete set of improvement plans for construction of water and public sanitary sewer facilities or other approved alternate system and all other required improvements. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat.
- b. Final construction plans for all improvements shall be approved and signed by the City Engineer before approval of the final plat by the Council.

**(3) Construction and Inspection**

- a. All relocation and reconstruction of irrigation facilities shall be done to standards of the owning utility and City Engineer.
- b. All improvements in the public right-of-way shall be constructed under the inspection and approval of the Public Works Department. All construction in public rights-of-way and private streets shall require a city permit. Construction shall not begin until a permit has been issued for the construction. If work has been discontinued for any reason for more than 30 days, it shall not be resumed before notifying the department having jurisdiction.
- c. Improvements proposed or required on county or state highway rights-of-way shall be included in the improvement plans and designed to the applicable county or state standards. Before approval by the City Engineer, the subdivider shall acquire the approval of these improvements by the applicable county or state authorities.
- d. The locations of all utilities to be installed in public rights-of-way or in private streets shall be in accordance with the city's right-of-way permit and be approved by the City Engineer.
- e. When located under the pavement, utility mains, utility services and/or conduit shall be installed, with sufficient lateral connections stubbed to accommodate each parcel, and identified, and all trench backfill shall be recompacted in accordance with the city's right-of-way permit and to a density acceptable to the City Engineer, before the final street surfacing is installed.
- f. Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting unsubdivided land.

**(4) Subdivision Improvement Agreements for Phased Developments**

- a. Upon the approval by the Council of the final plat, the subdivider shall execute an agreement with the city that includes the following:
  - 1. Provisions for satisfactory drainage, traffic movements, utilities and other services determined by the City Engineer in conjunction with required subdivision improvements for each development phase within the subdivision;
  - 2. A schedule specifying the time period in which the improvements for each phase shall be completed. Circumstances under which a time extension would be granted, including a review of the adequacy of financial assurance, may be included in the agreement;
  - 3. Provision of financial assurance for the construction of improvements within each phase of development:



## 9.6. Ordinance Amendments

### Commentary

This section describes the procedures for all ordinance amendments, including rezonings, PD approvals, and Code text amendments. Generally, the procedures follow the summary table of procedures at the beginning of this article. Specific procedures applicable to each type of application are listed in subsection C within each respective procedure. These are in addition to the new applicable common review procedures.

### A. Rezoning (Zoning Map Amendment)<sup>113</sup>

#### Commentary

This section is based generally on the current Section 400; however, that section groups multiple types of rezonings together, plus amendments to the text of the Code, and is repetitive. In this draft, we have separated out general rezonings from historic district rezonings, and we also have removed the special language that implied that conditional rezonings are a distinct procedure. Also, Code text amendments are separated out and given their own procedure.

#### (1) Purpose<sup>114</sup>

- a. The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Sedona to reflect changes in public policy, adopted plans, or changed conditions. The zoning classification of any parcel in the city may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a conditional use permit, variance, or minor modification could be used to achieve a similar result.
- b. Changes to the characteristics of zoning districts (such as setback requirements) and development standards (such as parking requirements) shall be processed as Code text amendments pursuant to 9.6.C, *Code Text Amendment*.

#### (2) Applicability<sup>115</sup>

Pursuant to A.R.S. Section 9-462.01, the provisions of the Zoning Map may periodically be amended or repealed.

##### a. Rezonings Generally

The application submittal and review procedure for rezonings, excluding those to a historic district or to a planned development district, is set forth in 9.6.A(3) below.

##### b. Rezoning to a Historic District

The application and review process for a rezoning to a historic district shall be the same as for general rezonings as set forth in Section 9.6.A, *Rezoning (Zoning Map Amendment)*, with modifications as set forth in 9.7.B, *Historic District Designation*.

##### c. Rezoning to a Planned Development District

The application and review process for a rezoning to a planned development district is in 9.6.B, *Rezoning to Planned Development District*.

<sup>113</sup> This section is based on the current Section 400; however, the Code text amendment provisions have been separated out into a distinct procedure.

<sup>114</sup> New purpose statement.

<sup>115</sup> New applicability statement.



**(3) Application Submittal and Review Procedure**

Figure 9-12 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of rezoning applications. Additions or modifications to the common review procedures are noted below.

**Figure 9-12: Rezoning (Zoning Map Amendment)**



**a. Pre-Application Meeting**

1. A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.
2. Depending on the size and scale of the development proposal, the Director may recommend or require a preliminary conceptual review hearing with the Planning and Zoning Commission. Such hearing shall be scheduled as a public hearing before the Commission and shall be noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**b. Application Submittal and Handling<sup>116</sup>**

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*, with the following modifications:

**1. General**

Requests to amend the Zoning Map may be initiated by the Commission, Council, a real property owner, or the owner’s agent in the area to be included in the proposed amendment.

**2. Authorization of Property Owners to File Application**

If an application filed by a real property owner in the area involved includes property not owned by the applicant, before the application will be accepted for processing, the applicant shall file, on a form provided by the Director, a petition in favor of the request signed by the real property owners of at least 75 percent of the land area to be included in the application. This petition shall bear the property owner’s signatures and addresses, the legal description and land area of each property represented on

<sup>116</sup> Submittals removed to bin file for administrative manual.

the petition, the total land area represented on the petition, the total land area represented by the petition, and the total land area of individual properties included in the application.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

**d. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**e. Scheduling and Notice of Public Hearings**

The rezoning application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*, with the following modifications:

1. In a proceeding involving a rezoning that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.
2. The notice of any change in a residential district shall contain specific information about whether the change applied for will increase, leave unchanged, or decrease the number of dwelling units permitted in the area in question.
3. Additional notice shall be provided for rezoning applications that involve one or more of the following:<sup>117</sup>
  - i. A 10 percent or more increase or decrease in the number of square feet or units that may be developed;
  - ii. A 10 percent or more increase or reduction in the allowable height of buildings;
  - iii. An increase or reduction in the allowable number of stories of buildings;
  - iv. A 10 percent or more increase or decrease in setback or open space requirements; and/or
  - v. An increase or reduction in permitted uses.
  - vi. For proceedings listed above, the City shall publish the changes before the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.<sup>118</sup>

**f. Review and Decision**

All common procedures in 9.3.G, *Review and Decision*, shall apply, with the following modifications:

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<sup>117</sup> This is based on ARS 9-462.04(4)-(6).

<sup>118</sup> This text clarifies that the notice is required only prior to the first hearing, per statute (current city practice has been to publish before each hearing).

**1. Planning and Zoning Commission Review and Recommendation**

The Planning and Zoning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial, based on the approval criteria in 9.6.A(4), *Approval Criteria for Rezoning*s.

**2. City Council Review and Decision<sup>119</sup>**

The City Council shall review the rezoning application and approve, approve with conditions, or deny the rezoning based on the approval criteria in 9.6.A(4), *Approval Criteria for Rezoning*s.

**3. Notation on Zoning Map**

- i.** When a rezoning is subject to condition(s), the official Zoning Map shall include a notation that the zoning is conditional and the number of the rezoning application file where the conditions are set forth.
- ii.** Any condition imposed shall be set forth in the ordinance changing the zoning district classification.
- iii.** Any proposed revisions or changes to an approved rezoning application shall be submitted in the same manner and subject to the same approval process as the original application.

**4. Legal Protest<sup>120</sup>**

- i.** If the owners of 20 percent or more of the property by area and number of lots, tracts, and condominium units within the zoning area of the affected property file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the City Council.
- ii.** For purposes of this subsection, properties within the zoning area of the subject property shall include those:
  - a.** Included in the proposed amendment; or
  - b.** Immediately adjacent to the rear of the affected lots and the area extending 150 feet therefrom; or
  - c.** Adjacent to any side of the affected lots and in the area and extending 150 feet therefrom; or
  - d.** Directly opposite from the affected lots in the area extending 150 feet from the opposite street frontage.
- iii.** A protest filed pursuant to this subsection shall be signed by the property owners opposing the proposed amendment and filed in the office of the clerk of the municipality not later than 12:00 noon one business day before the date on which the City Council will vote on the proposed amendment, or on an earlier time and date established by the City Council.

