

AGENDA

City of Sedona Planning and Zoning Commission Meeting

3:30 PM

Tuesday, April 3, 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, April 3, 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

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. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, April 17, 2018; 3:30 pm (Work Session)
 - b. Tuesday, April 17, 2018; 5:30 pm (Public Hearing)
 - c. Tuesday, May 1, 2018; 3:30 pm (Work Session)
 - d. Tuesday, May 1, 2018; 5:30 pm (Public Hearing)

6. ADJOURNMENT

Physical Posting: March 29, 2018 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: 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

Memorandum

Date: March 27, 2018

To: **Planning and Zoning Commission**

From: Michael Raber, Senior Planner

Meeting Date: April 3, 2018

Subject: Sedona Land Development Code Update

The intent of this work session is to allow for a continuation of the Commission’s March 20, 2018 work session regarding the update of the Sedona Land Development Code (LDC). In the Commission’s March 20th work session, the Commission discussed remaining items from their earlier discussion on the Development and Subdivisions standards, Part Two of the draft Update, and the final segment of the Update, Part Three – Administration and Procedures, was introduced.

This agenda item provides for discussion and possible direction on Part Three – Administration and Procedures, and any remaining items the Commission may wish to discuss from the earlier parts of the LDC update:

- Part One – Zoning Districts and Use Regulations
- Part Two – Development and Subdivision Standards.

These parts will next be assembled into one consolidated draft for final review and comment. All three parts are available online at www.Sedonaaz.gov/cd.

Additionally, we would like the Commission’s input regarding urban agriculture, specifically the keeping of chickens and bees in the community. Since before the beginning of the LDC update process, we have received a number of comments regarding the raising of chickens and bees. As a result of these comments, Part One of the LDC was drafted to allow for the keeping of chickens and bees under urban agriculture. However, we are still working with Clarion on the specifics of regulating urban agriculture, including chickens and bees. Your input on this subject will help us as we complete this task for inclusion in the consolidated draft later this spring. The comments received on this topic are included as [Attachment 3](#).

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Attachment 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

Attachment 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

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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. Purpose¹

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;

¹ 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 Jurisdiction²

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 Applicability³

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. Severability⁴

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.

² Existing 102 and 103.

³ New.

⁴ Existing 1300.

E. Adoption of Zoning Map⁵

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 Construction⁶

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 Permits⁷

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.

E. Conflict with Agreements Between Private Properties⁸

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

⁵ 100.3

⁶ 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.

⁷ New.

⁸ 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 Regulations⁹

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 Approval¹⁰

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.

⁹ Section is all new except for the first subsection.

¹⁰ 100.5

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 Situations¹¹

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.

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 1.6.¹²

¹¹ 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.

¹² 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 Developments¹³

- (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).¹⁴
 - 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:¹⁵
 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;

¹³ 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.

¹⁴ Existing, with clarification that it applies to all structures on the lot, and the measurement is cumulative since the effective date of the Code.

¹⁵ 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.

D. Nonconforming Signs¹⁶

(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.

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.

¹⁶ 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 Exists¹⁷

- 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. Enforcement¹⁸

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*.

¹⁷ Changed administrative waiver to minor modification.

¹⁸ 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.¹⁹
- 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.

¹⁹ 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 ²⁰

- (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.

²⁰ Additional edits may be necessary to distinguish between city-initiated enforcement proceedings and other types of enforcement actions.

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.

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.

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 Article²¹

- 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.

²¹ 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	
Development Permits											
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				
Subdivision Procedures											
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 >	
Ordinance Amendments											
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 >	
Historic Preservation Procedures											
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]				
Flexibility and Relief											
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 Meeting²²

(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*.

²² 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) Effect²³

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.

C. Application Submittal and Handling²⁴

(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 Content²⁵

- 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.

²³ 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.

²⁴ These standards consolidate and replace those currently found throughout the Code.

²⁵ 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 Fees²⁶

- 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.²⁷ 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 Timeline²⁸

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 Completeness²⁹

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 Applications³⁰

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 Revisions³¹

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.

²⁶ Consolidates and replaces references in current individual review procedures. New reference to annual review of fees by City Council.

²⁷ New; this is typical, but we did not see similar language in the current procedures.

²⁸ New; this is typical, but we did not see similar language in the current procedures.

²⁹ The five-day period is new; the current code has a maximum of two days, which staff indicated is too brief in some instances

³⁰ New. Many communities include this standard to ensure that delayed applications are still in alignment with the City's current policies and regulations.

³¹ 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 Withdrawal³²

- 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 Review³³

- 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.

D. Citizen Review Process³⁴

(1) Purpose

The Citizen Review Process is intended to:

³² New standards to formalize an application withdrawal process.

³³ New.

³⁴ 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) Applicability³⁵

- 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;

³⁵ 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 Report³⁶

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.

E. Staff Review and Action³⁷

(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.

³⁶ Detailed list of plan contents are proposed for removal to the Administrative Manual.

³⁷ 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 Recommendation³⁸

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 Report³⁹

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 Applications⁴⁰

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.

³⁸ New. The list of items for the staff report is from the "Investigation" language in the current code.

³⁹ The seven-day timeframe is from the current code.

⁴⁰ 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 Approval⁴¹

- 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

⁴¹ 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.⁴²

- 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.

F. Scheduling and Notice of Public Hearings⁴³

(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 Notice⁴⁴

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 Notice⁴⁵

- 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.

⁴² 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.

⁴³ 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.

⁴⁴ New.

⁴⁵ 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 Notice⁴⁶

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.⁴⁷
3. Required posted notice shall:⁴⁸
 - 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 Proceedings⁴⁹

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 Action⁵⁰

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.

⁴⁶ 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.

⁴⁷ New.

⁴⁸ Posted sign specifications should be included in the Administrative Manual.

⁴⁹ New.

⁵⁰ This carries forward and consolidates a provision that is repeated throughout the current code.

G. Review and Decision

(1) Hearing, Review, and Decision⁵¹

- 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 Procedures⁵²

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 Applicant⁵³

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.

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*.

⁵¹ New.

⁵² Are there any adopted specific procedures the city would like to fold into the code?

⁵³ 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 Approval⁵⁴**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 years⁵⁵ 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

⁵⁴ 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?

⁵⁵ 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;⁵⁶
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 Applications⁵⁷

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.

⁵⁶ 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.

⁵⁷ 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

A. Development Review⁵⁸

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 Review⁵⁹

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.⁶⁰
2. Development review is not required for:

⁵⁸ 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.

⁵⁹ This is the current list of development types subject to development review.

⁶⁰ 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 Review⁶¹

Development plan review is conducted by the Director or the Planning and Zoning Commission, based on the thresholds in Table 9.2 below:

Table 9.2 Applicability Thresholds for Development Review		
Type of Development	Minor Development Review (Director)	Major Development Review (Planning and Zoning Commission)
RESIDENTIAL		
Multi-family residential	Up to 10 dwelling units	11 or more dwelling units
NONRESIDENTIAL		
Any new building		
Any newly established use of land	Less than 5,000 square feet gross floor area (individually or cumulatively)	5,000 or more square feet gross floor area (individually or cumulatively)
Any expansion, alteration, or modification of existing structure or site		

Notes: See exceptions to development review thresholds in 9.4.A(2)c.

c. Exceptions to Development Plan Review Thresholds⁶²

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.

⁶¹ 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.

⁶² 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.⁶³
- 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 Handling⁶⁴

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*.

⁶³ Changed from 750 square feet to 5 percent, to be scalable with the size of the project.

⁶⁴ 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*.⁶⁵
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*.⁶⁶

⁶⁵ 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.

⁶⁶ 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 Handling⁶⁷

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.

⁶⁷ 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.

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) Purpose⁶⁸

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.⁶⁹ 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.

⁶⁸ New purpose statement.

⁶⁹ 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 Handling⁷⁰

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.⁷¹

⁷⁰ Submittals removed to bin file for administrative manual.

⁷¹ 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)⁷²

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 Use⁷³

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.

⁷² 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."

⁷³ 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) Findings⁷⁴

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.

⁷⁴ 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) Purpose⁷⁵

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) Applicability⁷⁶

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*

⁷⁵ New.

⁷⁶ 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 Review⁷⁷

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) Applicability⁷⁸

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 Handling⁷⁹

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.

⁷⁷ 403

⁷⁸ Applicability statement rewritten for clarity.

⁷⁹ Submittals removed to bin file for administrative manual.

b. Staff Review and Action⁸⁰

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 Permit⁸¹

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



⁸⁰ 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.

⁸¹ 407

a. Pre-Application Consultation⁸²

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 Handling⁸³

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.

⁸² Discussion needed. Staff suggested that pre-application conferences could be required for larger temporary uses, but these should be specifically identified.

⁸³ 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.

