

# AGENDA

# 3:00 P.M.

CITY OF SEDONA, SPECIAL CITY COUNCIL MEETING WEDNESDAY, OCTOBER 24, 2018

## NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

[www.SedonaAZ.gov](http://www.SedonaAZ.gov)

## GUIDELINES FOR PUBLIC COMMENT

### PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.
- The decision to receive Public Comment during Work Sessions/Special City Council meetings is at the discretion of the Mayor.

### PROCEDURES:

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

## 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

## 2. ROLL CALL

## 3. SPECIAL BUSINESS

LINK TO DOCUMENT = 

- a. AB 2408 Discussion/possible direction regarding the draft Land Development Code and update process. 
- b. Discussion/possible action regarding future meetings/agenda items.

## 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 Council may hold an Executive Session that is not open to the public for the following purposes:

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

## 5. ADJOURNMENT

Posted: \_\_\_\_\_

By: \_\_\_\_\_

Susan L. Irvine, CMC  
City Clerk

Note: Pursuant to A.R.S. § 38-431.02(B) notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with material relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at [www.SedonaAZ.gov](http://www.SedonaAZ.gov). The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ

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.

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**CITY COUNCIL  
AGENDA BILL**

**AB 2408  
October 24-25, 2018  
Special Business**

**Agenda Item: 3a**

**Proposed Action & Subject:** Discussion/possible direction regarding the draft Land Development Code and update process.

<b>Department</b>	Community Development
<b>Time to Present</b>	25 minutes
<b>Total Time for Item</b>	3 hours
<b>Other Council Meetings</b>	July 25, September 26, 27, October 10, 11 2018
<b>Exhibits</b>	A. Items for further discussion B. Proposed changes – no further discussion proposed C. Draft Land Development Code D. Draft Zoning Map

City Attorney Approval	Reviewed 10/16/18	<b>Expenditure Required</b>
		\$ 0
City Manager's Recommendation	Discussion/ direction only.	<b>Amount Budgeted</b>
		\$ 0
		Account No. N/A (Description)
		Finance <input checked="" type="checkbox"/> Approval

**SUMMARY STATEMENT**

This agenda item provides an opportunity for continuing discussion regarding the draft Land Development Code (LDC) as recommended by the Planning and Zoning Commission (Commission).

In the Council's first work session on the LDC on July 25<sup>th</sup>, staff requested that Council members provide to staff any questions, comments, or issue areas pertaining to the draft LDC. For the September 26<sup>th</sup> and 27<sup>th</sup> work sessions, staff prepared exhibits based on both comments received from Council members and outstanding items identified by staff. Based on the discussion in these work sessions, the attached Exhibit A lists the items for further Council discussion. The attached Exhibit B lists the proposed changes that were based on Council and staff input. No further discussion is proposed. The October 10<sup>th</sup> and 11<sup>th</sup> work sessions included discussion regarding the use-specific standards for urban agriculture and commercial stables. Changes resulting from these work sessions will be reflected in the final draft document that will be presented prior to final adoption. In addition to the items in Exhibits A

and B, there were two additional items discussed on September 26 and 27 that are outside the current timeframe and scope of the LDC update, but may warrant future discussion:

- Provision for duplexes in single-family zones – This could involve discussion of Sedona Community Plan densities as well.
- Allowance of hand cart sales – This is not currently allowed and could take significant discussion regarding this type of sales activity.

Exhibit C is the draft LDC and Exhibit D is the draft zoning map. The page numbers on the **bottom left** of each page of the draft LDC are the same packet numbers used in the July 25<sup>th</sup> work session and referenced in Exhibits A and B.

### **Background:**

The City of Sedona, with the assistance of Clarion Associates, began working on the update to the LDC in 2016. The LDC is a regulatory document that governs land uses, design of buildings, and standards for parking, landscaping, fencing, color and material, etc. Additionally, it provides the processes for how proposals are reviewed. The LDC is also a tool used to implement the Sedona Community Plan, helping turn visions and goals into reality.

The Clarion team was selected for their excellent experience in writing and updating land development codes and other zoning ordinances and has a solid understanding of how the LDC addresses the project goals and implements the Community Plan.

The draft LDC is the first comprehensive update since the document was adopted in 1994, approximately 24 years ago. The existing LDC has undergone many additions and amendments over the past years, but does not address many new activities, building designs, and opportunities to implement the community's vision.

Based on the scale and scope of this project, the LDC update was divided into four phases. The four phases allowed for a more manageable review and comment process by citizens, the Commission, and staff. The four phases were as follows:

- Part One: Districts and Uses
- Part Two: Development Standards
- Part Three: Administration and Procedures
- Part Four: Consolidated draft

Residents, land owners, business owners, and other stakeholders were encouraged to be involved throughout the process. Numerous opportunities for public input included:

- Online survey
- Online comment form
- Email, mail, and phone calls
- Focus groups
  - o November 14, 15, & 16, 2016
  - o July 19, 2017
  - o January 23 & 24, 2018
- Open houses
  - o November 15, 2016
  - o June 5, 2018
- 11 Planning and Zoning Commission work sessions. While the Commission does not typically allow public comment at work sessions, given the importance of public participation in the update to the LDC, all work sessions allowed for the public to provide input. The Commission conducted the following work sessions:

2017

- March 2nd: Introduction of draft analysis and LDC outline
- April 18th: Continued discussion on draft analysis and outline
- July 18th: Introduction of Part One, Zoning Districts and Use Regulations
- September 5th: Continued discussion on Part One draft
- November 30th: Introduction of Part Two, Development and Subdivision Standards

2018

- January 16th: Continued discussion on Part Two draft
- February 6th: Continued discussion on Part Two draft
- March 20th: Continued discussion on Part Two draft and introduction of Part Three – Administration and Procedures
- April 3rd: Continued discussion on Part Three draft and discussion on urban agriculture.
- May 15th: Continued discussion LDC drafts including focus on urban agriculture, bees, and chickens.
- June 5th: Introduction of consolidated LDC draft

### **Next Steps:**

The following additional work sessions have been scheduled to discuss the LDC:

- October 24, 2018 (3:00 p.m.)
  - Rentals of detached guest houses
  - Permeable paving for parking
  - Architectural Style and Character
  - Prohibited lighting types
  - Alternative density definition based on unit size.
  - LDC revisions based on previous discussion.
- October 25, 2018 (8:00 a.m.) -Continued discussion (if needed).

A public hearing with possible action on the LDC is scheduled for Wednesday, November 14, 2018 at 3:00 p.m. November 15, 2018 at 8:00 a.m. is also reserved if needed.

### **Public Participation:**

There are many ways for the public to participate in the draft LDC. Citizens can post comments to the Land Development Code section of the City's website [here](#). Citizens can also submit written comments directly to City Council members on the City's website [here](#). Written comments are given equal consideration to those submitted in person during meetings.

Citizens wishing to participate during a Council meeting should note the following: The draft LDC will be presented generally in the order outlined on Exhibit A. However, it is impossible to predict the pace of discussion, so Council could be substantially ahead or behind the anticipated schedule. Citizens wishing to make public comment are required to complete a comment card provided near the entrance of the Council Chambers. Public comments are generally taken after presentation and initial questions for the specific agenda item or topic. Once called upon, the speaker will generally be limited to 3 minutes. The timing and time allowance for speakers can be further changed or limited based on the Mayor's discretion in order to ensure orderly progress of City business. Please note that while citizens can engage with Councilors in multiple ways at any point in time, Councilors are prohibited by law from discussing City business outside of a scheduled public meeting; meaning Council meetings are the only opportunity for Council as a body to deliberate.