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<sup>119</sup> Note that this draft does not carry forward the separate language in the current code that treats conditional rezoning as a distinct procedure. Per the Analysis report, this draft intends to clarify that any rezoning may be subject to conditions.

<sup>120</sup> This provision has been updated to mirror ARS 9-462.04H.

- iv. If any members of the Council are unable to vote on any such amendment because of a conflict of interest, the required number of votes of passage of such amendment shall be three-fourths of the remaining membership of the Council, provided the required number of votes shall not be less than a majority of the full membership of the Council.

**g. Post-Decision Actions and Limitations**

If a rezoning decision with conditions attached expires, the Director shall initiate the process for reversion to original zoning, which shall follow the rezoning procedure set forth in 9.6.A, *Rezoning (Zoning Map Amendment)*.<sup>121</sup>

**(4) Approval Criteria for Rezoning<sup>122</sup>**

In reviewing a proposed rezoning, the Planning and Zoning Commission and City Council shall consider whether:

- a. The rezoning is consistent with and conforms to the Sedona Community Plan, community focus area plans, other adopted plans, and the purposes of this Code;
- b. The rezoning is consistent with and conforms to the proposed purpose statement of the proposed zoning district;
- c. Substantial changes in the subject area warrant a zoning change; and/or
- d. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

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## **B. Rezoning to Planned Development District**

### **Commentary**

This section is generally new, since there are new specific procedures for rezoning to PD in the current code. The general rezoning procedure (in the current Section 400) is presumably used. Per the Analysis report, we recommend a new dedicated feature for this special type of rezoning, which includes unique public process and submittal requirements, included a PD plan that is adopted at the same time as the rezoning.

Staff notes that the city already requires a plan adopted with traditional rezonings; however, that appears to be merely a site plan, which is different than the more involved PD plan anticipated by this section. Further discussion is needed as to whether a separate PD rezoning process is necessary.

**(1) Purpose**

The zoning classification of any parcel may be changed to a Planned Development (PD) district pursuant to this subsection. The purpose of a rezoning to a PD is to achieve greater flexibility than allowed by the strict application of the Code while providing greater benefit to the City and to ensure efficient provision of services and utilities. The PD procedure shall not be used when a conditional use permit, variance, minor modification, or rezoning to an existing base zoning district could achieve a similar result.

**(2) Applicability**

- a. The approval of a PD constitutes a zoning district amendment and is established by rezoning an area in an existing zone district to PD zoning, or by initial zoning of newly

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<sup>121</sup> Further discussion/research as to whether the reversion may be placed on the consent agenda.

<sup>122</sup> New. There are no findings and/or approval criteria for rezonings in the current code. Language is based on ARS 9-462.01F.

annexed territory to PD zoning. The approved PD establishes the location and character of the uses and the unified development of the tract(s).

- b. An application to rezone to a PD district may be submitted for any contiguous area of one acre or more within any combination of zoning districts. A PD may be initiated by anyone owning at least 50 percent of the land within the area affected by the proposed PD.

**(3) Application Submittal and Review Procedure**

Figure 9-13 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of PD rezoning applications. Additions or modifications to the common review procedures are noted below.

**Figure 9-13: Rezoning to Planned Development District**



**a. Pre-Application Meeting**

1. A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*. In addition, the applicant shall provide the following conceptual materials related to the proposed PD to help determine whether or not a PD is the appropriate procedure for the applicant and the City:
  - i. Proposed uses;
  - ii. Number and type of dwelling or commercial units (as applicable);
  - iii. Floor area of all buildings;
  - iv. Floor area of each use for mixed-use buildings (if applicable);
  - v. Proposed parking capacity and configuration; and
  - vi. General site planning layout and phasing.
2. Depending on the size and scale of the development proposal, the Director may recommend or require a preliminary conceptual review hearing with the Planning and Zoning Commission. Such hearing shall be scheduled as a public hearing before the Commission and shall be noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**b. Application Submittal and Handling**

The PD rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*, with the following modifications.

**1. PD Plan Required**

An application for rezoning to a PD shall include submittal requirements as specified by the Director, which shall include a PD plan. Approval of the PD plan is required prior to approval of a development permit in a PD district.

**2. PD Plan Contents<sup>123</sup>**

The submittal requirements and specifications for the PD plan shall be established in the Administrative Manual. At minimum, they shall include text and maps drawn to scale that include:

**i. Statement of Ownership**

A statement indicating the ownership of all interest in the property included in the PD, with the written consent of all owners and evidence of title.

**ii. Statement of Code Compliance and/or Deviations**

A statement that all development on the site will meet applicable standards of this Code, or a statement specifying the standards of this Code to which modifications are proposed and the justification for such modifications.

**iii. Existing Area Description**

- a.** The boundaries of the proposed PD district;
- b.** The existing topographic character of the land, including any natural and/or sensitive areas such as floodplains, steep slopes, and other natural features affecting development of the site;
- c.** Sufficient surrounding area to demonstrate the relationship of the PD district to adjoining uses, both existing and proposed.

**iv. Land Uses and General Character**

- a.** An explanation of the character and concepts of the proposed PD district, including all land uses proposed to be allowed by right and uses proposed to be allowed only with a conditional use permit;
- b.** A delineation of one or more proposed development areas and the specification of the size of each development area and the identification of the land uses proposed therein;
- c.** The intensity of proposed land uses, expressed in number of dwelling units for residential units and in gross floor area for nonresidential uses;
- d.** Location of existing and proposed buildings on the site, including the proposed maximum building heights and minimum building setbacks; and

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<sup>123</sup> This list ultimately could be relocated to the Administrative Manual. It is included here to illustrate the types of materials necessary, showing how the PD rezoning application is much more substantial than the general rezoning application.

- e.** The minimum acreage and location to be dedicated as open space, school sites, or other public uses, and the entity or entities responsible for ownership and maintenance of the same.

**v. Dimensional Standards**

Proposed dimensional standards for the planned development, including setbacks, building heights, and lot coverage, including specific identification of proposed deviations to these standards from this Code.

**vi. Development Standards**

Proposed design standards that will govern the orientation and design of buildings and other improvements, including but not limited to the following:

- a.** Architecture, including design standards and building materials for buildings, fences, walls, and other structures, buffering, and fencing. The applicable regulations of this Code shall be specified, referencing both the existing regulations and the wording of each corresponding substitution, as proposed. The proposed PD district should represent a quality development when weighed overall against the standards in this Code or the alternative regulations proposed by the applicant;
- b.** Signs (narrative description and/or graphic plan);
- c.** Landscape plan (narrative description and/or graphic plan that details standards for parks, open space systems, and public-right-of-way. Include general information as to how buffering will be achieved (i.e. fence, vegetation, berm, wall, etc.);
- d.** Sustainability plan (narrative description that details the environmental, economic, and social sustainability elements of the project);<sup>124</sup>
- e.** Street cross-section design, by classification, for all streets;
- f.** Parking facilities, parking lot layout, and parking lot landscaping;
- g.** Bicycle parking facilities, including specifications; and
- h.** The delineation and approximate location of proposed public and private streets and a statement of their functional classifications.
- i.** The delineation and approximate location of proposed sidewalks, trails, and other access points. The entity or entities responsible for ownership and maintenance of all streets, sidewalks, trails, and other amenities contemplated under this paragraph.

**vii. Utilities and Public Services**

Existing or proposed utilities and public services, including drainage facilities. In addition, engineering studies relating to water and sewer, master plans, soil reports, traffic engineering reports, archaeological reports and any other reports as determined by the Director.

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<sup>124</sup> This element suggested by staff; specific details could be in the administrative manual.

**viii. Phasing Plan**

A description of any proposed phasing program of the development for all structures, recreational and other common facilities, and open space improvements, including an estimated time schedule for commencement and completion dates of construction of each phase.

**ix. Public Benefits**

A statement specifying the public benefit(s) to be contained in or associated with the proposed PD district.