A. Preliminary Plat⁸⁴

(1) Purpose⁸⁵

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 Required⁸⁶

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 Required⁸⁷

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.

⁸⁴ 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).

⁸⁵ New.

⁸⁶ New.

⁸⁷ 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 More⁸⁸

- 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*.

⁸⁸ 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 Action⁸⁹

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 Hearings⁹⁰

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*.⁹¹
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.⁹²
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:

⁸⁹ 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.

⁹⁰ 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.

⁹¹ No specific findings are necessary; those in the current code all duplicate the general findings in the new code.

⁹² 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 Plat⁹³

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 months⁹⁴ 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.

⁹³ 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.

⁹⁴ Reduced from 36 months in current code.

B. Final Plat⁹⁵

(1) Purpose⁹⁶

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and applicable standards in this Code.

(2) Applicability⁹⁷

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 Handling⁹⁸

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.

⁹⁵ 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.

⁹⁶ New.

⁹⁷ First sentence is new, second is from existing code.

⁹⁸ 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.⁹⁹ 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:

⁹⁹ 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 Construction¹⁰⁰**
- 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.

¹⁰⁰ 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.

C. Land Division or Combination¹⁰¹

(1) Purpose¹⁰²

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 Required¹⁰³

- 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.

¹⁰¹ 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.

¹⁰² Purpose statement rewritten for clarity?

¹⁰³ 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 Findings¹⁰⁴

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.

¹⁰⁴ 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 Conversions¹⁰⁵

(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.¹⁰⁶

(5) Special Conditions

- a. Copies of the condominium documents¹⁰⁷ 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.

¹⁰⁵ Current 711. Per the Analysis report, no major substantive changes are proposed. Submittals removed to bin for administrative manual.

¹⁰⁶ 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.

¹⁰⁷ 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 Acreage¹⁰⁸

(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 Handling¹⁰⁹

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*.

¹⁰⁸ 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.

¹⁰⁹ 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 Recommendation¹¹⁰

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 Decision¹¹¹

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.

F. Improvement Standards¹¹²

(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.

¹¹⁰ Removed requirement for this hearing to be within 60 days of application.

¹¹¹ Removed requirement for this hearing to be within 60 days of PC recommendation.

¹¹² 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:

- i.** The subdivider may apply to the City Engineer for an appropriate reduction in the amount of financial assurance retained by the city or refund of cash deposit upon completion of each phase;
 - ii.** Any work abandoned or not completed by the subdivider may be completed by the city, which shall recover the construction costs from the subdivider or surety;
 - iii.** No lots shall be released for sale from the approved development phase until either the agreement or an assurance of construction has been posted and accepted by the City Engineer.
- b.** Notwithstanding the above provisions, a subdivider may, with the approval of the Director and the City Engineer, record a final plat for all of the proposed subdivision, yet only provide financial assurances for the construction of each phase proposed for immediate development.

(5) Warranties

When a roadway, sewer, storm drainage, sidewalk, or any other infrastructure is to be dedicated to the city, the warranty period shall be a minimum of 2 years, commencing on the date when said appurtenances are accepted by the City Engineer per SLDC 704.09(D)(5)(d). Any warranties provided by the contractor exceeding this 2-year period shall be assigned to the city upon its acceptance of said work.

(6) Withholding of Building Permits

Any parcel of land which has been the result of major or minor subdivision that does not comply with this Code shall not be a legal building site. No building permits shall be issued by the Director in such subdivision until it is caused to comply with this Code.

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)¹¹³

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) Purpose¹¹⁴

- 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) Applicability¹¹⁵

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*.

¹¹³ This section is based on the current Section 400; however, the Code text amendment provisions have been separated out into a distinct procedure.

¹¹⁴ New purpose statement.

¹¹⁵ New applicability statement.

(3) Application Submittal and Review Procedure

Figure 9-12 identifies the applicable steps from Section 9.3, *Common Review Procedures*, that 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 Handling¹¹⁶

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

¹¹⁶ 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:¹¹⁷
 - 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.¹¹⁸

f. Review and Decision

All common procedures in 9.3.G, *Review and Decision*, shall apply, with the following modifications:

¹¹⁷ This is based on ARS 9-462.04(4)-(6).

¹¹⁸ 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 Rezonings*.

2. City Council Review and Decision¹¹⁹

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 Rezonings*.

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 Protest¹²⁰

- 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.

¹¹⁹ 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.

¹²⁰ 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)*.¹²¹

(4) Approval Criteria for Rezoning¹²²

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.

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

¹²¹ Further discussion/research as to whether the reversion may be placed on the consent agenda.

¹²² 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 Contents¹²³

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

¹²³ 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);¹²⁴
- 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.

¹²⁴ 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:¹²⁵
 - 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.¹²⁶

¹²⁵ 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 Decision¹²⁷

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 Protest¹²⁸

- 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.

¹²⁶ 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).

¹²⁷ 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.

¹²⁸ 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.¹²⁹
- 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)*.¹³⁰

3. Recording Required¹³¹

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 Amendments¹³²

- 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.

¹²⁹ New standard to ensure that the Code applies wherever the PD is silent.

¹³⁰ Further discussion/research as to whether the reversion may be placed on the consent agenda.

¹³¹ Staff notes that this recording is not done now, but we do recommend it as good practice moving forward.

¹³² 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 Rezoning¹³³

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.

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) Purpose¹³⁴

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) Applicability¹³⁵

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.

¹³³ New. There are no findings and/or approval criteria for rezonings in the current code.

¹³⁴ New purpose statement.

¹³⁵ 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 Designation¹³⁶

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 Handling¹³⁷

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*.

¹³⁶ 1507

¹³⁷ 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 Criteria¹³⁸

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.

B. Historic District Designation¹³⁹

(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.

¹³⁸ Existing criteria.

¹³⁹ 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.

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 Handling¹⁴⁰

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*.

¹⁴⁰ 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 Criteria¹⁴¹

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

¹⁴¹ 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. Variance¹⁴²

(1) Purpose¹⁴³

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*.

¹⁴² The current Section 404 addresses both variances and appeals. In this draft, appeals are addressed in a separate section.

¹⁴³ New purpose statement. The current purpose statement essentially restates the approval criteria.

b. Application Submittal and Handling¹⁴⁴

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)¹⁴⁵

- 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.¹⁴⁶

f. Post-Decision Actions and Limitations

All common procedures in 9.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modification:

¹⁴⁴ Submittals removed to bin file for administrative manual.

¹⁴⁵ From the existing code.

¹⁴⁶ 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 Findings¹⁴⁷

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.

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

¹⁴⁷ Rewritten findings. Removed separate findings for parking variances.

otherwise allowed by the Code. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The minor modification procedure is not a waiver of current standards of this Code and shall not be used to circumvent the variance procedure.

(2) Applicability

a. Table of Allowable Minor Modifications¹⁴⁸

An application for a minor modification that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 9.3.

Table 9.3 Allowable Minor Modifications	
Code Standard	Allowable Modification (maximum percentage)
Site Standards	
Lot area, minimum	10
Lot coverage, maximum	10
Block length, maximum	10
Lot Dimensional Standards	
Front setback, minimum	25
Side setback, minimum	25
Rear setback, minimum	25
Encroachment into setback pursuant to Table ---, maximum	10
Building Standards	
Building height, maximum	10
Accessory building height, maximum	10
Projection into height requirement pursuant to Table ---, maximum	10
Development Standards	
Number of required parking spaces, maximum or minimum	10
Lighting height, maximum	10
Sign height, maximum	10
Fence or wall height, maximum	25 (1 foot maximum)
Minimum landscaping requirements	10

b. Reasonable Accommodations Under the FFHA

1. In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:

¹⁴⁸ This table is a starting point for discussion. It provides a framework for a more targeted approach than the current administrative waiver, which authorizes up to a blanket 25% waiver. The table approach allows the community to more specifically where additional flexibility is appropriate, either for certain types of standards or in certain geographic areas. (For example, a community might allow greater flexibility in an area where redevelopment is especially encouraged.)

- 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 Criteria¹⁴⁹

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.

¹⁴⁹ 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 Handling¹⁵⁰

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 Appellant¹⁵¹

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 Limit¹⁵²

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 Proceedings¹⁵³

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:

¹⁵⁰ Submittals removed to bin file for administrative manual.

¹⁵¹ New.

¹⁵² From the existing code.

¹⁵³ 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 Exactions¹⁵⁴

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;

¹⁵⁴ 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.

D. Special Exceptions¹⁵⁵

(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 residential¹⁵⁶ 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.¹⁵⁷

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 Procedure¹⁵⁸

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.

¹⁵⁵ 406. The Analysis report noted that the procedure should be kept, though staff now questions whether the variance process would suffice for these situations..

¹⁵⁶ These districts should be updated based on the new list of district.