**Community Plan Consistent:**  Yes -  No -  Not Applicable

The update of the LDC is one of the top five priority land use actions in the Sedona Community Plan.

**Board/Commission Recommendation:**  **Applicable** -  **Not Applicable**

On June 19, 2018, the Planning and Zoning Commission, in a 6-0 vote (Commissioner Brandt excused), unanimously recommended City Council approval of the draft LDC.

**Alternative(s):** N/A

**MOTION**

**I move to:** for discussion and direction only.



# City Of Sedona Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

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## AB 2408 – EXHIBIT A –

### Items for further Council Discussion based on City Council and staff input

## ARTICLE 2 and ARTICLE 3 – ZONING DISTRICTS AND USE REGULATIONS

### Rentals of Detached Guest Houses

Discussion regarding restrictions on rentals of detached guest houses.

### Dwelling Unit Size and Density

As a potential incentive to provide for additional housing diversity, consideration could be given to smaller unit sizes counting less than a full dwelling unit for the purposes of calculating density for multi-family, live-work and co-housing uses.

The City’s Development Incentives and Guidelines for Affordable Housing (DIGAH) uses a formula for determining how many affordable housing units could be built using a comparison of square feet to the number of bedrooms. The density equivalence is not tied directly to affordability, but the DIGAH framework can be the basis for a simple proposed formula:

For Density Purposes:

- A 1000 square foot unit = 1 dwelling unit
- A 750 square foot unit = .75 dwelling units
- A 500 square foot (or less) unit = .5 dwelling units

A clause could also be included to provide that deed-restricted units that meet the City’s affordable housing criteria in the DIGAH, be exempted from the density calculations.

### LANGUAGE FOR CONSIDERATION:

#### Article 2 –Sec. 2.24 Measurements and Exceptions:

#### **Section 2.24.B – Density (new)**

- (1) Density shall be calculated by the number of dwelling units per acre within a proposed development site, excluding public and private streets and rights-of-way, and public access easements that restrict the surface use of the property.
- (2) For purposes of calculating density, the number of dwelling units shall be calculated as follows for co-housing, live/work, and multifamily dwellings:

Size of Dwelling Unit	Dwelling Units for Density Calculation
1,001 square feet or more	1 dwelling unit
501 to 1,000 square feet	0.75 dwelling units
500 square feet or less	0.5 dwelling units

- (3) Dwelling units that meet the City's affordable housing criteria in the Development Incentives and Guidelines for Affordable Housing (DIGAH) shall be exempt from density calculations.

## ARTICLE 5 – DEVELOPMENT STANDARDS

### Off-street Parking Layout and Design – Surface Materials

Discussion on whether we should require permeable materials, such as pavers for parking areas (5.5.F.6.c. - pg. 167). [Staff does not recommend any changes]

### Architectural Style and Character

Something should be added similar to 3.1 of the current Design Review manual: "Any literal transplant of architectural styles not indigenous or compatible to this area is not acceptable" (5.7.G. - pg. 204).

#### LANGUAGE FOR CONSIDERATION:

##### Compatibility (new)

1. New building design shall be sensitive to and compatible with the Sedona built and natural environment.
2. Architectural elements and building design that is out of character with the community shall not be permitted.
3. Architectural details shall be in keeping with the predominant architectural style of the surrounding neighborhood. Details that are more ornate or elaborate than those found within the surrounding neighborhood shall not be permitted.

### Prohibited Lighting Types

We need clarification that security lighting can be allowed. The current Code exempts spotlights if directed downward (5.8.E.2.b.3. - pg. 211).

#### LANGUAGE FOR CONSIDERATION:

##### Security Lighting (new exemption under 5.8.C(3))

Lighting used for security purposes may be allowed provided such fixtures comply with the shielding and light trespass standards in Section 5.8.E(3).

##### Prohibited Fixtures (5.8.e(2)b.3 – revised, edits in red)

3. Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights, or any similar high intensity light, **unless such fixture is exempt under Section 5.8.C(3).**



# City Of Sedona Community Development Department

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## AB 2408 – EXHIBIT B –

**Proposed changes based on City Council and Staff input – no further discussion proposed.**

### ARTICLE 2 – ZONING DISTRICTS

2.20 (pg.57)

#### Oak Creek Heritage Area

Clarification on how density increases are applied and other changes.

Earlier draft proposed the following density language related to multifamily and lodging:

*The number of multifamily (or lodging) units shall not exceed twice that of the allowed dwelling units per acre under the prior zoning.*

#### LANGUAGE FOR CONSIDERATION:

**Density (new - can be included in district table)**

Use	Density (maximum)
Residential other than multifamily dwellings	As established in the CFA plan, or 4 dwelling units per acre, whichever is less
Multifamily dwellings	8 dwelling units per acre
Lodging	8 lodging unit per acre
Combined uses	9 units including all residential dwelling units and lodging units

### ARTICLE 3 – USE REGULATIONS

3.3.A. (pg. 80)

#### Use-Specific Standards, Single-family detached uses (and other related Code sections)

Add: Use-specific standards for single-family detached uses (also reference in Table 3.1), "In the RS and RMH Districts, only one dwelling unit per lot is permitted".

9.4.A. (pg.345) – Single-family Detached Dwelling. Delete: "designed".

3.3.A.1. (pg. 80-81)

#### Use-Specific Standards, Co-Housing Dwelling

Modify to remove conflicts between paragraphs (i.e. 5 and 6). Ensure that the condominium requirement allows a range of options (**This has been recommended by staff**).

3.3.B.2.f. (pg.84)

#### Use-Specific Standards, Public, Institutional, Civic uses

Delete: "...subject to the standards of the underlying zoning district." A Conditional Use Permit is already required for schools within residential zones. However, residential standards may not be appropriate for on-site housing units associated with a school, including, but not limited to the number of units **(This has been recommended by staff)**.

**3.3.C.2. (pg. 84-86) Use-Specific Standards for Urban Agriculture [Results of CC work session on October 10, 2018]**

**3.3.C.1. , 3.3.C.4.(pg. 84,87) Use-Specific Standards for General Agriculture and Commercial Stable [Results of CC work session on October 10, 2018]**

**3.3.C.11., (pg. 89) Use-Specific Standards for Mobile Food Vending (Food Trucks)**  
 Add: More than one vendor can be on one lot during special events with a temporary Use Permit.  
 Clarify that mobile food vending does not allow hand carts.  
 Specify a 3-year Sunset Clause.

**3.3.C.16. (pg. 90-91) Use-Specific Standards for Lodging Uses (and other related Code sections)**  
 3.3.C.16.a.2.ii: Revise first sentence to read: "For lodging developments that are non-conforming to the current zoning, the Director may approve two additional units over the lifetime of the project, provided the building footprint is not expanded and all necessary building permits are obtained".  
 Delete the second sentence **(This is a staff-recommended clarification)**.

3.3.C.16.b.2: Delete: "Shall not exceed two acres in overall site area."

3.3.C.16.c.: Revise to read: "Any lodging that exceeds a maximum density of eight lodging units per acre shall be designated "high-density lodging" and shall require approval of a "lodging density rezoning" pursuant to 8.6A. All high density lodging proposals must comply with adopted CFA plans.

Table 3.1: Remove Conditional Use Permit from "Lodging, High Density" and reference 3.3.C.16.c.

8.4.B.3.f.2. (pg. 284 - Conditional Use Permit – Lodging Uses): Delete.