**x. Development Agreement**

Any development agreement to be executed in connection with the PD.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

**d. Staff Review and Action**

The Director shall review the PD rezoning application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**e. Scheduling and Notice of Public Hearings**

The PD rezoning application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*, with the following modifications:

- 1.** In a proceeding involving a rezoning that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.
- 2.** The notice of any change in a residential district shall contain specific information about whether the change applied for will increase, leave unchanged, or decrease the number of dwelling units permitted in the area in question.
- 3.** Additional notice shall be provided for rezoning applications that involve one or more of the following:<sup>125</sup>
  - i.** A 10 percent or more increase or decrease in the number of square feet or units that may be developed;
  - ii.** A 10 percent or more increase or reduction in the allowable height of buildings;
  - iii.** An increase or reduction in the allowable number of stories of buildings;
  - iv.** A 10 percent or more increase or decrease in setback or open space requirements; and/or
  - v.** An increase or reduction in permitted uses.
  - vi.** For proceedings listed above, the City shall publish the changes before the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.<sup>126</sup>

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<sup>125</sup> This is based on ARS 9-462.04(4)-(6).



**f. Review and Decision**

All common procedures in 9.3.G, *Review and Decision*, shall apply, with the following modifications:

**1. Planning and Zoning Commission Review and Recommendation**

The Planning and Zoning Commission shall review the PD rezoning application and recommend approval, approval with conditions, or denial, based on the approval criteria in 9.6.B(4), *Approval Criteria for PD Rezoning*s.

**2. City Council Review and Decision<sup>127</sup>**

The City Council shall review the PD rezoning application and approve, approve with conditions, or deny the rezoning based on the approval criteria in 9.6.B(4), *Approval Criteria for PD Rezoning*s.

**3. Approval of PD Plan**

The approved PD zoning and the approved PD plan along with all exhibits are inseparable, and a PD shall not be established without the approval of the related PD plan.

**4. Legal Protest<sup>128</sup>**

- i.** If the owners of 20 percent or more of the property by area and number of lots, tracts, and condominium units within the zoning area of the affected property file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the City Council.
- ii.** For purposes of this subsection, properties within the zoning area of the subject property shall include those:
  - a.** Included in the proposed amendment; or
  - b.** Immediately adjacent to the rear of the affected lots and the area extending 150 feet therefrom; or
  - c.** Adjacent to any side of the affected lots and in the area and extending 150 feet therefrom; or
  - d.** Directly opposite from the affected lots in the area extending 150 feet from the opposite street frontage.
- iii.** A protest filed pursuant to this subsection shall be signed by the property owners opposing the proposed amendment and filed in the office of the clerk of the municipality not later than 12:00 noon one business day before the date on which the City Council will vote on the proposed amendment, or on an earlier time and date established by the City Council.

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<sup>126</sup> This text clarifies that the notice is required only prior to the first hearing, per statute (current city practice has been to publish before each hearing).

<sup>127</sup> Note that this draft does not carry forward the separate language in the current code that treats conditional rezonings as a distinct procedure. Per the Analysis report, this draft intends to clarify that any rezoning may be subject to conditions.

<sup>128</sup> Updated to mirror state law.

- iv. If any members of the Council are unable to vote on any such amendment because of a conflict of interest, the required number of votes of passage of such amendment shall be three-fourths of the remaining membership of the Council, provided the required number of votes shall not be less than a majority of the full membership of the Council.

**g. Post-Decision Actions and Limitations**

Post-decision actions and limitations in 9.3.H shall apply with the following modifications:

**1. Effect of Approval**

- i. The regulations in this Code remain applicable to all PD development unless expressly modified by an approved PD.<sup>129</sup>
- ii. A PD shall remain valid until a PD is subsequently amended or rezoned to another zoning district in accordance with this Code.

**2. Expiration and Revocation of PD Rezoning**

If a PD rezoning decision expires, the Director shall initiate the process for reversion to original zoning, which shall follow the rezoning procedure set forth in 9.6.A, *Rezoning (Zoning Map Amendment)*.<sup>130</sup>

**3. Recording Required**<sup>131</sup>

Following approval of a PD, the applicant shall submit final copies of the PD plans to the Director. The Director shall record the PD and the zoning amendment map and ordinance with the County Clerk and Recorder as soon as practicable.

**4. PD Plan Amendments**<sup>132</sup>

- i. Except as provided below for minor amendments, any amendment to an approved PD Plan shall be considered a major amendment and shall require a rezoning following the same procedure as required for a new application in 9.6.B(3), *Application Submittal and Review Procedure*.
- ii. Any amendment to an approved PD plan that meets the following criteria shall be considered a minor amendment and may be approved by the Director:
  - a. The amendment shall not change the ratio of residential units to square feet of non-residential building square footage by more than 10 percent.
  - b. The number of residential units shall not be increased by more than 10 percent.
  - c. The gross square footage of non-residential building area shall not be increased by more than 10 percent.
  - d. The amendment shall not change the allowed uses listed in the approved PD plan.

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<sup>129</sup> New standard to ensure that the Code applies wherever the PD is silent.

<sup>130</sup> Further discussion/research as to whether the reversion may be placed on the consent agenda.

<sup>131</sup> Staff notes that this recording is not done now, but we do recommend it as good practice moving forward.

<sup>132</sup> New section. Current code does not provide details on how to address PD amendments. This proposed language allows staff to approve minor amendments without requiring a rezoning procedure. Staff notes this is generally consistent with current practice for amending PDs. Discussion: Is there a potential middle third category?

- e. The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.
- f. The numeric standards in the PD plan shall not be revised by more than would be allowed through the procedure in 9.8.B, *Minor Modification*.

**(4) Approval Criteria for PD Rezoning<sup>133</sup>**

In reviewing a proposed PD rezoning, the Planning Commission and City Council shall consider whether and to what extent the proposed PD:

- a. Meets the general approval criteria for rezonings in 9.6.A(4), *Approval Criteria for Rezoning*;
- b. Addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Code;
- c. Meets all applicable standards of this Code not expressly modified by the PD application; and
- d. If the PD provides residential uses, includes varied types of housing and densities.

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## C. Code Text Amendment

### Commentary

This section is generally new. The current Section 400 covers both rezonings and Code text amendments. We typically separate these out because they rely on slightly different procedures and approval criteria.

**(1) Purpose<sup>134</sup>**

This subsection describes the review and approval procedures for amending the text of this Code to respond to changed conditions or changes in public policy, or to advance the general welfare of the city.

**(2) Applicability<sup>135</sup>**

Pursuant to A.R.S. Section 9-462.01, the provisions of the Code may periodically be amended or repealed. An amendment to the text of this Code shall be initiated by the Director, the Planning Commission, or the City Council. Citizens may submit proposed amendments to the Director for consideration.

**(3) Application Submittal and Review Procedure**

Figure 9-14 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of proposed code text amendments. Additions or modifications to the common review procedures are noted below.

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<sup>133</sup> New. There are no findings and/or approval criteria for rezonings in the current code.

<sup>134</sup> New purpose statement.

<sup>135</sup> New applicability statement.

**Figure 9-14: Code Text Amendments**



**a. Application Submittal and Handling**

An application for a Code text amendment shall be prepared by the Director. If the amendment is initiated by the Planning and Zoning Commission or City Council, the Director shall prepare the application at the request of the Planning and Zoning Commission or City Council.

**b. Staff Review and Action**

The Director shall prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**c. Scheduling and Notice of Public Hearings**

The application for a Code text amendment shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*, with the following modification:

1. Mailing notice as described in 9.3.F(3)a, *Published and Mailed Notice*, shall not be required for applications to amend the text of this Code.

**d. Review and Decision**

All common procedures in 9.3.G, *Review and Decision*, shall apply, with the following modifications:

**1. Planning and Zoning Commission Review and Recommendation**

The Planning and Zoning Commission shall review the application for a Code text amendment and recommend approval, approval with conditions, or denial, based on the criteria in 9.6.C(4), *Approval Criteria for Code Text Amendments*.