¹⁵⁷ We rephrased this provision for clarity; please confirm the new language carries forward the city's intent.

¹⁵⁸ 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 Criteria¹⁵⁹

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.

¹⁵⁹ 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.

A. Purpose

This section describes the organization, powers, and duties of the offices responsible for the administration of this Code.

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.

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.

D. Historic Preservation Commission¹⁶⁰

- (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.

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.

¹⁶⁰ 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.

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.
-

G. City Engineer¹⁶¹

- (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;

¹⁶¹ 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 Construction¹⁶²

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, 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.

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.

¹⁶² New section to clearly indicate meaning of the general terms used throughout the Code.

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.

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.

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.

I. Titles and Headings¹⁶³

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.

¹⁶³ 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.

Attachment 3
Comments Regarding Chickens and Bees

Glenn Sharshon
GSharshon@SedonaAZ.gov
Senior Code Enforcement Officer

RE: ALLOWING BEE COLONIES IN NEW SEDONA LDC

Dear Ms. Juhlin,

I write to you today in opposition to any change in the Sedona Land Development Code to allow the presence of bee colonies. I oppose the keeping of bee colonies in Sedona for the following reasons:

1. Bee keeping has no place in such a densely populated, non-agricultural, tourist-dependent community.
2. Arizona feral bees are now 100% Africanized, and allowing bee keeping would increase the risk of Africanized colonies and feral nests within the city.

BEE KEEPING IN GENERAL

1. Nearly Impossible to Contain. A typical colony has 40,000 bees. A hive many contain multiple colonies. About once a year a colony of purely domesticated bees (a dwindling concept in Arizona—most are intermixed with Africanized bees) will swarm and form a new colony nearby because they have grown too large. The feeding range of a colony is about two miles. Allowing bee keeping will likely produce an ever growing number of bees in Sedona. Their growth will spread out from each bee colony kept in the community. As a non-agricultural community, Sedona needs few new bees.

2. A Plague on Swimming Pools. Bees need water. In summer months they need even more water to keep the hive cool. Bees are attracted to swimming pools, humming bird feeders and other water sources. It is nearly impossible for a bee keeper to put in the sufficient water resources to keep hundreds of thousands of bees watering at home, particularly in the summer. Commercial and residential pools will experience a significant increase in bees and bee stings. Backyards with water for birds will become a magnet for bees.

3. Annoying Bee Poop. Yellow bee poop (acidic, sticky, smelly, liquid of digested pollen and nectar) is an annoying problem, particularly for immediate neighbors of colonies because most bees defecate soon after leaving the hive. Bee poop will spoil decks, cars, skylights and outdoor furniture. Neighbors of bee colonies will be subjected to constant washing of tough-to-remove bee poop, particularly in the spring. The bee poop will be concentrated in bee flight paths.

4. General Annoyance. Sedona is blessed with few insects. Adding millions of bees to the outdoors will likely greatly reduce the enjoyment of the outdoors for everyone in every way.

AFRICANIZED BEES IN PARTICULAR

1. **Africanization of Sedona Backyard Bee Colonies.** While backyard colonies in Sedona may begin with passive domestic bees, in Arizona the odds are high that they will be intermixed or fully taken over by Africanized bees. 100% of feral hives in Arizona are Africanized. It took only 3 years for Africanized bees to go from 15% of the feral population in Arizona to 90%. Interbreeding almost always results in an Africanized offspring. Swarms of Africanized bees in Arizona have taken over European honey bee hives by invading the hive, then killing the European queen and establishing their own queen. Africanized bees reproduce as much as ten times the rate of domestic bees. They can swarm—establish a new colony—as many as 10 times a year.

2. **The Africanized Bee Hive's Zone of Alarm.** Africanized bees are deadly to humans and pets because they are ferocious defenders of their hives. They deploy more guard bees quicker and fly longer in defense. There was a death by Africanized bees this summer in Camp Verde. Their zone of alarm is 50 feet from their hive for normal activity, and 100 feet for leaf blowers and other loud noises. In Sedona, with its many small lots, the danger from Africanized hives is immense to neighbors of bee colonies. Often it takes a tragedy for people to realize that their bees have become Africanized. The impact on tourism of Africanized bee attacks would be catastrophic.

I do not think it prudent for Sedona to open the door on the potential disruptions, annoyance and dangers of backyard bee colonies.

Thank you for your consideration on this matter.

John Patton
jpatton@Lymeez.com
110 Ridge Road
Sedona
862-2289

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.

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.

From: Meghan Kincheloe <meghan.kincheloe@gmail.com>
To: <mraber@sedonaaz.gov>
Date: 8/14/2017 8:46 PM
Subject: LDC update comment

We raised chickens for four years at our home in Camp Verde, as did many of our neighbors, and they were never a nuisance. Hens are very quiet, and certainly make less noise than most dogs. They are easy to care for, clean, and don't smell. We truly hope that the City will adopt an ordinance allowing homeowners to keep a reasonable number of hens. We found that 6-8 was the right number to provide eggs for our family of four. We are looking forward to the chance to keep chickens in Sedona!

Sincerely,
Meghan Kincheloe
25 Walapai Dr. Sedona
928-300-8623
meghan.kincheloe@gmail.com

Mike Raber - Form submission from: Contact Us

From: <noreply@engagingplans.org>
To: <mraber@sedonaaz.gov>
Date: 7/15/2017 9:27 AM
Subject: Form submission from: Contact Us

Submitted on Saturday, July 15, 2017 - 10:27am
Submitted by anonymous user: 47.215.224.198
Submitted values are:

Your Name: Shelley Clifton
Your Email Address: shelleyballenger@gmail.com
Your Phone Number: [3036694337](tel:3036694337)

Your Message:

I am hoping to give input on the land use code to include being able to have chickens. I was also hoping that the website could be more user friendly. When I click on 'participate', the link does not lead to anything. The only way I could see a way to add a comment is to use the contact form.

Thanks!

The results of this submission may be viewed at:
<https://www.sedonaldcupdate.com/node/5/submission/31>

Audree Juhlin - Allow Chickens -corrected!

From: Susan Zalkind <susan@alabaster.net>
To: <Ajuhlin@SedonaAZ.gov>
Date: 10/17/2015 7:25 PM
Subject: Allow Chickens -corrected!
Cc: Jessica Sierra <jessicas4144@gmail.com>

Dear Audree,

I mistakenly sent an unedited version of this letter in support of chickens on our private property to you. THIS ONE is my 'official' version. Please forgive the 'mistake'.

Thanks,
Susan

Dear Audree,

As a professional Alabaster-stone carver for 40 years, having lived 38 of those years in the Verde Valley and having just been featured for my stone work by PBS because of my love of the Earth and the integrity it takes to live in prosperous harmony with the Earth, I want to emphatically support allowing residents in the community of Sedona (and this entire region) to care for and reap the benefits from living with, along with their extended communities, chickens on their own private property!

To me, this is a no-brainer! Chickens provide for us as we provide for them. You can't ingest a more wholesome or potent protein than an egg! To produce this egg chickens eat much of our biodegradable waste! They then fertilize our soil! That's on a physical level. Societally, we are in a race which we may not win to save the Earth from our own human greed, hatred and ignorance. Raising chickens in our own back yard allows us to take personal responsibility for feeding ourselves rather than relying on outside, mostly corporate sources to do so while allowing us to engage in a mutually nurturing relationship with other Earth inhabitants. On a mental and emotional level chickens provide relief from life's intensity. Just watching them for a few minutes is not only entertaining but interesting and funny and seduces us away from our lives' pressing and immediate 'importance' into a playful and relaxed state of being. Therefore, not only are our physical, mental and emotional needs met but also our spiritual needs for relaxation, perspective and taking care of each other and our planet home!

Actually, as I write this, I am understanding that Sedona attracts millions of people and therefore millions of dollars to arrive at JUST this spiritual state of relaxation and perspective! It would be totally out of character, self-destructive, against the inherent values of love of Earth, land, cooperative effort and shared values to not 100% and entirely support allowing residents to have chickens on their private property! Sedona, as an International City of Peace, is and wants to grow in creating kindness for ourselves, each other and our Earth. Allowing Chickens is a completely congruent expression of our community's intention.

As an addendum, 'Chickens' are the 'official' bird of Hawaii! They live there totally free! They're a part of Hawaiian life. They populate the islands, residential communities empathically included! No problem. Everyone lives in peace together. People and chickens!

Please hear my heartfelt plea and support to legalize chickens living and being nurtured by and on people's private property in Sedona.