8.6.A. (pgs. 302-307 - Rezoning): Add language for "Lodging Density rezoning".

Article 9: Add the following definition: "Lodging Density Rezoning – Any request to increase the number of lodging units in excess of the number allowed by right in a Lodging District or by an approved development agreement. Lodging density rezoning shall be accomplished in the same manner and with the same review criteria as any new application for a

request to amend the zoning map, including the criteria applicable for conditional rezoning approval”.

**3.4.B.2. (pg. 100)**

**Accessory Uses and Structures Allowed**

This also references 9.4.F. (pg. 359) which lists examples of accessory uses. **[Clarify with Clarion the specific changes on 3.4.B.2. and 3.4.C.1.b.(Function)]**

**ARTICLE 8 – ADMINISTRATION AND PROCEDURES**

**8.8 (pg. 333)**

**New CFA Alternative Standards**

This adds a new 8.8.C. (CFA Alternative Standards) to Section 8.8 – Flexibility and Relief. See Attached Draft.

**ARTICLE 9 – RULES OF CONSTRUCTION AND DEFINITION**

**9.4.A. (pg. 345)**

**Definition for Dwelling Unit**

“One or more rooms with kitchen, living, and sanitary facilities for occupancy by a single-family.”

## Article 8: Administration and Procedures

### 8.8 Flexibility and Relief

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#### C. CFA Alternative Standards Request

**(1) Purpose**

The purpose of the CFA Alternative Standards Request is to authorize administrative review and approval of alternatives to certain standards of this Code in order to encourage and expedite the implementation of adopted Community Focus Area (CFA) plans.

**(2) Applicability**

**a. Standards that May be Modified**

Any applicant proposing development activity within an adopted CFA planning area may submit a request to modify certain standards of this Code as follows:

1. The Director may authorize alternatives to the following dimensional standards that would otherwise apply in the applicable zoning district(s): maximum net density, maximum floor area ratio, maximum lot coverage, maximum structure height, and/or setbacks.
2. The Director may also authorize alternatives to the development standards in Article 5 provided such alternatives are consistent with the adopted CFA plan and meet the intent of the respective standards in Article 5.
3. The Director may authorize the development of accessory uses that are not otherwise allowed in the underlying zoning district(s) but that are consistent with the goals and standards of the applicable CFA plan. In providing such authorization, the Director may establish use-specific standards applicable to such accessory uses beyond those set forth in Section 3.3, Use-Specific Standards.

**b. Not Eligible if Already Modified**

1. The application of CFA alternative standards authorized by this section shall not be considered where the same standard(s) on the subject property were already modified through a separate minor modification or variance.
2. Modifications to an approved PD plan require a PD plan amendment pursuant to Section 8.6.B(3)g.4.

**(3) Application Submittal and Review Procedure**

**a. Application Submittal and Handling**

1. A request for CFA Alternatives shall be submitted to the Director following a pre-application meeting and before a development application is submitted.
2. A minimum of fifteen days prior to a decision on a request for CFA Alternatives, 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. The Director shall review the request for CFA Alternatives pursuant to the approval criteria in subsection 4 below.
2. The Director shall provide a formal written decision on the requested CFA Alternatives to the applicant.

3. Approval of CFA Alternatives shall authorize the applicant to submit an application for a development application that reflects the applicable modified standards. The written CFA alternatives decision shall be included with the development application.

**(4) Approval Criteria**

In deciding whether to approve the requested CFA Alternatives, the Director shall consider the extent to which the proposed application is consistent with the adopted CFA plan.

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## **ADOPTION DRAFT – July 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. A new section dealing with nonconformities is presented for review. The enforcement section is generally carried forward without major substantive edits, per the Analysis report.

## 1.1. Title and Effective Date

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### A. Title

This document is officially entitled the "Land Development Code of the City of Sedona." It is referred to within this document as "this Code" and may be referred to as the "LDC."

---

### B. Effective Date

This Code shall become effective on [insert month/day/20\_].

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

The general purpose of this Code is to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development and use of lands in Sedona, while also protecting the rights of property owners. This Code also is intended to:

- A. Implement the policies, goals, and strategies adopted by the City of Sedona, including those set forth in the Sedona Community Plan and other adopted plans;
- B. Establish and apply zoning districts guided by the Sedona Community Plan that regulate the location, height, bulk, and size of buildings; provide for a variety of housing types; reduce congestion; and prevent the overcrowding of land;
- C. Safeguard and enhance the appearance and quality of development in 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;
  - (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;

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<sup>1</sup> Based on the existing 101, with streamlining to eliminate repetition and remove references to specific zoning districts.

- (4) Minimizes construction of building pads in sensitive areas and steep slopes; and
- (5) Encourages the placement of roads and driveways so that they follow natural topography wherever possible and minimize cutting and grading.

## 1.3. Authority, Applicability, and Jurisdiction<sup>2</sup>

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### A. Authority

This Code is enacted pursuant to the requirements and authority granted the city by the Arizona Constitution, Article XIII, Section I and A.R.S. Sections 9-276, 9-461, 9-462 and 9-463.

---

### B. General Applicability<sup>3</sup>

This Code shall apply to all land, buildings, structures, and uses thereof located within the City of Sedona, as those terms are defined in Article 9: *Rules of Construction and Definitions*, unless an express exemption is granted within this Code.

---

### C. Compliance Required

- (1) No permit, certificate, or approval of any use that is subject to this Code shall be issued or granted by any department, agency, City official, or City employee without a finding of compliance with this Code having been issued by the appropriate review authority.
  - (2) Unless otherwise stated in this Code, no building or structure shall be erected, moved, converted, enlarged, reconstructed, or altered, nor shall any land or building be used, developed, or intended to be used for any purpose whatsoever, without a determination by the Director of substantial compliance with this Code.
  - (3) No lot of record that did not exist on the effective date of this Code shall be created by subdivision or otherwise unless it complies with this Code.
- 

### D. Severability<sup>4</sup>

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Code or the application of it to any person or place is held by a court of competent jurisdiction to be invalid under Arizona law, unconstitutional under the Arizona or United States Constitutions, or inapplicable in any way to the City, for any reason, such decision shall not affect the validity of the remaining portions of this Code or its application to other persons and places. The City 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.

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<sup>2</sup> From current 102 and 103.

<sup>3</sup> New.

<sup>4</sup> From current 1300.

**E. Adoption of Zoning Map<sup>5</sup>**

The official “City of Sedona Zoning Map,” dated [March 1, 1995,] together with all notations, data, references and other information, is adopted concurrently herewith and not included in this Code. It applies each zoning district to parcels within the city.

**1.4. Interpretation and Conflicting Provisions**

**A. Interpretation of Terms**

- (1) The Director shall be responsible for the interpretation of all provisions of this Code not referenced in paragraph (2) below.
- (2) The City Engineer shall be responsible for the interpretation of all provisions of this Code related to grading, drainage, and street dimensions.
- (3) Application for an interpretation shall be made in writing to the Director or City Engineer, as applicable.

**B. Minimum Requirements**

This Code establishes minimum requirements for public health, safety, and welfare. Where regulations of this Code differ for a specific condition, the more restrictive, as determined by the Director, shall apply.

**C. Harmonious Construction<sup>6</sup>**

The City intends that all provisions of this Code be construed harmoniously. When two or more provisions of this Code may appear to conflict, the Director shall construe such provisions in such a manner, if possible, as to give effect to both by harmonizing them with each other. In cases of conflict, the more specific provision shall govern.