**2. City Council Review and Decision**

The City Council shall review the application for a Code text amendment and approve, approve with conditions, or deny the rezoning based on the approval criteria in 9.6.C(4), *Approval Criteria for Code Text Amendments*.

**3. Amendments to Grading and Drainage Standards**

Amendments to Section ---, *Grading and Drainage*, shall be considered only by the Council and shall not require a hearing or recommendation from the Planning Commission.

**e. Post-Decision Actions and Limitations**

- 1.** Approval of a Code amendment authorizes the approved revision to the text only. A Code amendment shall not authorize specific development activity.
- 2.** A Code amendment shall remain valid until the revised text of the Code is subsequently amended in accordance with this subsection.

**(4) Approval Criteria for Code Text Amendments**

A Code amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed Code amendment, the Planning Commission and City Council shall consider whether and to what extent the proposed amendment:

- a.** Is consistent with the Sedona Community Plan, community focus area plans, other adopted plans, and other City policies;
- b.** Does not conflict with other provisions of this Code or other provisions in the Sedona Municipal Code;
- c.** Is necessary to address a demonstrated community need;
- d.** Is necessary to respond to substantial changes in conditions and/or policy; and
- e.** Is consistent with the general purpose and intent of this Code.

## 9.7. Historic Preservation Procedures

### Commentary

This section carries forward the current 1507, 1508, and 1509. There are no major substantive changes proposed, but the sections have been rewritten to match the new organization.

### A. Historic Landmark Designation<sup>136</sup>

### Commentary

This section is based generally on the existing procedure in Section 402, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

#### (1) Purpose

This section establishes the procedure for the Historic Preservation Commission to designate as a landmark an entire property, an identified portion of a property, or one or more individual structures on a property.

#### (2) Application Submittal and Review Procedure

Figure 9-4 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of applications for landmark designation. Additions or modifications to the common review procedures are noted below.

Figure 9-15: Historic Landmark Designation



#### a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

#### b. Application Submittal and Handling<sup>137</sup>

The application for landmark designation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

<sup>136</sup> 1507

<sup>137</sup> Submittals removed to bin file for administrative manual.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Review Plan pursuant to 9.3.D, *Citizen Review Process*.

**d. Staff Review and Action**

The Director shall review the application for landmark designation and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*, with the following modification:

**1. Application Acceptance**

Upon acceptance of a complete application, no building or demolition permits affecting the proposed landmark shall be issued by the city until the process as described herein has been completed and the Commission has made its decision.

**e. Scheduling and Notice of Public Hearings**

The application for landmark designation shall be scheduled for a public hearing before the Historic Preservation Commission and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**f. Review and Decision (Historic Preservation Commission)**

The Commission shall review the application and shall approve, approve with conditions, or deny the application in accordance with 9.3.G, *Review and Decision*, based on the criteria in 9.7.A(3), *Landmark Designation Criteria*.

**g. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**1. One-Year Bar on Refiling**

If the Commission denies an application, the Commission may refuse to accept another application for the same or substantially the same landmark on the same property or any part of it within a year of the date the original application was filed on the same property or a portion of it.

**2. Removal of Landmark**

The procedure to remove a landmark status to a property shall be the same as the procedure to designate. However, in the case of removal of a landmark designation, the Commission may initiate the application.

**3. Effect of Landmark Designation**

**i.** Upon approval of a landmark designation, the affected property shall be included in the Historic Property Register and on any other applicable documents as appropriate for its preservation.

**ii.** No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition, or removal, in whole or in part, on any landmark, without first obtaining a Certificate of Appropriateness from the Commission pursuant to Section 9.7.C.

**iii.** No person shall make any material change in the exterior appearance of any landmark, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving,

or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness pursuant to Section 9.7.C.

- iv. Each property designated as a landmark shall be maintained in good condition and faithful to its historic character.
- v. Nothing in this section shall be construed to prevent normal maintenance and repair, which does not involve change in the exterior design, material, color, or appearance.

**(3) Landmark Designation Criteria<sup>138</sup>**

The Commission shall evaluate each structure, site, building, or property within an area that is included in an application and may designate it as a landmark if it is determined to possess integrity of location, design, setting, materials, workmanship, feeling and association; and, being at least 50 years old or having achieved significance within the past 50 years if the property is of exceptional importance; and exhibits one or more of the following:

- a. Association with events that have made significant contributions to the broad patterns of our history; or
- b. Association with the lives of persons significant in our past; or
- c. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctiveness; or

Information important in the understanding of the pre-history or history of our community.

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**B. Historic District Designation<sup>139</sup>**

**(1) Purpose**

This section establishes the procedures for the designation of a historic district, which is an overlay zone in which designated properties retain the uses of and are subject to the regulations of the underlying zoning district(s). The underlying zoning, which relates primarily to land use and density, continues to be administered by the Planning and Zoning Commission. The Historic Preservation Commission administers the regulations as they relate to the historic district designation. In the case where historic preservation and zoning regulations conflict, the Historic Preservation Ordinance takes precedence.

**(2) Application Submittal and Review Procedure**

A rezoning approval is required in order to receive a Historic District designation. The application and review process for a rezoning to a historic district shall be the same as for general rezonings as set forth in Section 9.6.A, *Rezoning (Zoning Map Amendment)*, with the following modifications:

**a. Authorization to File Application**

- 1. If more than one property owner is included in a proposed rezoning to a historic district, written consent of at least 51 percent of the property owners of record within the boundaries of the proposed district shall be submitted with the application.

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<sup>138</sup> Existing criteria.

<sup>139</sup> 1508



2. Requests for historic district designations may be initiated by the Historic Preservation Commission. If the Historic Preservation Commission initiates a historic district rezoning application, property owner consent is not required.

**b. Application Submittal and Handling**

1. An application for rezoning to a historic district shall first be submitted to the Historic Preservation Commission.
2. Upon acceptance of complete application for a Historic District, no demolition or building permits shall be issued by the city until the process as described in this section has been completed and City Council has made its decision.

**c. Review and Recommendation (Historic Preservation Commission)**

1. The Historic Preservation Commission shall hold a public hearing concerning the proposed rezoning, at which time interested parties and citizens shall have the opportunity to be heard. After the public hearing, unless the applicant requests that the application be withdrawn, the Historic Preservation Commission shall make a report and recommendation to the Planning and Zoning Commission.
2. The recommendation shall include the following:
  - i. A map showing the proposed boundaries of the historic district and identifying all structures within the boundaries, including classification as contributing or noncontributing;
  - ii. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries;
  - iii. A set of findings documenting the recommendation of the Historic Preservation Commission;
  - iv. Proposed design guidelines for applying the criteria for review of Certificate of Appropriateness to the nominated historic district; and
  - v. Upon receiving a recommendation from the Historic Preservation Commission, the Planning and Zoning Commission shall then hold a public hearing concerning the proposed Historic District and forward its recommendation, along with the Historic Preservation Commission's recommendation to City Council. City Council shall hold a public hearing concerning the proposed historic district to approve, approve with conditions, or deny the proposal.
3. If an application is withdrawn after the Historic Preservation Commission hearing, the Historic Preservation Commission may refuse to accept another application for the same or substantially the same rezoning on the same property or any part of it within a year of the date the original application was filed on the same property or a portion of it.

**d. Action by the Planning and Zoning Commission**

The Planning and Zoning Commission shall hold a public hearing to consider the Historic Preservation Commission's recommendations. Following conclusion of its public hearing, the Planning and Zoning Commission shall transmit its recommendation to the City Council.

**e. Action by the City Council**

Following conclusion of its public hearing, the Council may approve the Historic District as recommended or in a modified form, stipulating those conditions it deems necessary to carry out the purpose of this district and this Code.

**f. Approval and Adoption**

The supporting statements, design guidelines, and all other documents submitted with the application for a Historic District shall be approved and adopted by the Council and included in the ordinance establishing the Historic District.