Very Best to You,
Susan Zalkind



Susan Zalkind, Alabaster Master, M.Ed.

susan@alabaster.net

<http://www.alabaster.net>

[928-567-2281](tel:928-567-2281)

[928-300-3614](tel:928-300-3614) cell

From: Mary Ann Henry <maryannsedona@yahoo.com>
To: <Ajuhlin@SedonaAZ.gov>
Date: 10/14/2015 10:49 AM
Subject: Changing the Ordinance against NEIGHBORHODS CHICKENS

Dear Audre; I'm sending you this in hopes that it will help to get the Ordinance changed to be able to have chickens on one's property. I have a # of friends that have chickens, besides enjoying the healthy eggs they produce, they are great to watch and get to know their personalities. Hopefully this letter will help.

Mary Ann Henry

Audree Juhlin - a note of support for changing ordinance TO ALLOW neighborhood chickens

From: Victoria Rivers <vzrivers@ucdavis.edu>
To: <AJuhlin@SedonaAZ.gov>
Date: 10/6/2015 3:44 PM
Subject: a note of support for changing ordinance TO ALLOW neighborhood chickens
Cc: <jessicas4144@gmail.com>

Dear Ms. Juhlin,

Greetings. My husband and I wish to convey our support for the movement to allow chickens in Sedona neighborhoods, as long as the chickens are hens. Years ago we had chickens and greatly enjoyed the eggs and having the chickens as pets. Chickens are quite entertaining as well as peaceful. We see no reason why hens should not be allowed in Sedona neighborhoods, as long as the hens are cared for properly and have safe coops to be put in at night.

My husband and I already have a host of wild animals that pass through our city limits property-mule deer, mountain lions, lynx, rabbits, the occasional skunk...not to mention javelinas. We built a fence to keep the javelinas from eating our plants, but nothing can keep out the neighbors' cats that prey on the wild birds we feed. We find those free roaming, bird-killing cats greatly annoying. But we believe that neighbors having hens in the neighborhood would pose no problems.

We know that many cities allow people to keep hens on their properties. As long as roosters are not included, we see no reason to forbid having chickens on one's private property within city limits. Perhaps a limit could be set on the number of hens one property can possess, such as no more than 6. And perhaps it could be stipulated in a revised ordinance that anyone keeping hens would be required to provide for them a sturdy, attractive coop.

Thank you for adding my opinion to those already conveyed requesting to change the city ordinance to **allow hens** on private property in the city.

Sincerely,
Victoria Z Rivers and John Salkin

Audree Juhlin - In support of hens in residential neighborhoods

From: Enocha Ranjita Ryan <enocha@npgcable.com>
To: <AJuhlin@sedonaaz.gov>
Date: 9/28/2015 2:20 PM
Subject: In support of hens in residential neighborhoods

Dear Audree,

I am aware of the possibility that the ordinariness for having hens in residential areas in Sedona is being considered.

I myself live in a residential/agricultural zoned area outside the city limits and so I am so grateful to have a hen house and hens grace my life, property and the guests that enjoy coming here. Hens are such a gift in that they lay healthy eggs for food, their "poop" is the best addition to any compost pile to build nutrient rich fertile soil.

They do not make noise except when they are celebrating the laying of a new egg, and their sounds are pleasant and not disturbing to others.

Since I have a retreat sanctuary I am always sensitive to noise as I want my guests to enjoy peace and quiet.

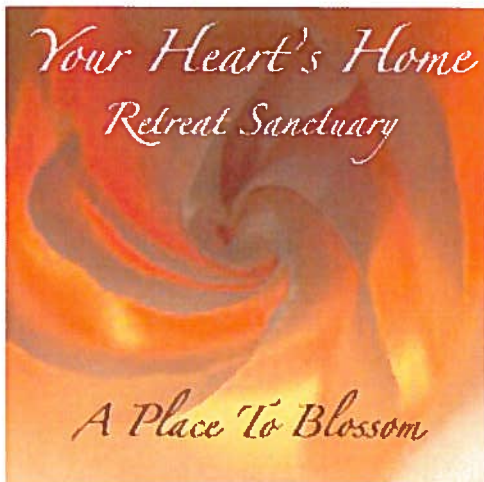
Whenever kids come over the first thing they always ask is "can we go visit the chickens and see if they laid any eggs".

It is a real joy to host hens here for multiple reasons and this love and respect of chickens has been cultivated over ten years now.

I highly recommend the changing of the Sedona ordinance for others in residential areas to enjoy the same pleasure.

From my heart to yours,

Enocha "Ranjita" Ryan



www.yourheartshome.com

www.facebook.com/your.hearts.home

enocha@npgcable.com

[928-204-2322](tel:928-204-2322)

Audree Juhlin - Fwd: Chickens

From: "Karen O'Donnell" <k913.sedona@gmail.com>
To: <ajuhlin@sedonaaz.gov>
Date: 9/26/2015 10:20 AM
Subject: Fwd: Chickens

It helps to have the correct email address. Thank you for your time

----- Forwarded message -----

From: Karen O'Donnell <k913.sedona@gmail.com>
Date: Sat, Sep 26, 2015 at 10:18 AM
Subject: Chickens
To: AJulin@sedonaaz.gov

Good Morning Audre:

I understand you are collecting information from the people in Sedona about their opinions of chickens being legal to keep in our yards.

As one of the founding members of Greening Harmony, please let me tell you that our organization fully supports the move to legalize hens in Sedona. Greening Harmony's mission was founded on research showing that more food security was needed in the Harmony area of West Sedona. Hens offer very viable and easy food security. Greening Harmony has been active now for over four years, the first two years supported by grants in part from the City of Sedona through Gardens for Humanity. We continue to be successful in propagating information on how to create sustainability here in Sedona in one's own back

yard.

Hens are deliciously sustainable: they eat bugs, grubs, flies and weeds, they till and fertilize the earth, they lay delicious high protein eggs, and at the end of their egg-laying stint make for incredible nourishing flavorful chicken stew. There is no waste. All kitchen scraps can be fed to them, thereby reducing necessary garbage collection.

For their safety, it is best to provide a cage that has all around screening so that skunks, raccoons and hawks cannot get in and kill them – and they cannot get out. To me this should be mandatory to keep chickens.

We go out of our way to purchase farm fresh eggs at a premium and would love to go out our door to get the eggs instead. Another way of being sustainable.

Your consideration is appreciated to hopefully change the law. We will not have chickens until this is done.

Thank you
Karen O'Donnell

Audree Juhlin - Re: Chickens in Sedona

From: Marianna Hartsong <well@hartsong.net>
To: <AJuhlin@SedonaAZ.gov>
Date: 9/22/2015 10:00 AM
Subject: Re: Chickens in Sedona

Chickens in Sedona

September

22, 2015

Greetings again Audre;

I understand you were out of town. I trust you had a blessed time away.

I am writing to welcome you back and to add a correction (see paragraph "As founding member.." below) and some further thoughts.

Legalizing hens is I gather on the table. Thank you so very much for this initiative.

There are other critters that would make life in Sedona really viably sustainable. They would include roosters (allows hens to reproduce themselves - half of which would be high quality meat!), guinea hens - they are marvelous to have in the garden and incredible support: they eat all the bugs, but do not eat the veggies (unlike the hens that devour everything and must be kept out of the garden); rabbits for meat (and fertilizer); bees for ultimate sustainability for all of us. There are already a number of us working together as back yard bee keepers.

Thank you for all you are doing. Happy to meet with you if you feel that would be helpful.

Have a beautiful day, :) Marianna

Why I garden:



Marianna Hartsong, Ph.D.
Awareness Education

Sedona, Arizona
www.hartsong.net
well@hartsong.net
[928-554-4884](tel:928-554-4884)

Greetings Audre Juhlin; (AJuhlin@SedonaAZ.gov)

Audre I am told you are collecting citizen information re having chickens (and other small animals???) in our back yards within the city limits of Sedona. Thank you so much. It is high time to legally affirm what is already happening in so many yards.

As a founding member of our neighborhood organization, Greening Harmony, and currently serving on our Steering Committee, we the Committee fully support the move to legalize hens in Sedona. Greening Harmony's mission was founded on research showing that more food security was needed in Sedona. Hens offer very viable and easy food security. Greening Harmony is now in its 4th year; the first two years supported by grants awarded by the Sedona Community Foundation funded by Verde Valley Medical Center, through Gardens for Humanity. We continue to be successful in propagating information on how to create sustainability here in Sedona in one's own back yard. Our communications reach approximately 250 residents.

Hens are deliciously sustainable: they eat bugs, grubs, flies and weeds, they till and fertilize the earth, they lay delicious high protein eggs, and at the end of their egg-laying stint make for incredible nourishing flavorful chicken stew. There is no waste. All kitchen scraps can be fed to them, thereby reducing necessary garbage collection.

For their safety, it is best to provide a cage that has all around screening so that skunks, raccoons and hawks cannot get in and kill them - and they cannot get out. I have designed a dual runway for my hens such that one year they run on one side, the next on the other side - meanwhile I plant and grow a most fruitful garden in the unused side. The chicken house when cleaned out provides great nutrition for one's compost heap, which then goes to nourish more plants in the garden the following year.