**D. Conflict with Other Public Laws, Ordinances, Regulations, or Permits<sup>7</sup>**

This Code complements other city, state, and federal regulations that affect land use. This Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Director, shall govern.

**E. Conflict with Agreements Between Private Properties<sup>8</sup>**

This Code is not intended to revoke or repeal any easement, covenant, or other agreements between private parties. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other agreements between private

<sup>5</sup> From current 100.3.

<sup>6</sup> New. While the Code generally avoids the use of vague terms like “harmonious,” this specific instance of the term uses a generally accepted name for a specific legal doctrine.

<sup>7</sup> New.

<sup>8</sup> New.

properties, then the requirements of this Code shall govern in accordance with applicable Arizona law. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the city be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, unless the city is a party to such agreements and only if the city decides, in its discretion, to pursue enforcement action.

## 1.5. Transition from Prior Regulations<sup>9</sup>

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### A. Repeal

This Code supersedes 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.

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### B. Adoption of Existing Conditions of Approval<sup>10</sup>

This Code adopts and incorporates by reference the stipulations and conditions from particular development approvals in effect under the 1995 Land Development Code (as amended). 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.

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### C. Prior Development Approvals

- (1) Any development approved under regulations in effect prior to the effective date of this Code may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this Code regarding ongoing operations and maintenance.
  - (2) If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.
  - (3) Unless otherwise provided in the initial approval, any proposed amendment to a permit or other form of approval issued under prior regulations shall be reviewed based on the development standards in effect at the time of submission of a complete application for the amendment.
- 

### D. Pending Applications

A development application that has been determined to be complete by the Director prior to the effective date of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Code.

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<sup>9</sup> Section is all new except for the second subsection.

<sup>10</sup> From current 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. Nonconformities<sup>11</sup>**

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### **A. Purpose**

The purpose of this Section 1.6 is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features such as parking and landscaping, that were lawfully established prior to the effective date of this Code, but that no longer conform to the requirements of this Code. All such situations are collectively referred to in this section as “nonconformities.” While nonconformities may continue, the provisions of this section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Code and the goals of the City.

### **B. Regulations Applicable to All Nonconformities**

#### **(1) Authority to Continue**

Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this Section, or unless such nonconformity is terminated as provided in this section.

#### **(2) Determination of Nonconformity Status**

The burden of establishing the existence of a nonconformity shall be solely on the owner of the property containing the nonconformity.

#### **(3) Maintenance and Minor Repair**

Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity. Minor repairs and maintenance include the following:

- a.** Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this Code;
- b.** Maintenance of land to protect against and mitigate health and environmental hazards;
- c.** Repairs that are required to remedy unsafe conditions; and
- d.** Repairs necessary to comply with current building code requirements.

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<sup>11</sup> Consolidated draft: This is new material that replaces the existing Article 12. Following discussions on the public draft of Part 3, staff determined that a more comprehensive update of the current nonconformities standards is appropriate.

**(4) Change of Ownership or Tenancy**

Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this 1.6, *Nonconformities*.

**(5) Compliance to the Maximum Extent Practicable**

Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.

**C. Nonconforming Uses**

Nonconforming uses of land, buildings, or structures are subject to the following additional limitations:

**(1) Limitations on Continuation of Nonconforming Uses**

- a. A nonconforming use may be extended throughout the same building or structure, provided that:
  - 1. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;
  - 2. No additional dwelling units shall be permitted in the building;
  - 3. No additional nonresidential units and/or uses shall be permitted; and
  - 4. Such extension would not result in additional required parking pursuant to 5.5.D, *Minimum Off-Street Parking Spaces Required*.
- b. Any existing occupied single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.
- c. No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.
- d. Whenever a nonconforming use of land or a building has been discontinued for a period of one year, future use of land or building shall comply with this Code.

**(2) Change of Use**

- a. A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.
- b. A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this Code.

**D. Nonconforming Structures**

Nonconforming structures are subject to the following additional limitations:

- (1) A nonconforming structure may only be expanded pursuant to 1.6.B(3), *Maintenance and Minor Repair*, and any such expansion shall be in full compliance with this Code.
- (2) No nonconforming structure may be enlarged or altered in a way that increases the nonconformity of the structure, but any structure or portion of a structure may be altered to maintain or decrease the nonconformity of the structure.
- (3) A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one year of such event and has been completed or diligently pursued within 18 months of such event. By written request from the property owner stating reasons for the delay, the Director may grant one extension of either the work commencement and/or the completion of work time period.
- (4) Enlargements, alterations, and repairs to nonconforming structures that would otherwise be permitted by this Code and that would result in an increase to the flood damage potential shall require floodproofing or shall be elevated to or above the regulatory flood elevation. For nonconforming residential structures, floodproofing shall not be an option – such residential structures shall be elevated to or above the regulatory flood elevation.<sup>12</sup>

## E. Nonconforming Lots

Nonconforming lots are subject to the following additional limitations:

- (1) A nonconforming lot that was made nonconforming by virtue of enactment of this Code 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.
- (2) In any district where single-family dwellings are permitted, the setback requirements applicable in the zoning district shall apply, with the following exception: on substandard width lots, an interior side yard may be reduced by half the lot width shortage provided such reduction does not exceed 25 percent of the required yard width.<sup>13</sup>

## F. Nonconforming Site Features

### (1) Applicability

- a. For purposes of this subsection, the term “nonconforming site feature” includes, but is not limited to any driveway, off-street parking or loading area, buffer, landscaping, screening, or exterior lighting element that lawfully existed per regulations in place prior to the effective date of this Code, as well as the lack of any such feature required by subsequently enacted City regulations.
- b. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this Code, subject to the requirements of this subsection.
- c. No action shall be taken that increases the degree of the nonconformity of a site feature.

<sup>12</sup> Consolidated draft: Relocated from 803.02.A.2. Clarified that floodproofing is not an option for residential structures.

<sup>13</sup> Consolidated draft: This provision added; it appears in the current Sedona code and staff reports that it has been useful.

**(2) Nonconforming Parking****a. Continuation of Nonconforming Parking**

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this Code that are made nonconforming by virtue of enactment of this Code shall be allowed to continue, provided that:

1. Any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with 5.5, *Off-Street Parking and Loading*. For purposes of this provision, a change of use shall include reversion to a use that previously existed on a site but has not operated in more than one year.
2. Nonconforming parking areas shall not be expanded, except pursuant to paragraph b below.

**b. Upgrading Nonconforming Parking**

Nonconforming off-street parking facilities shall be upgraded to comply with this Code's minimum parking lot design requirements in 5.5.F, *Off-Street Parking Layout and Design*, and landscaping requirements in 5.6.C(3), *Parking Lot Landscaping*, when any development occurs that would result in an addition to or expansion of one or more buildings or structures that would increase the total gross floor area of the buildings or structures by more than 50 percent.

**(3) Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting**

Nonconforming buffers, landscaping, screening elements, and exterior lighting shall be upgraded to comply with this Code's applicable standards for such features if the site containing the nonconforming site feature is proposed for any of the following development activities:

- a. An increase in the total square footage of the vehicular use area, including parking, loading, circulation, and driveway areas;
- b. 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;
- c. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs;
- d. 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;
- e. 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;
- f. 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 a certain percentage shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity.

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## G. Nonconforming Signs<sup>14</sup>

### (1) Maintenance

Any nonconforming sign may be continued in use; provided, however, that in the event any such sign is hereafter damaged to exceed fifty percent of the reproduction value according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an Act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this chapter.