**g. Effect of Historic District Designation**

1. Upon approval of a historic district designation by the City Council, the affected property(ies) shall be included in the Historic Property Register and on any other applicable documents as appropriate for its preservation. The City's Zoning Map shall be updated to reflect the new zoning district boundaries. The city's parcel information database shall be updated to include those properties identified within the historic district as contributing and noncontributing.
2. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition, or removal, in whole or in part, without first obtaining a Certificate of Appropriateness from the Commission pursuant to 9.7.C.
3. No person shall make any material change in the exterior appearance of a designated property, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving, or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness pursuant to 9.7.C.
4. Each property designated as a contributing property shall be maintained in good condition and faithful to its historic character.
5. Nothing in this article shall be construed to prevent normal maintenance and repair which does not involve change in exterior design, material, color, or appearance.
6. In addition to any other required review and/or approval, any proposed construction within a historic district shall also be subject to Commission review according to any design guidelines which may have been applied to that district and other applicable criteria.

**(3) Historic District Designation Criteria**

Each structure, site, building, or property within an area that is included in a historic district rezoning application shall be evaluated using the following criteria to determine if it has historical or other cultural significance or integrity, and is suitable for preservation:

- a. Association with events that have made significant contributions to the broad patterns of our history;
- b. Association with the lives of persons significant in our past;
- c. Embodiment of distinctive characteristics of a type, period, or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctions;

- d. Yielding information important in the understanding of the pre-history or history of the community; and
- e. Being at least 50 years old, or having achieved significance within the past 50 years if the property is of exceptional importance.
- f. Possessing integrity of location, design, setting, materials, workmanship, feeling, or association.

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## **C. Certificate of Appropriateness (or No Effect)**

### **Commentary**

This section is based generally on the existing procedure in Section 1509, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

#### **(1) Purpose**

It is the intent of this process to ensure, insofar as possible, that properties designated as a landmark or a property within a historic district shall be in harmony with the architectural and historical character of the property or district.

#### **(2) Applicability**

##### **a. Certificate of Appropriateness**

A certificate of appropriateness is required before commencing any exterior improvements or development, including alteration, restoration, renovation, reconstruction, new construction, demolition, or removal, in whole or in part, of any landmark or property located within a historic district, whether or not the work will require a building permit. Building permits for exterior work on landmarks or properties within Historic Districts cannot be issued without first obtaining a certificate of appropriateness.

##### **b. Certificate of No Effect**

Requests for exterior improvements, including alterations, restoration, renovation, reconstruction, or new construction for exterior work on landmarks that are deemed to be of "no effect" by the Chairperson and Director may be eligible for a certificate of no effect, which can be issued administratively using the procedure below.

##### **c. Certificate is Prerequisite to Building Permit**

If a building permit is sought from the city without a certificate of appropriateness or certificate of no effect, the issuance of the permit shall be deferred until after a certificate of appropriateness or certificate of no effect is issued for the subject property

#### **(3) Application Submittal and Review Procedure**

Figure 9-16 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of applications for certificates of appropriateness (or no effect). Additions or modifications to the common review procedures are noted below.

Figure 9-16: Certificate of Appropriateness (or No Effect)



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>140</sup>**

The application for a certificate of appropriateness shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*.

**c. Staff Review and Action**

The Director shall review the application for a certificate of appropriateness and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*, with the following addition:

**1. Application Acceptance**

Upon acceptance of a complete application, no building or demolition permits affecting the proposed landmark shall be issued by the city until the process as described herein has been completed and the Commission has made its decision.

**2. Certificate of No Effect**

If an application qualifies for a certificate of no effect, the Director shall contact the Chairperson of the Historic Preservation Commission to review the application and confirm qualification of the application. If an application is found to qualify for a certificate of no effect, the Director shall issue a certificate of no effect within seven working days of receipt of the complete application.

**d. Scheduling and Notice of Public Hearings**

If the Director determines that the proposed changes would require a certificate of appropriateness, the application shall be scheduled for a public hearing before the Historic Preservation Commission and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

<sup>140</sup> Submittals removed to bin file for administrative manual.

**e. Review and Decision (Historic Preservation Commission)**

The Commission shall review the application and shall approve, approve with conditions, or deny the application in accordance with 9.3.G, *Review and Decision*, based on the specific criteria in 9.7.C(4), *Certificate of Appropriateness Approval Criteria*.

**1. Review Guidelines and Criteria**

The Commission may utilize the following documents and criteria as guidelines when considering an application for a certificate of appropriateness:

- i.** Approved design guidelines for a designated Historic District;
- ii.** Secretary of the Interior's Standards for Rehabilitation;
- iii.** Secretary of the Interior's Preservation Briefs and other information developed by U.S. Department of the Interior Park Service, Arizona Historic Preservation Office, National Trust for Historic Preservation, National Alliance of Preservation Commissions, Association of Preservation Technology, and the Old House Journal; and
- iv.** Any other guidelines as adopted by the city.

**f. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

- 1.** No change shall be made in the approved plans of a project after issuance of a certificate of appropriateness without resubmittal to the Director and approval of the change at an administrative level, if that change is determined to be of no significant impact on the original proposed work set forth in the application. If the change is determined to have a significant impact on the original proposed work, the Director shall schedule a public hearing before the Commission in the same manner as the original certificate of appropriateness consideration.
- 2.** A certificate of appropriateness (or no effect) expires six months from the date of issuance unless work is started within that time.
- 3.** If work exceeds that specified in the certificate of appropriateness (or no effect), the certificate shall be revoked.
- 4.** The certificate of appropriateness (or no effect) required by this section shall be in addition to any other permit(s) or review required for the proposed project.

**(4) Certificate of Appropriateness Approval Criteria<sup>141</sup>**

When reviewing an application for a certificate of appropriateness, the Commission may approve, conditionally approve, or deny a certificate of appropriateness based on the following:

- a.** The proposed work does not detrimentally alter, destroy or adversely affect any architectural or landscape feature; and
- b.** The proposed work will be compatible with the relevant historic, cultural, educational or architectural qualities characteristic of the structure or district and shall include but not be limited to elements of size, scale, massing, proportions, orientation, surface textures and

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<sup>141</sup> Existing criteria.

patterns, details and embellishments and the relationship of these elements to one another; and

- c.** The proposed work conforms with review guidelines and/or other applicable criteria; and
- d.** The exterior of any new improvement, building, or structure in a designated Historic District or upon a landmarked site will not adversely affect and will be compatible with the external appearance of existing designated buildings and structures on the site or within a Historic District.

**(5) Demolition of Historic Landmark or a Contributing Property within a Historic District**

- a.** No person shall demolish a landmark or contributing property within a Historic District or cause or permit such demolition to be done, nor shall any permit for such demolition be issued, unless the demolition is approved by the Commission and a certificate of appropriateness is issued.
- b.** A landmark or contributing property may be demolished if:
  - 1.** The Chief Building Official has determined that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or
  - 2.** The Commission finds, after review, that maintenance, use and/or alteration of the designated property in accordance with the requirements of this article would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner which preserves the historic integrity of the resource:
    - i.** Is infeasible from a technical, mechanical, or structural standpoint; and/or
      - a.** Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, and the cost of compliance with applicable local, state and federal requirements.
      - b.** Costs necessitated by the neglect or failure of the current owner(s) to maintain the property need not be considered in making this finding; or
    - 3.** The Commission finds that the demolition of a contributing property would not have a substantial adverse impact on the historic significance or integrity of a Historic District.
- c.** The applicant shall bear the burden of proof for all findings required for approval of a Certificate of Appropriateness for demolition.
- d.** If demolition is approved, the property owner(s) may be required to publish notice at least 10 days prior to the scheduled demolition date, in a newspaper of general circulation, of the availability of materials for salvage. Upon request, the Commission may make this information available to persons who may be interested in contacting the owner(s) to arrange for possible salvage of historic building materials.

## 9.8. Flexibility and Relief

### Commentary

This section includes procedures for modifications and relief of standards in this Code, including variances and appeals. Per the Analysis report, this section also includes a new procedure for minor modifications by which the Director may approve minor modifications to numeric Code standards.