As you well know there are already many folks in greater Sedona that are already keeping a few hens. It would be nice to be able to do this legally and with the city's blessing.

I have kept hens for most of my adult life. I have never found for sale the quality in eggs that I can produce by simply feeding organic grains and as many greens as I can pull weeds from my garden.

Thank you, Audree Juhlin, for supporting the move to legalize hens in Sedona.

I will be happy to come to speak to you in person and answer any questions you may have.

Yours most sincerely, ☺ Marianna

Audree Juhlin - For Chickens in residential areas

From: Janis Pope <janispopesedona@gmail.com>
To: <AJuhlin@sedonaaz.gov>
Date: 9/21/2015 7:27 PM
Subject: For Chickens in residential areas

Dear Ms. Juhlin,
I am for allowing chickens in residential areas.
Thank you for your service to our community and consideration of my opinion.
Janis Pope
325 Flaming Arrow Way
Sedona, AZ 86336

From: Richard Griesenbeck <rwgriesenbeck76@msn.com>
To: <AJuhlin@sedonaaz.gov>
Date: 9/18/2015 6:07 PM
Subject: chickens in Sedona

While I don't plan to get my own chickens or other small animals, we do buy backyard chicken eggs and support a liberalized residential animal policy for the City - Dick and Jean Griesenbeck, Little Elf Drive.

From: Eveline Ashton <evieashton3@gmail.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 9/18/2015 5:47 PM
Subject: Chickens in Sedona

Dear Audree

Many thanks for requesting input from residents regarding legally allowing backyard chickens in Sedona. Although I only moved here early this summer, I am a longtime backyard chicken owner who enthusiastically supports this change of regulations to allow them here in Sedona.

I have observed what hard workers they are: digging & scratching to prepare soil while nourishing it, killing bugs, eating garbage scraps, and contributing to the backyard compost bin. And they still have time to automatically produce healthy eggs of far superior quality to any that can be purchased in a store. And they are sweet & gentle pets too. I still get teary eyed when I remember my flock I had to relocate to a neighbor's farm when I left Massachusetts in June.

Chickens, too, have become a major part of the nationwide sustainability movement sweeping the country. Many cities and towns across the U.S. are recognizing the value of home gardens & producing the food for our own families. There are even vegetable gardens now on rooftops in NYC (not sure about chickens too--but perhaps soon, who knows!).

I am sending by separate email a photo of my 10 year old hen, Barbara, healthy & still laying the occasional egg, but unfortunately for me, still a resident of Massachusetts.

Many thanks for your willingness to explore this change of regulations.

Sincerely

Evie Ashton

W Sedona

Sent from my iPhone

Audree Juhlin - Chickens Ordinance

From: jack shoop <jacfra324@gmail.com>
To: <AJuhlin@sedonaaz.gov>
Date: 9/17/2015 10:12 AM
Subject: Chickens Ordinance

Dear Audree Juhlin

Re: Chickens in Sedona

We am apposed to changing the Code to allow chickens in Sedona yards. Our reasons are that some folks near our house started keeping chickens in their yard and they let the waste build up and it started attracting flies and the smell would come our way with the breeze. Also as I remember several years ago when this took place they also had a Rooster that thought he should give the folks in the area a wake up call every morning. The city did require them to remove the chickens. The smell and the flies left with the chickens.

I think it is a good Idea in a rule area and I was raised on a farm and we had chickens. I think a lot of folks would not approve of having them in town.

Best Wishes,

Jack and Francene Shoop

Audree Juhlin - Fwd: Chickens in Sedona, exciting opportunity -- thank you for your support and help

From: Maria M Beltran Castaneda <sweet_airam@live.com>
To: <AJuhlin@sedonaaz.gov>
Date: 9/16/2015 3:56 PM
Subject: Fwd: Chickens in Sedona, exciting opportunity -- thank you for your support and help
Attachments: Jessica chickens Sedona[1][1].docx; Marianna Chickens in Sedona[1][1].docx

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: GreeningHarmony <greeningharmony@aol.com>
Date: 09/15/2015 9:53 PM (GMT-08:00)
To:
Subject: Chickens in Sedona, exciting opportunity -- thank you for your support and help

Yes I will like to have chickens in my house

GREETINGS NEIGHBORS. Please read below: an important opportunity to be heard in our city. AJuhlin@sedonaaz.gov <about:blank> .

Re: CHANGING THE ORDINANCE AGAINST NEIGHBORHOOD CHICKENS.

Hi All;

The City of Sedona is undertaking a revision of the Sedona Land Development Code. Audree Juhlin, the Director of Community Development, is driving this project and has asked anyone with suggestions for revisions to send them to her.

There have already been requests to allow chickens in residential areas. Please send an affirmative note to: AJuhlin@sedonaaz.gov <about:blank>. She is all for this revision and open — just needs to hear a word from her constituents.

Below I have included two letters, one of my own (in maroon) and one from Jessica Sierra (in navy). We are both long-term Sedona residents.

Thank you, :) Marianna

Re: Chickens in Sedona

September 12, 2015

Greetings Audre Juhlin;

Audre I am told you are collecting citizen information re having chickens (and other small animals???) in our back yards within the city limits of Sedona. Thank you so much. It is high time to affirm what is already happening in so many yards.

As a founding member of our neighborhood organization, Greening Harmony, and currently serving on our Steering Committee, we the Committee fully support the move to legalize hens in Sedona. Greening Harmony's mission was founded on research showing that more food security was needed in Sedona. Hens offer very viable and easy food security. Greening Harmony is now in its 4th year; the first two years supported by grants awarded by the Sedona Community Foundation funded by Verde Valley Medical Center, through Gardens for Humanity. We continue to be successful in propagating information on how to create sustainability here in Sedona in one's own back yard. Our communications reach approximately 250 residents.

Hens are deliciously sustainable: they eat bugs, grubs, flies and weeds, they till and fertilize the earth, they lay delicious high protein eggs, and at the end of their egg-laying stint make for incredible nourishing flavorful chicken stew. There is no waste. All kitchen scraps can be fed to them, thereby reducing necessary garbage collection....

...Cleaning the chicken house provides great nutrition for one's compost heap, which then goes to nourish more plants in the garden the following year. I now have inches of black friable soil in my yard.

As you well know there are many folks in greater Sedona that are already keeping a few hens. It would be nice to be able to do this legally and with the city's blessing.

I have kept hens for most of my adult life. The quality in eggs that I can produce by simply feeding organic grains and as many greens as I can pull weeds from my garden is simply not for sale anywhere.

Thank you, Audree Juhlin, for supporting the move to legalize hens in Sedona.

I will be happy to come to speak to you in person and answer any questions you may have.

Yours most sincerely, Marianna

From: **Jessica Sierra** <jessicas4144@gmail.com <about:blank> >
Date: Thu, Jun 25, 2015 at 10:37 PM
Subject: CHANGING THE ORDINANCE AGAINST NEIGHBORHOOD CHICKENS

Dear Friends,

After months of listening to its citizens, Sedona developed a community plan which supports the concept of being a self sustaining community. Toward making that a reality, we have an opportunity to amend some existing laws and allow the approval of chickens in our backyards. Home gardens providing fresh organic food, and chickens providing quality organic eggs are in alignment with the Community Plan. A self sustaining community is the wave of the future as there may be a time when we have only ourselves to depend upon.

Toward realizing this dream, I spoke with Audre Juhlin, the Director of Community Development, and she told me that RIGHT NOW and within the next four months, it is crucial that letters of support for chickens on private land be written and sent to her. She will present the idea of changing the land development code to Planning and Zoning, and finally to the City Council members for their votes. Our letters will carry great weight along with her efforts toward approval.

Your letters should be sent to her email at AJuhlin@SedonaAZ.gov <about:blank>. Please share this with others who might be willing to write letters for Audre to submit. Those of us who live near chickens and enjoy their presence as pets and neighbors are encouraged to voice their experience living near chickens.

Here are some reasons why I think chickens should be allowed:

1. Other affluent communities allow chickens - Pacific Palisades and Santa Barbara in California are examples.
2. They are no more intrusive than other domestic pets like parrots, dogs, and cats...cats do not stay in their back yards... chickens do.
3. Quails and Morning Doves make more noise than chickens... chickens softly coo except when they lay an egg - then they announce it (!) and that happens at reasonable times during the day.
4. We pride ourselves in being a health conscious community. Having fresh eggs and organic fresh produce are optimal health practices.

5. We came west for a certain quality of life... for freedom... it is constricting not to be allowed to use our land as we see fit... as long as it does not hurt others. Chickens are harmless to others, and indeed give back materially more than any other pets I know of.