### (2) Alteration and Replacement

- a. Alteration to nonconforming signs may be made only if such alteration will bring such sign into conformity with the provisions of this Code.
- b. However, if the sign is on a separate structure specifically built for the purpose of displaying a sign, the sign face or sign panel within a nonconforming sign structure may be replaced with a new sign for the same or a new use provided the sign structure is not changed or altered in any manner and the panel is essentially the same size and dimensions, and provided all other applicable provisions of this ordinance are addressed in a conforming manner, including, at a minimum, the following:
  1. Sign color;
  2. Sign legibility (items of information and font styles); and
  3. Sign illumination
- c. When altering a sign that is nonconforming due to height or size, all incentives available to allow for an increase to the height and/or size of the sign shall be applied prior to a permit for the alteration being approved.
- d. Replacement of individual tenant panels on an existing monument sign shall comply with sign color and sign legibility requirements on their own, not necessarily for the entire sign.

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## H. Illegal Nonconformities

An illegal nonconformity exists when:

- (1) A nonconforming structure is destroyed or substantially destroyed or neglected by by an intentional act of the owner or an agent without a proper permit. If this occurs, the nonconforming structure shall lose its nonconforming status and thereafter shall be required to be in conformity with existing codes. If a nonconforming use was also in the structure, the nonconforming use and all site improvements shall lose their nonconforming status and be required thereafter to come into compliance with existing codes.
- (2) A use, structure, or site improvement occurs to a nonconformity without being lawfully authorized in accordance with the provisions of this section. Such use and/or structure shall therefore cease all operations until such time that the required plans and/or permits are approved.

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<sup>14</sup> Consolidated draft: This is new language provided that is intended to accompany the newly adopted sign ordinance.

## 1.7. Enforcement<sup>15</sup>

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### 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 1.7.B., *Civil Citation Authority*.

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### B. Civil Citation Authority

#### (1) Commencement of Action

- a. In the alternative and in the sole discretion of a peace officer or the Code Enforcement Officer, an action for violation of this Code, any amendment hereto, or any order or regulation made hereunder, including the failure to act or perform any duty so required, may be commenced by issuance of a civil citation. Each day that any violation continues shall be a separate offense subject to civil sanction or criminal penalty.
- b. The civil citation will be substantially in the same form and format as the Arizona Traffic Ticket and Complaint standard form and shall direct the defendant to appear in Sedona Magistrate Court at a time certain. The time for appearance will be specified on the face of the citation and will be in compliance with all Sedona Magistrate procedures.
- c. The citation will further notify the defendant that if he fails to appear on or before the date specified in the complaint, a judgment by default will be entered against him and the court may, in its discretion, impose a civil sanction for the amount that the court determines.<sup>16</sup>
- d. Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
  1. By having the defendant sign the citation with the promise to appear in court on or before the date specified on the face of the citation;
  2. If the defendant refuses to sign the citation, then the officer shall hand-deliver a copy of the citation to the defendant and note on his copy of the citation the date and time of hand-delivery to the defendant;
  3. By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address;

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<sup>15</sup> This is the existing Article 14, which the Analysis report said should be carried forward without substantive edit.

<sup>16</sup> Specific dollar limitation removed.

- 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 or the Code Enforcement Officer may 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.

**(4) Default Judgment**

- a. If the defendant fails to appear as directed on the citation, the court may enter a default judgment and may, in its discretion, impose a civil sanction in the amount that the court determines for the violation.
- b. If the defendant fails to appear for the trial, the defendant’s failure to appear shall constitute an admission of the offense and the court shall enter judgment against the defendant and may, in its discretion, impose a civil sanction in the amount that the court determines for the violation.

**(5) Rules of Procedure**

The Arizona Rules of Court for Civil Traffic Violations may be followed by the Sedona Magistrate Court for civil citation proceedings under this section except as modified or where inconsistent with the provisions of this section, local rules, Arizona Revised Statutes, or Rules of Court for courts in the State of Arizona.

**(6) Collection of Civil Sanctions**

Any judgment for civil sanction taken pursuant to this section may be collected as any other civil judgment. Such collection shall be in accordance with the common law of the State of Arizona, Arizona Revised Statutes, and all other applicable rules and regulations. Said sanctions are subject to any exemptions contained in the laws of the State of Arizona.

**C. Enforcement Actions or Proceedings <sup>17</sup>**

- (1) If any building, structure, or improvement is constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Code, including any amendment hereto or any order or regulation made hereunder, the city 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;

<sup>17</sup> Consolidated draft: Edited to clarify that the city initiates enforcement actions.

- 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) 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.

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#### **D. Nuisance**

Any building or structure erected or maintained, or any improvement made, or any use of property not in accordance with the provisions of this Code, any amendments hereto, or any order or regulation made hereunder is unlawful and prohibited, and deemed a public nuisance per se.

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#### **E. Remedies Not Exclusive**

Any violation of this Code, any amendment hereto, or any order or regulation made hereunder is in addition to any other violation enumerated in other Sedona ordinances and the Sedona City Code, and in no way limits the penalties, actions or abatement procedures which may be taken by the city for any violation of this Code which is also a violation of any other ordinance or City Code provision or statute of the State of Arizona. All remedies concerning this Code shall be cumulative and not exclusive. Conviction and punishment or judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

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#### **F. Administration**

The City Manager, City Attorney and Prosecutor, peace officers of the Sedona Police Department, the Code Enforcement Officer, the Zoning Administrator and all officials charged with the issuance of licenses or permits shall enforce the provisions of this Code, any amendment hereto, and any order or regulation made hereunder. Any license, permit or certificate issued that conflicts with or is not in accordance with this Code is void.

# Article 2: Zoning Districts

## Commentary:

This article includes the standards for the zoning districts in Sedona, primarily the base districts.

**New list of zoning districts.** The proposed list of zoning districts is based on the LDC Analysis and Annotated Outline and subsequent discussions with staff. Some current districts are not carried forward (e.g., parking district, special use district), while other districts are proposed for consolidation based on similar purpose statements and/or lot and building standards (e.g., RS-35 and RS-36). Some new districts are proposed (e.g., M3, mixed-use activity center). Each district contains endnotes as to how it relates to the current LDC. Each zoning district contains a purpose statement establishing the overall intent.

**Dimensional (lot and building) standards.** Following the purpose statement is a table of applicable lot and building standards. These tables include the most common standards for development in that district such as lot size, setbacks, height, and coverage requirements. In cases where zoning districts are consolidated and such consolidation required reconciling conflicting standards, we carried forward the most lenient/flexible standard unless otherwise noted. As suggested in the LDC Analysis, we simplified the density controls for each zoning district. We did not carry forward FAR standards, lot depth standards, separation between buildings standards, or distance between buildings standards. We did retain minimum lot width and lot area standards, maximum density requirements, setback requirements, and new maximum impervious coverage (discussed below).

**Illustrations.** Following the lot and building standards table, an illustration indicates basic lot and building standards and demonstrates the typical character of that particular district. The illustrations are keyed to the lot and building standards table.

**Simplified height standards.** This draft includes a simplified approach to measuring height, based on the current LDC methodology but more broadly applied to all uses and districts. Exceptions to height are included in the “measurements and exceptions” Section 2.23, which provides uniform methods for measuring various lot and building standards, including height.