### A. Variance<sup>142</sup>

#### (1) Purpose<sup>143</sup>

The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the Code would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

#### (2) Applicability

- a. Any property owner seeking relief from this Code may request a variance when the strict application of the Code would result in an undue hardship.
- b. Variances may be granted from the regulations of all articles of this Code, with the exception of [---Subdivision] and [---Grading and Drainage].

#### (3) Application Submittal and Review Procedure

Figure 9-17 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

Figure 9-17: Variance



#### a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with 9.3.B, *Pre-Application Meeting*.

<sup>142</sup> The current Section 404 addresses both variances and appeals. In this draft, appeals are addressed in a separate section.

<sup>143</sup> New purpose statement. The current purpose statement essentially restates the approval criteria.

**b. Application Submittal and Handling**<sup>144</sup>

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent sites with similar characteristics.

**c. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**d. Scheduling and Notice of Public Hearings**

The variance application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**e. Review and Decision (Board of Adjustment)**<sup>145</sup>

1. The Board shall hold a public hearing on an application for a variance. At a public hearing, the Board shall review the application, statements and drawings submitted and shall receive public comments and pertinent evidence concerning the variance, particularly with respect to the findings in subsection 9.8.A(4).
2. Within 21 days following the close of the public hearing on a variance application, the Board shall act on the application.
  - i. The Board may grant a variance as the variance was applied for or in a modified form or the application may be denied.
  - ii. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions the Board may prescribe.
  - iii. Upon failure to act within the prescribed 21-day period, the Board shall lose jurisdiction and an appeal may be taken to the Superior Court, as prescribed by state law.
  - iv. Any proposed revisions or changes to an approved variance application shall be submitted in the same manner and subject to the same approval process as the original review.
3. The Board's decision shall be based only on the record of the public hearing and shall be reduced to writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.<sup>146</sup>

**f. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modification:

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<sup>144</sup> Submittals removed to bin file for administrative manual.

<sup>145</sup> From the existing code.

<sup>146</sup> New.



**1. Expiration and Revocation of Variance Approval**

A variance permit shall expire and may be considered for revocation following one of inactivity, as defined in in 9.3.H(3), *Expiration and Revocation of Approval*.

**(4) Variance Findings<sup>147</sup>**

The Board of Adjustment may approve a variance upon making all of the following findings:

- a.** The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district;
- b.** The strict application of the Code standards for which a variance is sought would produce undue hardship not related to purposes of convenience or financial burden;
- c.** The applicant did not create the hardship by their own actions;
- d.** The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought;
- e.** The variance request will not violate building or fire code requirements or create a safety hazard; and
- f.** The requested variance is the minimum relief necessary from the subject standards of the Code.

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**B. Minor Modification**

**Commentary**

As recommended in the Analysis, this new procedure gives staff flexibility to approve minor deviations from certain dimensional or other numeric standards. It is intended to replace the existing "administrative waiver." The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right. Many communities use such a procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, we include a table of allowable adjustments to indicate which standards may be adjusted, and to what extent. The permitted deviations are lower than allowed under the current administrative waiver, which allows deviations up to 25 percent.

In initial comments on this section, staff indicated that they would like for this procedure to provide even greater administrative flexibility than currently available.

The section also authorizes the use of modifications to make reasonable accommodations under the Fair Housing Act and for RLUIPA.

This tool does not reference the common procedures; instead, the procedure is proposed to "piggy-back" on a concurrently submitted application (and using the same decision-maker).

Finally, note that this draft does not carry forward the existing "subdivision waivers"; the intent is that this new Minor Modification tool can serve the same purpose, without requiring a separate public hearing before the Council, as that existing waiver process does now.

**(1) Purpose**

The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of this Code where strict application of the Code would result in practical difficulty or undue hardship preventing the use of the land as

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<sup>147</sup> Rewritten findings. Removed separate findings for parking variances.



- i. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or
- ii. Reduce any off-street parking requirement by no more than one space.

- 2. The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

**c. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)**

The Director may grant minor modifications in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Director approve a modification that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this Code prohibits such use or accessory use, structure, or activity.

**(3) Limitations on Minor Modifications**

- a. Except when requested as a reasonable accommodation for FFHA or RLUIPA purposes, a request for a minor modification shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Article 5: *Development Standards*.
- b. The administrative adjustment procedure shall not apply to any proposed modification or deviation that results in:
  - 1. An increase in the overall project density;
  - 2. A change in permitted uses or mix of uses;
  - 3. A deviation from building or fire codes;
  - 4. A deviation from engineering standards;
  - 5. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
  - 6. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

**(4) Minor Modification Procedure**

**a. Application Submittal and Handling**

- 1. An application for a minor modification shall only be submitted and reviewed concurrently with an application for a conditional use permit, temporary use permit, development review approval (minor or major), single-family residential review, or plat approval (minor, preliminary, final, or condominium).

2. Each Code standard in Table 9.3 shall be considered a separate minor modification request as it relates to the approval criteria in 9.8.B(5), but multiple modifications may be considered in one minor modification application.
3. Fifteen days prior to a decision on a proposed minor modification, the owners of all properties within 100 feet of the exterior boundaries of the subject property shall be notified by first class mail.

**b. Review and Decision**

1. Where the concurrently reviewed application requires review and approval by the Director, the Director shall review the application and shall approve, approve with conditions, or deny the modification based on the criteria in 9.8.B(5).
2. Where the concurrently reviewed application requires review and approval by the Planning and Zoning Commission or City Council, the Commission or Council, as applicable, shall review and decide the minor modification application based on the criteria in 9.8.B(5).

**c. Effect of Approval**

Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

**d. Expiration of Minor Modification**

A minor modification shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

**(5) Minor Modification Approval Criteria<sup>149</sup>**

A minor modification may be approved if the decision-making body finds that the modification:

- a. Will not create a hardship on adjacent properties (an example would include the approval of a building height waiver on a property that is located below the grade of adjoining properties and creates no visual or view corridor impacts for adjoining properties);
- b. Is not necessitated by the applicant's actions;
- c. Is subject to conditions to ensure that the modification shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located;
- d. Will not result in adverse impacts unless adequately mitigated; and
- e. Is of a technical nature and is required to:
  1. Compensate for an unusual site condition; or
  2. Protect a sensitive resource, natural feature, or community asset.

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<sup>149</sup> This is a mix of new language and some of the existing criteria for administrative waivers.

## C. Appeal

### (1) Purpose

The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Director or City Engineer in administering this Code to appeal that decision.

### (2) Applicability

#### a. Appeals of Administrative and Commission Decisions

1. Appeals concerning discretionary administrative determinations requiring dedications or exactions for the use, improvement, or development of real property, and/or the adoption or amendment of zoning regulations that are alleged to create a taking of property under state law, shall follow the procedure in 9.8.C(4) below.
2. An appeal of all other decisions of an administrative office, agency, or commission made in the administration or enforcement of this Code shall be made to either the Board of Adjustment or City Council, as indicated in Table 9.1, *Summary Table of Review Procedures*, and shall follow the procedure in 9.8.C(3) below.

#### b. Appeals of City Council or Board of Adjustment Decisions

An appeal of a decision by the City Council or Board of Adjustment shall be made to the Superior Court in accordance with state law.

### (3) Application Submittal and Review Procedure

Figure 9-18 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

Figure 9-18: Appeal



**a. Application Submittal and Handling<sup>150</sup>**

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*, with the following modifications:

**1. Burden of Proof on Appellant<sup>151</sup>**

The person or group or persons making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall include applicable specific section references within this Code, and shall be provided at the time of application.

**2. Time Limit<sup>152</sup>**

The appeal shall be filed within 15 days of the decision, by the applicant or any member of the general public. If the fifteenth day falls on a weekend or holiday, the next business day shall be the final day to submit an appeal.

**3. Stay of Proceedings<sup>153</sup>**

An appeal stays all proceedings and activity from further action on the subject decision unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the city or would cause imminent peril to life and property. Such determination shall be made only after written request to the Director.