6. Sedona is a City of Peace...live and let live...let us have a self sufficient and self sustaining life style. Chickens are the wave of the future!

Thank you for your support. I welcome your feedback!

Jessica

Both letters are reproduced in full in the attachments.

Thank you for your support.

Audree Juhlin - Fwd: Chickens in Sedona, exciting opportunity -- thank you for your support and help

From: Darcy Hitchcock <darcy.e.hitchcock@gmail.com>
To: Audree Juhlin <AJuhlin@sedonaaz.gov>
Date: 9/16/2015 10:48 AM
Subject: Fwd: Chickens in Sedona, exciting opportunity -- thank you for your support and help
Attachments: Jessica chickens Sedona[1][1].docx; Marianna Chickens in Sedona[1][1].docx

Audree, I think allowing chickens or other small livestock (e.g., ducks) makes lots of sense. Wish my HOA would allow it (but I live in VOC so your ordinance won't apply). In Portland OR where we used to live, you could have up to three small livestock without a special permit, but no roosters.

Darcy Hitchcock
darcy.e.hitchcock@gmail.com
[928-554-5171](tel:928-554-5171)

DarcyHitchcock.wordpress.com
HowtheWorldCouldBe.blogspot.com
SustainabilityAllianceAZ.blogspot.com

Former affiliations & publications, see:
—axisperformanceadvisors.wordpress.com
—sustainabilityprofessionals.org

Begin forwarded message:

From: GreeningHarmony <greeningharmony@aol.com>

Subject: Chickens in Sedona, exciting opportunity -- thank you for your support and help

Date: September 15, 2015 at 9:43:15 PM MST

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As you well know there are many folks in greater Sedona that are already keeping a few hens. It would be nice to be able to do this legally and with the city's blessing.

I have kept hens for most of my adult life. The quality in eggs that I can produce by simply feeding organic grains and as many greens as I can pull weeds from my garden is simply not for sale anywhere.

Thank you, Audree Juhlin, for supporting the move to legalize hens in Sedona.

I will be happy to come to speak to you in person and answer any questions you may have.

Yours most sincerely, Marianna

From: **Jessica Sierra** <jessicas4144@gmail.com <about:blank> >

Date: Thu, Jun 25, 2015 at 10:37 PM

Subject: CHANGING THE ORDINANCE AGAINST
NEIGHBORHOOD CHICKENS

Dear Friends,

After months of listening to its citizens, Sedona developed a community plan which supports the concept of being a self

sustaining community. Toward making that a reality, we have an opportunity to amend some existing laws and allow the approval of chickens in our backyards. Home gardens providing fresh organic food, and chickens providing quality organic eggs are in alignment with the Community Plan. A self sustaining community is the wave of the future as there may be a time when we have only ourselves to depend upon.

Toward realizing this dream, I spoke with Audre Juhlin, the Director of Community Development, and she told me that RIGHT NOW and within the next four months, it is crucial that letters of support for chickens on private land be written and sent to her. She will present the idea of changing the land development code to Planning and Zoning, and finally to the City Council members for their votes. Our letters will carry great weight along with her efforts toward approval.

Your letters should be sent to her email at AJuhlin@SedonaAZ.gov <about:blank>. Please share this with others who might be willing to write letters for Audre to submit. Those of us who live near chickens and enjoy their presence as pets and neighbors are encouraged to voice their experience living near chickens.

Here are some reasons why I think chickens should be allowed:

1. Other affluent communities allow chickens - Pacific Palisades and Santa Barbara in California are examples.
2. They are no more intrusive than other domestic pets like parrots, dogs, and cats...cats do not stay in their back yards... chickens do.
3. Quails and Morning Doves make more noise than chickens... chickens softly coo except when they lay an egg - then they announce it (!) and that happens at reasonable times during the day.
4. We pride ourselves in being a health conscious community. Having fresh eggs and organic fresh produce are optimal health practices.
5. We came west for a certain quality of life... for freedom... it is constricting not to be allowed to use our land as we see fit... as long as it does not hurt others. Chickens are harmless to others, and indeed give back materially more than any other pets I know of.
6. Sedona is a City of Peace...live and let live...let us have a self sufficient and self sustaining life style. Chickens are the wave of the future!

Thank you for your support. I welcome your feedback!

Jessica

Both letters are reproduced in full in the attachments.
Thank you for your support.

Audree Juhlin - chickens in Sedona

From: kimberly <kkpicard@msn.com>
To: "AJuhlin@sedonaaz.gov" <ajuhlin@sedonaaz.gov>
Date: 9/16/2015 7:54 AM
Subject: chickens in Sedona

Hello- I am Kimberly Picard, a resident of Harmony High Park. I am against having chickens inside the city limits especially in an area like Harmony because the distance between properties does not allow for such "country" activities. I disagree that chickens are "quieter than quail or doves." Quail and doves may be noisy but it is brief. Chickens are perpetually noisy. I just stopped at a garage sale along Andante the past weekend and while I was there, I distinctly heard constant chicken noise from somewhere nearby. Thank heavens I don't live near there!

My sister has chickens on her property elsewhere. They are noisy and smelly if the coop is not kept meticulously clean. But then, she lives on 10 acres so I don't think she is bothering her neighbors.

People choose to move to a "city" area for "city" reasons. People who wish "country" living should choose the country.

Thank you, Kimberly Picard

Audree Juhlin - Chicken ordinance

From: Pat Berkley <esteeminc2@yahoo.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 9/16/2015 6:31 AM
Subject: Chicken ordinance

Hello Audre,

I would like to add my voice to support the changing of the ordinance against neighborhood chickens.

Thank you for your support on this issue.

Pat Berkley
120 Gray Mountain Dr
Sedona

Audree Juhlin - chickens

From: <blitrell@aol.com>
To: <AJuhlin@sedonaaz.gov>
Date: 9/16/2015 5:18 AM
Subject: chickens

Hi Audree - I have been seeing the emails related to allowing chickens in Sedona backyards and, while I might not have thought of chickens (coming from NYC), I think our rural lifestyle and small town) atmosphere can allow for it. I'll wait to hear what the negatives are but, for now, I'm glad you're looking into it and considering it. I would support it if a vote were taken today. Barbara

Barbara Litrell
928-649-0135

From: Nancy Matthews <sedonaschool@gmail.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 9/15/2015 8:50 PM
Subject: Backyard chickens!

Hello!

Just writing to say yes to allowing residents to have chickens!

Cheers,

Nancy Matthews
Director
Sedona School of Massage

Sent from my iPad

Audree Juhlin - chickens

From: Susan Lovit <sulovit@gmail.com>
To: <AJuhlin@Sedonaaz.gov>
Date: 9/15/2015 9:48 AM
Subject: chickens

Hi---I am in favor of allowing chickens to be grown in Sedona city limits....I may have 3, if I can find the time and space. People do it anyway. It would be nice to have it legal and maybe folks would be able to benefit from the ones who know more about it, if it was under the sanction of the city.

Thanks, Susan Lovit #928-204-1903

Audree Juhlin - backyard chickens

From: Gloria Reeder <greeder2403@msn.com>
To: "ajuhlin@sedonaaz.gov" <ajuhlin@sedonaaz.gov>
Date: 9/14/2015 3:24 PM
Subject: backyard chickens

I am all for the freedom to have chickens in the back yard in Sedona. It is by far the best way for us to be taking care of our needs, like growing our own vegetables. They only add to our well being.

Thank you very much.
Sincerely
gloria reeder
928-204-2403

From: Angela LeFevre <aglefevre@gmx.com>
To: Audree Juhlin <AJuhlin@sedonaaz.gov>
CC: Marianna Hartsong <well@hartsong.net>
Date: 9/14/2015 12:58 PM
Subject: Chickens

Dear Audree:

I received an email from Marianna Hartsong regarding the possibility of allowing chickens in our backyards.

I feel that, done the right way, this is something we as a city should allow.

I would be glad to discuss this with you further.

Best wishes,

Angela LeFevre

(928)3990999

Sent from my iPhone

Audree Juhlin - chickens in Sedona

From: Warren Woodward <w6345789@yahoo.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 9/14/2015 12:26 PM
Subject: chickens in Sedona

Hi, I support that but no roosters (noise). And there should be some stipulation about smell (perhaps covered already under an existing ordinance).

Warren Woodward

Audree Juhlin - Chickens in Sedona!

From: Carla <carla@skeletonboy.com>
To: <AJuhlin@SedonaAZ.gov>
Date: 9/14/2015 12:12 PM
Subject: Chickens in Sedona!

Good day, Audre Juhlin!

I have received word, and am *very* excited, about the potential of having chickens allowed within the city limits! Thank you!! This is such encouraging news and would be a great step toward the goals and desires of so many residents in this area: food security and sustainability, healthier eating habits and closer connections with food, nurturing of the environment, freedom of choice, and yes, wonderful opportunities to further develop family and community education and connectedness!