**New impervious coverage standards.** We propose prescribing maximum “impervious coverage” in addition to the current “lot coverage,” which addresses buildings and structures but does not take into account paved or other impervious areas. We have suggested maximum percentages for consideration based on similar district standards we have drafted for other communities and then tailored for Sedona. In many cases, these maximum percentages are higher than the maximum “lot coverage” allowed by the current LDC because the current standards only apply to building coverage, whereas the proposed “impervious coverage” applies to all site improvements including accessory structures, sidewalks, patios, driveways, and other similar impervious surfaces. We also retained separate “building coverage” percentages similar to the current “lot coverage” requirements, but made substantive changes to those percentages based on feedback from staff and other stakeholders. For example, the current limits in commercial areas of 25 percent building coverage have acted as barriers to site development in those districts.

**Affordable housing lot coverage bonus not carried forward.** The current lot coverage bonuses for affordable vs. market-rate housing are not carried forward because we have established a new measurement for impervious coverage.

## 2.1. Zoning Districts, Generally

### A. Zoning Districts Established<sup>18</sup>

Zoning districts are established as shown in Table 2.1. Zoning districts are established by the city's adoption of the official Zoning District Map pursuant to 2.1.B.

<b>Table 2.1 Zoning Districts Established</b>	
<b>Base Zoning Districts</b>	<b>Section</b>
<b>Residential Districts</b>	
<b>RS-70</b> Large Lot Single-Family Residential	2.2
<b>RS-35</b> Large Lot Single-Family Residential	2.3
<b>RS-18</b> Single-Family Residential	2.4
<b>RS-10</b> Single-Family Residential	2.5
<b>RS-6</b> Single-Family Residential	2.6
<b>RMH</b> Single-Family And Mobile Home	2.7
<b>RM-1</b> Medium-Density Multifamily	2.8
<b>RM-2</b> Medium-High Density Multifamily	2.9
<b>RM-3</b> High-Density Multifamily	2.10
<b>Mixed-Use and Commercial Districts</b>	
<b>M1</b> Mixed-Use Neighborhood	2.11
<b>M2</b> Mixed-Use Employment	2.12
<b>M3</b> Mixed-Use Activity Center	2.13
<b>CO</b> Commercial	2.14
<b>IN</b> Light Industrial	2.15
<b>L</b> Lodging	2.16
<b>Other Nonresidential Districts</b>	
<b>CF</b> Community Facilities	2.17
<b>OS</b> Open Space and Recreation	2.18
<b>NF</b> National Forest	2.19
<b>OC</b> Oak Creek Heritage Area <sup>19</sup>	2.20
<b>Planned Development District</b>	
<b>PD</b> Planned Development	2.21
<b>Overlay Districts</b>	
<b>H</b> Historic	2.22.A

### B. Official Zoning District Map<sup>20</sup>

#### (1) Incorporation of Map

- a. The location and boundaries of the zoning districts established by this Code are shown upon the official "City of Sedona Zoning Map" ("Official Zoning Map"). The Official Zoning

<sup>18</sup> This is a simplified version of the current Section 500, revised to match the proposed list of zoning districts.

<sup>19</sup> Adoption draft: New placeholder.

<sup>20</sup> Expands on the current Sections 501 and 502.

Map, together with all data shown on the map and all amendments to the map, is by reference made a part of this Code.

- b.** The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, and shall bear the seal of the city and the date of adoption.
- c.** The Official Zoning Map shall be located in the office of the Director and shall be available for inspection at the City Clerk’s Office and/or the Sedona Community Development Department.
- d.** The Official Zoning Map shall be maintained by the Sedona Community Development Department. Official zoning districts shall be determined by the Director, where the Official Zoning Map does not reflect recent changes.

**(2) Zoning District Boundaries<sup>21</sup>**

- a.** Except where otherwise indicated, zoning district boundaries shall follow municipal corporation limits, section lines, lot lines, centerlines of public rights-of-way, or extensions of such lines.
- b.** Where the zoning district boundary follows the centerline of Oak Creek, the boundary shall follow the channel centerline of the creek. In the event of a natural change in the location of the creek, the zoning district boundary shall move with the channel centerline.
- c.** Where a zoning district boundary divides a lot or parcel, or follows or crosses property that is not subdivided, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the Official Zoning Map by the Director.
- d.** Where a zoning district boundary coincides with a right-of-way line and the right-of-way line is abandoned, the zoning district boundary shall then follow the adjacent zoning district boundary.
- e.** Where a zoning district boundary is shown by specific dimension, such dimension shall determine the limits of the zoning district.

**(3) Boundary Clarification**

- a.** In the event that a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary.
- b.** Any appeal of the Director’s determination of the zoning district boundary shall be heard by the Board of Adjustment/Hearing Officer per 8.8.C, *Appeal*.

**(4) Amendments to Map**

Changes in the boundaries of any zoning district require an amendment to the Official Zoning Map per 8.6.A, *Rezoning (Zoning Map Amendment)*. Amendments shall be noted on the Zoning District Map with the case number, the number of the amending ordinance, and the previous and amended zoning.

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<sup>21</sup> This subsection and the next subsection replace the current 502.01, uncertainty of districts.

(5) **Annexations**<sup>22</sup>

Unincorporated areas annexed by the city shall retain the applicable Yavapai or Coconino county zoning until city zoning designations are adopted by the City Council. City zoning shall be adopted as soon as practicable, but not later than six months following the effective date of the annexation.

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**C. Organization of this Article**

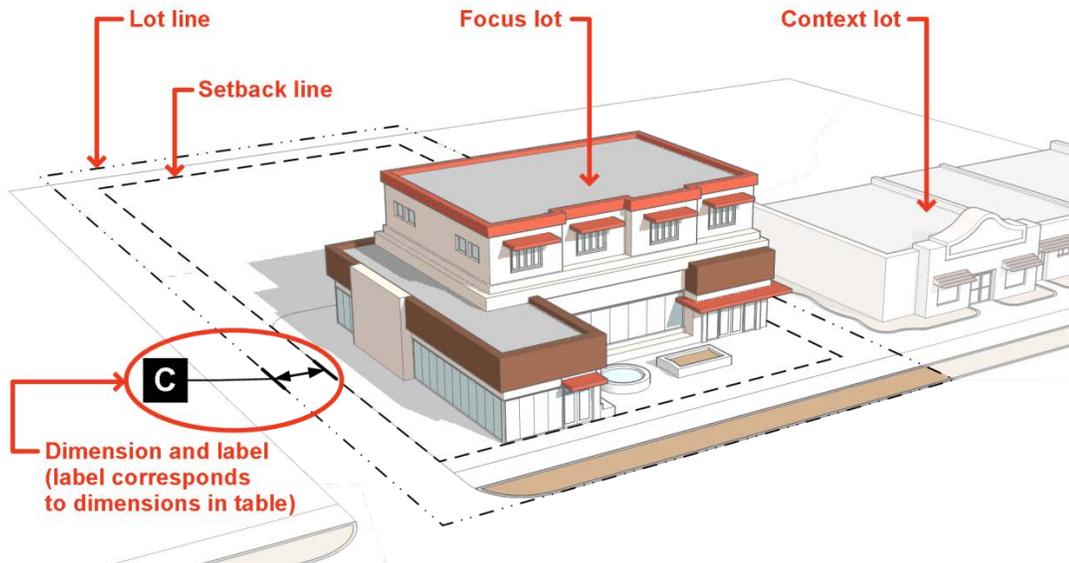
(1) **Base Zoning Districts**

**a. Content**

Sections 2.2 through 2.19 of this article follow a common structure and describe the purpose and intended character of the zoning districts, the lot and building standards applying to development in the districts, and any district-specific development standards.