**b. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**c. Scheduling and Notice of Public Hearings**

The appeal application shall be scheduled for a public hearing before the Board of Adjustment or City Council, as indicated in Table 9.1, *Summary Table of Review Procedures*, and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**d. Review and Decision**

The Board of Adjustment or City Council shall review the appeal application and shall affirm, reverse, or amend the decision or interpretation being appealed, based on 9.8.C(3)e, *Approval Criteria for Appeals*. The decision shall be final.

- 1.** The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
- 2.** The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the city.

**e. Approval Criteria for Appeals**

The appropriate decision-making body shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:

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<sup>150</sup> Submittals removed to bin file for administrative manual.

<sup>151</sup> New.

<sup>152</sup> From the existing code.

<sup>153</sup> New.

1. The facts stated in the application, as presented by the appellant and/or the Director;
2. The requirements and intent of the applicable standards from this Code compared to the written decision that is being appealed;
3. Evidence related to how the applicable standards from this Code have been administered or interpreted in the past; and
4. Consistency with the Sedona Community Plan.

**(4) Appeals of Municipal Actions Concerning Dedications or Exactions<sup>154</sup>**

**a. Applicability**

Pursuant to A.R.S. Section 9-500.12, a property owner may appeal the following city action relating to the owner's property in the manner prescribed by this section.

1. The requirement of a dedication or exaction as a condition of granting approval for the use, improvement, or development of real property.
2. The adoption or amendment of a zoning regulation that creates a taking of property in violation of A.R.S. Section 9-500.13.

**b. Procedure**

1. The Community Development Department shall notify property owners of their right to appeal the city's action, pursuant to subsection --- of this section, and shall provide a description of the appeal procedure.
2. The property owner's appeal shall be in writing and filed with the Community Development Department or mailed to the Chairperson of the Board of Adjustment within 30 days after the date the final action is taken and property owner notified by certified mail/return receipt requested. The city shall submit a takings impact report to the Chairperson of the Board of Adjustment. There shall be no fee for such appeal.
3. Not later than 30 days after receipt of an appeal, the Chairperson of the Board of Adjustment shall schedule a time for the appeal to be heard by the Board. The property owner shall be given at least 10 days' notice of the time when the appeal will be heard unless the property owner agrees to a shorter time period.
4. In all such appeal hearings the city has the burden to establish that there is an essential nexus between the dedication or exaction and a legitimate governmental interest, and that the proposed dedication, exaction or zoning regulation is roughly proportional to the impact of the proposed use, improvement or development or in the case of a zoning regulation, that the zoning regulation does not create a taking of property in violation of A.R.S. Section 9-500.13. If more than a single parcel is involved, this requirement applies to the entire property.
5. The Board of Adjustment shall decide the appeal within five working days after the appeal is heard. If the city does not meet the burden set forth above, the Board shall:
  - i. Modify or delete the requirement for the dedication or exaction appealed under this section;

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<sup>154</sup> This section is carried forward from the current code, with a new explicit reference to the ARS section being implemented.

- ii. In the case of a zoning regulation appealed under this section, the Board shall transmit a recommendation to the City Council.
6. If the Board of Adjustment modifies or affirms the dedication, exaction, or zoning regulation requirement, the property owner aggrieved by that decision may, at any time within 30 days after the date the Board's decision is mailed to the property owner by certified mail/return receipt requested, file a complaint in the appropriate Superior Court for a trial de novo on the facts and the law regarding the issues of the condition or requirement for the dedication, exaction or zoning regulation.

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## D. Special Exceptions<sup>155</sup>

### (1) Purpose

Special exceptions from the provisions of this Code may be approved by the City Council if it can be shown that the application of these regulations to any lot or parcel on which development would have been permitted prior to the effective date of the ordinance codified in this Code would prevent all economically beneficial use of the lot or parcel.

### (2) Applicability

This section shall only apply after an applicant has exhausted all possibilities for the development of a lot or parcel as provided for in this Code. The City Council may also consider applications for special exceptions initiated by the city staff on any lot or parcel within the city limits.

- a. In the case of properties zoned for Commercial, Office Professional, Parking, Planned Development (mixed use), Community Facilities, and multifamily and planned residential<sup>156</sup> uses, the applicant shall submit, for City Council consideration, sufficient data to show that no economically beneficial use of the lot or parcel is possible.
- b. In the case of a single-family residential zoned lot or parcel, the applicant shall submit, for City Council consideration, sufficient data to show that the Code would not permit the construction of at least one single-family dwelling.<sup>157</sup>

Any such lot or parcel may be developed pursuant to the grant of a special exception; provided, that such development otherwise conforms to the provisions of this Code as closely as reasonably possible.

### (3) Application Submittal and Review Procedure<sup>158</sup>

Figure 9-19 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that apply to the review of special exception applications. Additions or modifications to the common review procedures are noted below.

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<sup>155</sup> 406. The Analysis report noted that the procedure should be kept, though staff now questions whether the variance process would suffice for these situations..

<sup>156</sup> These districts should be updated based on the new list of district.

<sup>157</sup> We rephrased this provision for clarity; please confirm the new language carries forward the city's intent.

<sup>158</sup> No pre-application meeting or citizen review process is required in the current code; should they be added here?



**Figure 9-19: Special Exception**



**a. Application Submittal and Handling**

The special exception application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 9.3.C, *Application Submittal and Handling*. In addition to other submittal requirements, as set forth in this Code, applications for special exceptions shall include the following:

1. Documentation of existing development approvals for the lot or parcel that were granted prior to the effective date of the ordinance codified in this Code;
2. Documentation of development applications for the lot or parcel that were denied after the effective date of the ordinance codified in this Code;
3. A development plan showing the approved land uses and the areas that will be affected by the proposed special exception on the lot or parcel; and
4. A report describing the proposed exceptions from the applicable provisions of this Code and the rationale for the special exception

**b. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 9.3.E, *Staff Review and Action*.

**c. Scheduling and Notice of Public Hearings**

The special exception application shall be scheduled for a public hearing before the City Council and noticed in accordance with 9.3.F, *Scheduling and Notice of Public Hearings*.

**d. Review and Decision (City Council)**

The City Council shall review the special exception application and shall approve, approve with conditions, or deny the application in accordance with 9.3.G, *Review and Decision*, based on the approval criteria in 9.8.D(4).

**e. Post-Decision Actions and Limitations**

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modification:

**1. Recording**

If a special exception is granted pursuant to this section, the Director shall keep a permanent record on file at the Department that such a special exception was granted, and the special exception shall be referenced on the building permit issued for the proposed development.

**(4) Approval Criteria<sup>159</sup>**

In the review of requests for special exceptions, the City Council shall consider the following:

- a.** The degree to which the application of this Code to a particular lot or parcel advances a legitimate governmental interest; and
- b.** Whether or not application of this Code would prevent all economically beneficial use of the lot or parcel.

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<sup>159</sup> Name changed from "considerations" in current code.

## 9.9. Review and Decision-Making Bodies

### Commentary

This section is based generally on the current Article 3. It has been simplified and streamlined, since many of the specific powers/duties identified in Article 3 are now summarized in the earlier parts of this article. Also, some of this material is contained elsewhere in City Code or can be in separate manuals.

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### A. Purpose

This section describes the organization, powers, and duties of the offices responsible for the administration of this Code.

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### B. City Council

The City Council is the legislative body for the City and has the following powers and duties under these regulations:

- (1) The review and decision authority as shown in Table 9.1, *Summary Table of Review Procedures*; and
- (2) Other action the Council deems desirable and necessary to implement the provisions of these regulations and applicable Arizona law.

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### C. Planning and Zoning Commission

- (1) The Planning and Zoning Commission is appointed by the City Council and has the review and decision authority Table 9.1, *Summary Table of Review Procedures*, pursuant to the application-specific procedures outlined in this Code.
- (2) The Planning and Zoning Commission also has the powers and duties permitted under A.R.S. §9-461.01., and may exercise other powers that may be lawfully granted by the Council with respect to this Code.