My husband and I have had hens in the past, while living elsewhere, and would love to have them once again! They are a great part of the cycle of life and nurturing, adding much benefit to those of us who have to be careful about what we eat, and from where that food comes. Chickens fertilize the soil. They also eat pesky bugs and insects! We know of people in the area that have them, and they are certainly no bother. In addition to that, chickens make wonderful pets! We live in a neighborhood that is quite diversified. During our walks and talks around the neighborhood, many residents have expressed the desire to have hens. I hope they all have the ability, and take the time, to express to you, their own desires!

Let's have chickens!!! They're *great!*

Thank you, again!!!

Warm regards and blessings,
Carla~

--

Kirlin Originals Studio
kirlinoriginals.com

Audree Juhlin - chickens in Sedona

From: candace delaney <morgaineotm@yahoo.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 9/14/2015 11:02 AM
Subject: chickens in Sedona

Hello. I understand that you are considering a revision to the city code allowing for chickens and possibly other animals in residential communities.

While personally, I'm not going to be doing chickens on my lot, know others who would like to do so, and have no problem with seeing responsible people engage in keeping coops for chickens or rabbits, and if they have the room, even goats or pigs.

Understand that the code would have to be properly worded, ensuring humane and sanitary conditions, protecting against noise pollution (no roosters), and protecting neighbors from intrusion from unpinned livestock, and adequate protection from predators.

While it would all add to the burden for the city to provide that the code is being upheld, setting standards would go along way to ensure proper conditions for both the neighborhoods and the animals.

I hope Sedona can move forward on this in a manner that will be a hallmark for other communities and help ensure food quality and stability for those people who are so concerned.

Thank you
Candace Delaney
285 Morgan Road
Sedona, AZ 86336
928.204.0507

Audree Juhlin - Ordinance change: legalize chickens in Sedona

From: Marianna Hartsong <well@hartsong.net>
To: <AJuhlin@sedonaaz.gov>
Date: 9/14/2015 10:41 AM
Subject: Ordinance change: legalize chickens in Sedona
Cc: Jon Thompson <JThompson@sedonaaz.gov>
Attachments: Marianna Chickens in Sedona.docx

Chickens in Sedona

September 14, 2015

Greetings Audre Juhlin; (AJuhlin@SedonaAZ.gov <AJuhlin@SedonaAZ.gov>)

-
Audre I am told you are collecting citizen information re having chickens (and other small animals???) in our back yards within the city limits of Sedona. Thank you so much. It is high time to affirm what is already happening in so many yards.

As one of the founding members of Greening Harmony, please let me tell you that our organization fully supports the move to legalize hens in Sedona. Greening Harmony's mission was founded on research showing that more food security was needed in Sedona. Hens offer very viable and easy food security. Greening Harmony has been active now for four years, the first two years supported by grants in part from the City of Sedona through Gardens for Humanity. We continue to be successful in propagating information on how to create sustainability here in Sedona in one's own back yard. We now have over 250 members.

Hens are deliciously sustainable: they eat bugs, grubs, flies and weeds, they till and fertilize the earth, they lay delicious high protein eggs, and at the end of their egg-laying stint make for incredible nourishing flavorful chicken stew. There is no waste. All kitchen scraps can be fed to them, thereby reducing necessary garbage collection.

For their safety, it is best to provide a cage that has all around

screening so that skunks, raccoons and hawks cannot get in and kill them – and they cannot get out. I have designed a dual runway for my hens such that one year they run on one side, the next on the other side – meanwhile I plant and grow a most fruitful garden in the unused side. Cleaning the chicken house provides great nutrition for one's compost heap, which then goes to nourish more plants in the garden the following year. I now have inches of black friable soil in my yard.

As you well know there are many folks in greater Sedona that are already keeping a few hens. It would be nice to be able to do this legally and with the city's blessing.

I have kept hens for most of my adult life. The quality in eggs that I can produce by simply feeding organic grains and as many greens as I can pull weeds from my garden is simply not for sale anywhere.

Thank you, Audree Juhlin, for supporting the move to legalize hens in Sedona.

I will be happy to come to speak to you in person and answer any questions you may have.

Yours most sincerely, ☺ Marianna

Audree Juhlin - Chickens in Sedona

From: <vickiemal@aol.com>
To: <ajuhlin@SedonaAZ.gov>, <mmaz1949@aol.com>
Date: 7/20/2015 2:34 PM
Subject: Chickens in Sedona

To: Audre Juhlin.

Re: Responding to an email request from people in favor of chickens in Sedona

I do not have objections to people having chickens in the Sedona city limits. [Not roosters- even to mate. They can mate outside city limits.]

My question is - would there be a limit to the number of chickens a household can have? I would not like to see chicken farms in back yards - i.e. dozens & dozens of chickens.

I also assume there would be some rules on having the chickens? Have no idea what they would be - but there must be some ordinances other communities have that keep things happy.

Thanks for hearing my opinion.

Vickie Mal
50 Caswell Dr
Sedona, AZ 86336
[928 282-1380](tel:9282821380)
vickiemal@aol.com

From: Mary Mal <mmaz1949@aol.com>
To: "ajuhlin@sedonaaz.gov" <ajuhlin@sedonaaz.gov>
Date: 7/20/2015 12:58 PM
Subject: Chickens in Sedona!

Dear Ms. Juhlin,

I am writing to give my support for changing the ban on allowing chickens to be kept on private land within the city limits of Sedona, AZ.

I have lived in Sedona for 40 years and it was and still is a rural community. I have friends inside the city of Cottonwood AZ and their chickens are quiet (especially at night) unlike many neighborhood dogs. They rid the yard of rodents, bugs and other small undesirables. With the cost of eggs going up it would be nice to have the choice to raise our own.

I would support a limit to the amount of chickens a homeowner can have, that no roosters be allowed, and that the coops & runs be kept clean. That anyone who requests to have chickens should purchase a license allowing chickens and how many. That this license be renewed yearly. The cost of this license be minimal, maybe \$5.00 each year. That is exactly what the AZ Game and Fish Department requires if someone wants to keep a few quail as a hobby. This way Sedona will have a list of owners and if the owners do not comply with city stipulations and neighbors complain, then this license can be revoked and the chickens removed.

Those are my thoughts on the matter. Please allow chickens to be kept by people who love them and the rural lifestyle...after all one can keep chickens in big cities like New York!

Thank you,

Mary Mal
50 Caswell Drive
Sedona, AZ 86336
(928) 282-4668

Sent from my iPhone

From: <Erika@cjsd.k12.az.us>
To: <AJuhlin@SedonaAZ.gov>
Date: 7/20/2015 9:52 AM
Subject: Backyard Chickens

Dear Audree,

My name is Erika Bergamini and, I am a resident of Sedona. I am writing to you in regards to your backyard chicken ordinance recommendation to the City Council. As a member of the Sedona community I urge you to pass your recommendation allowing hens within city limits.

Raising chickens can be a great educational opportunity, providing a food source for families raising them, and strengthening sustainability in communities by localizing food and aiding in gardening by means of pest control (bugs) and supplementing compost. For these reasons I urge all members of the City Council to vote to allow hens within city limits.

Thank you very much for your time.

Sincerely,

Erika Bergamini
10 Donaldson Dr
Sedona, AZ 86336

Audree Juhlin - Chickens in Sedona

From: Benjamin Weigel <ben@gonegreenstore.com>
To: <AJuhlin@SedonaAZ.gov>
Date: 7/15/2015 2:29 PM
Subject: Chickens in Sedona

Audre,

It was recently brought to my attention that you will be bringing it to the attention of the city that many citizens would like to have the ability to have hens that produce eggs on their private property. I am completely in support of this and any other steps towards Sedona becoming a self sustaining community. Thank you for you service

Benjamin Weigel
Operations Manager
GoneGreenStore.com
800-282-1373

Audree Juhlin - backyard chickens

From: Teresa Monteith <besa.ann55@gmail.com>
To: <AJuhlin@SedonaAZ.gov>
Date: 7/12/2015 2:12 PM
Subject: backyard chickens

I am in favor of backyard chickens, I would love to have the organic eggs, and give my table scraps to the chickens. I would not keep roosters, since I lived on farms in VT for many years and know about the early morning noise. Thank you, Teresa Monteith 928 592 7376

From: Hollin Zimmerman <hollinzimmerman@gmail.com>
To: <AJuhlin@SedonaAZ.gov>
Date: 7/8/2015 12:13 PM
Subject: ATTN: The Director of Community Development

This letter contains reasons why I think chickens should be allowed to be in Sedona.

—Sedona is a city of Peace...we would like to have self sustaining and self sufficient lifestyles

—Chickens are important to our future

—It is constricting not to be able to use our land that we have purchased, we would like to use it as long as we see fit and it does not hurt others.