**b. Graphics**

For each base zoning district, this article includes an illustration depicting how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.



(2) **Overlay Districts**

- a.** Overlay zoning districts are established by an amendment to the Official Zoning Map (see 8.6.A, *Rezoning (Zoning Map Amendment)*). They are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned

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<sup>22</sup> From current 502.02, revised for clarity.

development district, or another applicable overlay district, the more restrictive standards shall apply.

- b.** Section 0,
- c.** *Overlay* Districts, identifies the overlay zoning districts and sets forth each district's purpose and the standards that modify those of underlying districts.

**(3) Obsolete Districts<sup>23</sup>**

- a.** The RS-5A, Special Use (SU), and Parking (P) zoning districts are declared obsolete upon adoption of this Code.
- b.** No land will be rezoned to an obsolete zoning district. The City Council may modify the allowed uses, special uses, and development standards within these zoning districts. Landowners are encouraged to rezone land from an obsolete zoning district classification. The Council may offer incentives, such as modified application fees, in order to accomplish this goal.
- c.** Development in an obsolete zoning district is subject to the requirements and conditions that were in place at the time the properties were rezoned under the 1995 Land Development Code (as amended). In addition, all other standards of this Code shall apply to obsolete zoning districts, including the standards in in Article 5: *Development Standards*, and Article 7: *Subdivision*, unless otherwise stated in the requirements and conditions in place at the time the properties were rezoned under the 1995 Land Development Code (as amended).

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<sup>23</sup> The language from the existing SU district, which is based on the 2002 Community Plan, is carried forward in an Appendix to this Code. *Consolidated draft: Added the Parking (P) district. Adoption draft: Added RS-5A district and updated subsection c (and removed appendix).*

## 2.2. RS-70: Large Lot Single-Family Residential<sup>24</sup>

### A. Purpose

The RS-70 district is intended to accommodate and preserve very low-density single-family residential development with limited community and educational uses and incidental or accessory uses. The district may also be used to transition between surrounding public lands and more urbanized areas within the City.

### B. RS-70 Lot and Building Standards

Lot Standards		
<b>A</b>	Width (minimum)	200 feet
	Area (minimum)	70,000 sq. ft.
	Density (maximum)	1 du/2 acres
Setbacks (minimum) <sup>25</sup>		
<b>B</b>	Front	50 feet
<b>C</b>	Side	25 feet [1]
<b>D</b>	Rear	50 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum) <sup>26</sup>		
	Building coverage	15 percent
	Total coverage	30 percent

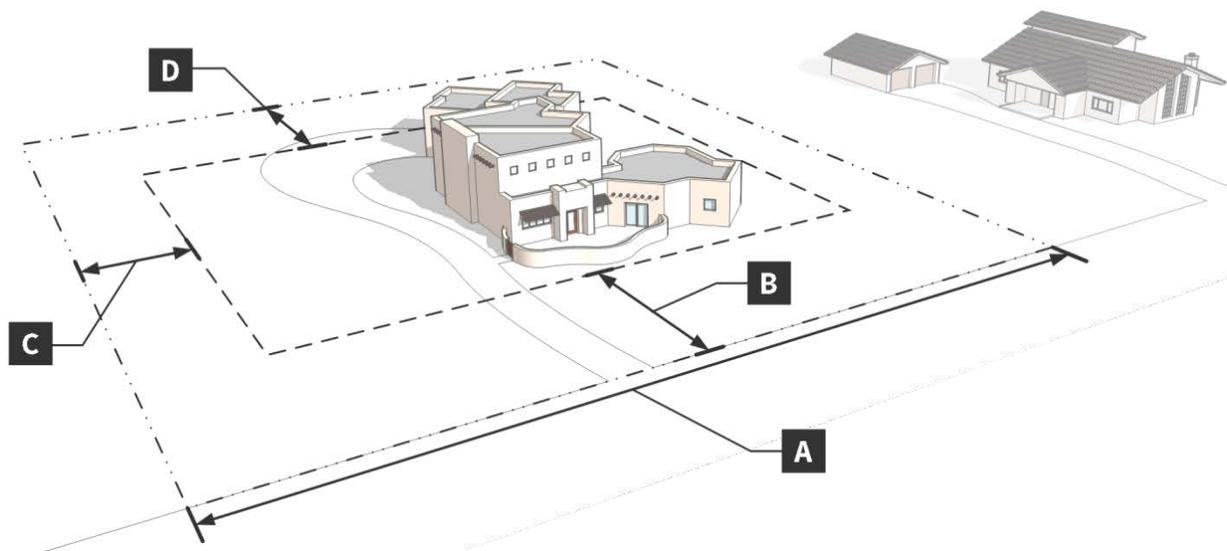
### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

#### Notes:

[1] Did not carry forward exterior side yard setback of 30 feet

(For all districts, the notes related to current LDC requirements will be removed prior to the adoption draft.)



<sup>24</sup> This district carries forward the existing RS-70.

<sup>25</sup> We did not carry forward "separation of businesses" requirements.

<sup>26</sup> We propose prescribing maximum "impervious coverage" instead of the current "lot coverage," which does not take into account paved or other impervious areas. We also propose retaining a separate "building coverage" percentage similar to the current "lot coverage" requirements.

## 2.3. RS-35: Large Lot Single-Family Residential<sup>27</sup>

### A. Purpose

The RS-35 district is intended to accommodate and preserve low-density single-family residential development with limited community and educational uses and incidental or accessory uses.

### B. RS-35 Lot and Building Standards

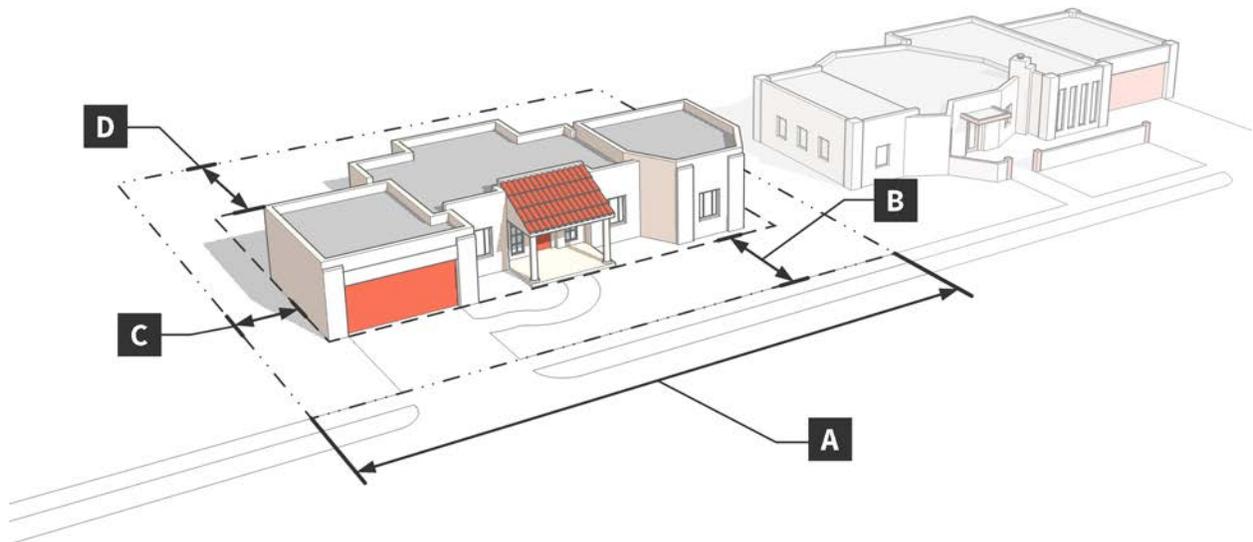
Lot Standards		
<b>A</b>	Width (minimum)	145 feet [1]
	Area (minimum)	35,000 sq. ft. [2]
	Density (maximum)	1 du/acre
Setbacks (minimum)		
<b>B</b>	Front	40 feet [3]
<b>C</b>	Side	20 feet
<b>D</b>	Rear	40 feet [4]
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	15 percent [5]
	Total coverage	40 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

#### Notes:

- [1] Currently 120 feet in RS-36
- [2] Currently 36,000 sq. ft. in RS-36
- [3] Currently 25 feet in RS-36
- [4] Currently 25 feet in RS-36
- [5] Currently 35 percent in RS-36



<sup>27</sup> This district is a consolidation of the current RS-36 and RS-35 districts based on similarities between purpose statements, allowed uses, and lot and building standards.