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### D. Historic Preservation Commission<sup>160</sup>

- (1) The Historic Preservation Commission shall have the review and decision authority as shown in Table 9.1, *Summary Table of Review Procedures*, pursuant to the application-specific procedures outlined in this Code.
- (2) The Historic Preservation Commission also has the powers and duties as prescribed in Ordinance/Resolution ---, Operating Rules and Procedures, and exercise other powers that may be lawfully granted by the Council with respect to this Code.

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### E. Board of Adjustment

#### (1) Establishment and Delegation

- a. Pursuant to A.R.S. Section 9-462.06(A), the City Council is established as the Board of Adjustment and delegates to a hearing officer the authority to hear and decide on matters within the jurisdiction of the Board of Adjustment as outlined in this section, except that the right of appeal from the decision of a hearing officer to the Board of Adjustment shall be preserved.

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<sup>160</sup> From 1505 current code. No substantive changes, but minor stylistic updates made for consistency with the rest of the new code.

- b.** A list of qualified individuals to serve in the capacity of hearing officer shall be presented to and approved by the City Council as may be necessary to ensure the efficient management of matters within the jurisdiction of the Board of Adjustment as outlined in this section. Selection of a hearing officer for any matter shall be made by the Community Development Director based on an administratively predetermined rotation or priority system.

**(2) Duties**

The Board has the powers and duties shown in Table 9.1, *Summary Table of Review Procedures*, pursuant to the application-specific procedures outlined in this Code.

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**F. Community Development Department and Director**

- (1)** The Department shall consist of city staff as required for the administration and enforcement of this Code.
  - (2)** The Department shall have the review and decision authority as shown for “staff” in Table 9.1, *Summary Table of Review Procedures*, pursuant to the application-specific procedures outlined in this Code.
  - (3)** The Director of Community Development is appointed by, reports to, and serves at the pleasure of the City Manager.
  - (4)** The Director of Community Development is the head of the Department of Community Development, in accordance with A.R.S. Section 9-461.03 (as may be amended). Their duties involving planning, zoning and building, and as Zoning Administrator pursuant to A.R.S. Section 9-462.05 (as may be amended), and in accordance with Chapter 2.60 of the Sedona City Code. The Director or their designated representative shall serve as the Zoning Administrator for the city and is responsible for the administration, interpretation, clarification, and enforcement of the code.
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**G. City Engineer<sup>161</sup>**

- (1)** The City Engineer shall be appointed by, report to and serve the City Manager.
- (2)** The Engineer is responsible for all city streets and associated improvements and civil engineering and shall perform such duties as may be required of them by law and such other duties as directed by the Council and City Manager. The City Engineer shall head the Public Works Department of the city and shall be responsible for the following under the direction of the City Manager:

  - a.** General city mapping, including utility lines, streets and roads, bridges, washes and other natural and manmade features;
  - b.** Planning and coordination of Public Works projects;
  - c.** Development and project management of capital improvement plans for city improvements;
  - d.** Issuance and inspection for permits to work in city right-of-way;
  - e.** Review and inspection of grading and building permits for code compliance with city engineering standards;

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<sup>161</sup> List of duties updated since staff draft.

- f.** Review of development proposals for compliance with city engineering standards, including the interpretation and administration of Article ---, Grading and Drainage;
- g.** Preserves and improves stormwater quality through the ADEQ issued Municipal Separate Storm Sewer System (MS4) permit;
- h.** Coordination of flood management studies and drainage improvement projects;
- i.** Management and supervision of the street maintenance and rehabilitation program, which includes contract administration, pavement preservation, landscaping, utility maintenance, general right-of-way maintenance, multi-modal facility maintenance, and traffic control relief and services;
- j.** Management and supervision of the Uptown Paid Parking funded improvements;
- k.** Maintenance of building facilities, parks, aquatics, and associated equipment;
- l.** Responding to citizen inquiries and complaints regarding Public Works facilities.
- m.** Planning and implementation of property address system;
- n.** Development and updating of standard Public Works specifications and details for the city; and
- o.** Other duties and responsibilities as may be lawfully assigned by the City Council and City Manager.

# Article 10: Rules of Construction and Definitions

## Commentary:

This article includes general rules of construction and defined terms related to the procedures and administration of the LDC. The definitions from Parts 1 (Districts & Uses) and 2 (Development Standards) of the LDC Update are not included in this draft. Many of the terms were carried forward from the current LDC and revised as noted. New terms are also noted and are based on our work in other jurisdictions and tailored for Sedona. There are several placeholders where we will prepare graphics to supplement the text definitions, both by updating existing graphics and creating new graphics.

## 10.1. Rules of Construction<sup>162</sup>

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### A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purpose set forth in Section -- and the specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this Code, the specific section's meaning and application of the term shall control.

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### B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

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### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

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### D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the city, or other day that City offices are not open, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the city, or other day that City offices are not open. References to days are calendar days unless otherwise stated.

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### E. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

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<sup>162</sup> New section to clearly indicate meaning of the general terms used throughout the Code.

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## F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

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## G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

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## H. Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

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## I. Titles and Headings<sup>163</sup>

All titles and headings of chapters, sections, or subsections of this Code are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

# 10.2. Definitions of Use Categories and Specific Use Types

[See Part 1 of the LDC Update]

## 10.3. Terms of Measurement

[See Part 1 of the LDC Update]

## 10.4. Other Defined Terms

### Adjacent

The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street.

### Administrative Use Permit

A type of approval issued pursuant to Section 9.4.C for uses designated in the allowable use table (Table --) as requiring administrative use permit approval.

### Applicant

A person whom submits a development application requesting a development permit or approval authorized by this Code.

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<sup>163</sup> New in this draft; from current 100.

**Building Official**

The municipal officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of this law.

**Certificate of Occupancy**

A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of buildings and structures, certifying that such buildings, structures, and uses have been constructed and will be used in compliance with the Sedona City Code.

**Conditional Use Permit**

A type of approval issued pursuant to Section 9.4.B for uses designated in the allowable use table (Table --) as requiring conditional use permit approval.

**Developer**

Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

**Development Plan Review**

Review of development plans according to the procedures in Section 9.4.A.

**Good-Faith Effort**

What a reasonable person would determine is a diligent and honest effort to produce desired or required results under the same set of facts or circumstances.

**Minor Modification**

A development approval authorizing limited deviations from certain provisions of this Code's dimensional or numerical development standards that is reviewed under Section 9.8.B.

**Nonconforming Lot**

A lawfully established lot created prior to adoption of this Code that does not comply with the minimum lot size requirements of this Code.

**Nonconforming Sign**

A lawfully established sign constructed or installed prior to adoption of this Code that does not comply with the sign regulations of this Code.

**Nonconforming Site Feature**

Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that lawfully existed prior to adoption of this Code but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this Code.

**Nonconforming Structure**

A lawfully established building or structure constructed or installed prior to adoption of this Code that does not comply with the area, height, or placement regulations of this Code.

**Nonconforming Use**

A use that lawfully existed prior to adoption of this Code, but does not comply with the terms of this Code.

**Planned Development District**

A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts established by this Code. Planned Development districts are designed to provide additional amenities or benefits to the City in return for flexibility in the design,



layout, and dimensions of the development. Approval of a PD shall require a rezoning pursuant to Section 9.6.B.

**Planning and Zoning Commission**

The Planning and Zoning Commission of the City of Sedona.

**Quasi-Judicial Hearing**

A public hearing that is judicial-like in only applying the existing adopted regulations or policies to a specific development application, as opposed to the legislative-like creation of new laws or policies.

**Rezoning**

A change in the zoning district classification applied to land by the Official Zoning Map, reviewed, and decided by the City Council under Section 9.6.A.

**Site Plan**

A plan drawn to scale showing uses and structures proposed for a lot, including all associated submittal materials specified in this Ordinance.

**Stop-Work Order**

An order issued by a City official that directs the person responsible for an activity in violation of this Code to cease and desist such activity.

**Variance**

The authorization by the Board of Adjustment for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable regulations of this Code.