—Chickens are harmless to others. They give back more than any other pets i know.

—We pride ourselves in being a health conscious community. Having fresh eggs and organic fresh produce are optimal health practices.

—Quails and morning doves make more noise than chickens. Chickens softly coo except when laying eggs then they announce it. And that happens at reasonable times in the day.

—They are no more intrusive than other domestic pets like parrots, dogs and cats.

—Cats do not stay in their backyards, chickens do.

—Other affluent communities allow chickens...Pacific Palisades & Santa Barbara in CA are good examples

We strongly feel that chickens are the sensible addition to Sedona.

Thank you for your time,

Hollin Zimmerman

From: Kathy Bensky <kathybensky@me.com>
To: <ajuhlin@sedonaaz.gov>
Date: 7/8/2015 8:03 AM
Subject: We Support Neighborhood Chickens

Hello Ms. Juhlin,

I recently learned that Sedona homeowners are prevented from owning chickens and housing them on their property. I also understand that there may be an opportunity to change the code (thereby allowing chickens on private land).

My husband and I fully support self-sustaining efforts and would not have any issues with our neighbors owning chickens and housing them on their land.

Thank you,

Kathy Bensky and Russ Horneyer
600 El Camino Road

Audree Juhlin - In Support of Chickens

From: Susannah Martin <susrmartin@gmail.com>
To: <AJuhlin@SedonaAZ.gov>
Date: 7/4/2015 3:41 PM
Subject: In Support of Chickens

Dear Audree Juhlin,

I am in support of allowing chickens in our Sedona backyards in order to promote environmental sustainability.

Thank you very much,
Susannah Martin, Sedona Resident

--

Susannah Martin
[\(928\) 593-9113](tel:9285939113)
susrmartin@gmail.com

2675 W. State Rte. 89A, #1280
Sedona, AZ 86336

Audree Juhlin - Changing Ordinance against neighborhood chickens

From: Donna Ruhe <donna.ruhe@yahoo.com>
To: "AJuhlin@SedonaAZ.gov" <AJuhlin@SedonaAZ.gov>
Date: 6/30/2015 5:05 PM
Subject: Changing Ordinance against neighborhood chickens

Through a friend, I have found out that if one's property were appropriate, one could not have some chickens if they wanted to. I believe this is an ordinance that could easily be changed. I know from first hand experience, chickens are not only delightful to raise and have as pets, they provide eggs --- and meat if one so chooses. They are quiet and just lovely to have. I know many places allow chickens now that did not use to. Let's make Sedona one of those places.j

Donna Ruhe
15 Santa Susana Lane
Sedona, AZ

Audree Juhlin - Plea for openness

From: Peggy Natiello <ranacom2@gmail.com>
To: <AJuhlin@SedonaAZ.gov>
Date: 6/30/2015 12:25 PM
Subject: Plea for openness

Dear Director Juhlin;

In the interests of moving in the direction of self-sustenance, I am asking that Sedona's zoning restrictions be eased. I am particularly interested in a property owner's right to raise chickens as well as to have organic gardens, as a move in the right direction.

I have several friends who have tried to raise chickens. They have shared the wonderful eggs with my family, and treated the chickens humanely and the neighbors generously. They have been devastated when neighbors complained about having chickens next to their homes, and my friends have been forced to get rid of the chickens and their expensively structured pens/homes.

In an age where the future is in question, the sources of food are sometimes incapacitated because of development, drought, etc, I find such zoning requirements destructive and unsound. As you move forward in building a community plan, perhaps you can influence such restrictions.

Cordially,

Peggy Natiello, PhD

*Please note that my email address has changed to:

ranacom2@gmail.com

Audree Juhlin - Fwd: CHANGING THE ORDINANCE AGAINST NEIGHBORHODS CHICKENS

From: Jessica Sierra <jessicas4144@gmail.com>
To: Audree Juhlin <AJuhlin@sedonaaz.gov>
Date: 6/26/2015 3:51 PM
Subject: Fwd: CHANGING THE ORDINANCE AGAINST NEIGHBORHODS CHICKENS

To Whom it may Concern:

After months of listening to its citizens, Sedona developed a community plan which supports the concept of being a self sustaining community. Toward making that a reality, we have an opportunity to amend some existing laws and allow the approval of chickens in our backyards. Home gardens providing fresh organic food, and chickens providing quality organic eggs are in alignment with the Community Plan. A self sustaining community is the wave of the future as there may be a time when we have only ourselves to depend upon.

I have lived in Pacific Palisades, an affluent community in California that allows chickens if they are 35 feet from the nearest neighbor. I kept chickens there for twenty five years.

In my experience, chickens are far less intrusive than other so called legal pets such as parrots, dogs, and cats...cats do not stay in their back yards... chickens do. Chickens are harmless to others, and indeed give back materially more than any other pets I know of.

Speaking of noise, Quails and Morning Doves make more noise than chickens... chickens softly coo except when they lay an egg - then they announce it (!) and that happens at reasonable times during the day. It is only the Roosters that give chickens a bad reputation.

Furthermore, if we pride ourselves in being a health conscious community, Having fresh eggs and organic fresh produce are optimal health practices.

I moved to Sedona for a certain quality of life... for freedom... it is constricting that we currently are not able to use our property as we see fit. We should be able to keep chickens, as long as in so doing it does not hurt others.

Sedona is a City of Peace...live and let live...let us have a self sufficient and self sustaining life style. Having chickens can only enhance our mental as well as physical health, and our community.... by giving us a way to participate in the cycle of life.

Thank you for your support! Please advocate for our chickens!

Sincerely yours,
Jessica Sierra

Jessica

June 30, 2015

To: City of Sedona; Audre Julin

My neighbors have chickens and I love them so much I now want some of my own.
Thank you if you will assist me in my desire.

Milly Dezelsky-Sedona Resident

From: **Jessica Sierra** <jessicas4144@gmail.com>

Date: Thu, Jun 25, 2015 at 10:37 PM

Subject: CHANGING THE ORDINANCE AGAINST NEIGHBORHODS
CHICKENS

Dear Friends,

After months of listening to its citizens, Sedona developed a community plan which supports the concept of being a self sustaining community. Toward making that a reality, we have an opportunity to amend some existing laws and allow the approval of chickens in our backyards. Home gardens providing fresh organic food, and chickens providing quality organic eggs are in alignment with the Community Plan. A self sustaining community is the wave of the future as there may be a time when we have only ourselves to depend upon.

Toward realizing this dream, I spoke with Audre Juhlin, the Director of Community Development, and she told me that **RIGHT NOW and within the next four months**, it is crucial that letters of support for chickens on private land be written and sent to her. She will present the idea of changing the land development code to Planning and Zoning, and finally to the City Council members for their votes. Our letters will carry great weight along with her efforts toward approval.

Your letters should be sent to her email at AJuhlin@SedonaAZ.gov. Please share this with others who might be willing to write letters for Audre to submit. Those of us who live near chickens and enjoy their presence as pets and neighbors are encouraged to voice their experience living near chickens.

Here are some reasons why I think chickens should be allowed:

1. Other affluent communities allow chickens - Pacific Palisades and Santa Barbara in California are examples.
2. They are no more intrusive than other domestic pets like parrots, dogs, and cats...cats do not stay in their back yards... chickens do.
3. Quails and Morning Doves make more noise than chickens... chickens softly coo except when they lay an egg - then they announce it (!) and that happens at reasonable times during the day.
4. We pride ourselves in being a health conscious community. Having fresh eggs and organic fresh produce are optimal health practices.
5. We came west for a certain quality of life... for freedom... it is constricting not to be allowed to use our land as we see fit... as long as it does not hurt others. Chickens are harmless to others, and indeed give back materially more than any other pets I know of.
6. Sedona is a City of Peace...live and let live...let us have a self sufficient and self sustaining life style. Chickens are the wave of the future!

Thank you for your support. I welcome your feedback!

Jessica

June 5, 2015

City of Sedona
Audree Juhlin
Director of Community Development

I am writing this letter in support of chickens on private property. So much of Sedona is for the benefit of tourist and little to the citizens who live and support the community on a daily basis.

I am happy to support the development of a self-sustaining community and completely agree with Jessica Sierra. "We came west for a certain quality of life...for freedom... it is constricting not to be allowed to use our land as we see fit... as long as it does not hurt others. Chickens are harmless to others, and indeed give back materially more than any other pets I know of."

Considering other animals are free to roam wherever they please, such as javelinas, ravens, quails, deer and such, which cause a disturbance to say the least, and there are people who feed such animals and want them around. Chickens are far more productive and are kept at home, I feel they are a much better pet to have and it seems to me a no brainer to vote for this change.

Thank you for your consideration.

Sincerely,
Sandra Muse
Sedona Resident