## 2.4. RS-18: Single-Family Residential<sup>28</sup>

### A. Purpose

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

### B. RS-18 Lot and Building Standards

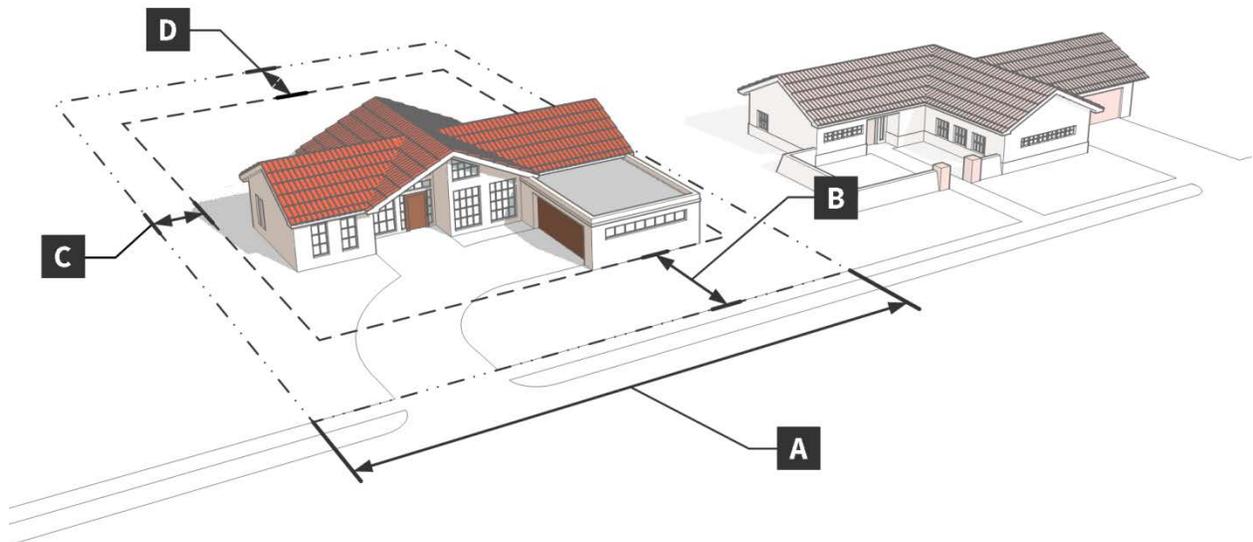
Lot Standards		
<b>A</b>	Width (minimum)	100 feet
	Area (minimum)	18,000 sq. ft.
	Density (maximum)	2 du/acre
Setbacks (minimum)		
<b>B</b>	Front	25 feet [1]
<b>C</b>	Side	10 feet
	Side, abutting street	15 feet
<b>D</b>	Rear	25 feet [2]
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	35 percent [3]
	Total coverage	60 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

#### Notes:

- [1] Currently 30 feet in RS-18a
- [2] Currently 30 feet in RS-18a
- [3] Currently 25 percent in RS-18a



<sup>28</sup> This district is a consolidation of the RS-18a and the RS-18b districts.

## 2.5. RS-10: Single-Family Residential<sup>29</sup>

### A. Purpose

The RS-10 district is intended to accommodate and preserve medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density single-family residential to higher-density residential zoning districts.

### B. RS-10 Lot and Building Standards

Lot Standards		
<b>A</b>	Width (minimum)	80 feet [1]
	Area (minimum)	10,000 sq. ft. [2]
	Density (maximum)	4 du/acre
Setbacks (minimum) <sup>30</sup>		
<b>B</b>	Front	20 feet
<b>C</b>	Side	7 feet [3]
	Side, abutting street	10 feet
<b>D</b>	Rear	20 feet [4] <sup>31</sup>
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent
	Total coverage	60 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

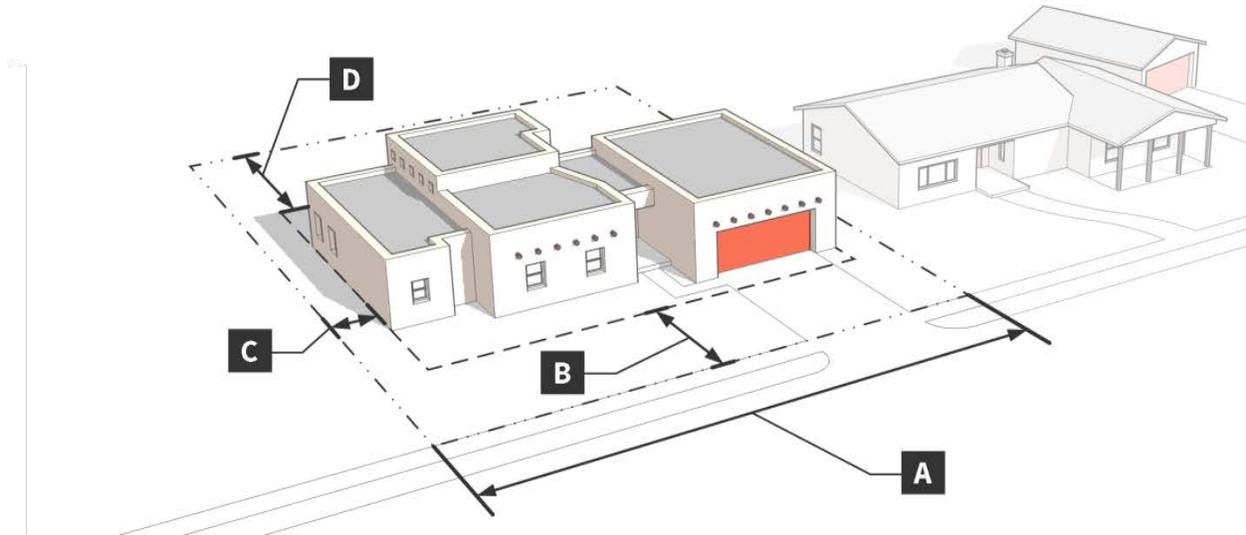
#### Notes:

[1] Currently 90 feet in RS-12

[2] Currently 12,000 sq. ft. in RS-12

[3] Currently 10 feet in RS-10b

[4] Currently 25 feet in RS-12 and RS-10a



<sup>29</sup> This district is a consolidation of the current RS-12, RS-10a, and RS-10b districts based on similarities between purpose statements, allowed uses, and lot and building standards.

<sup>30</sup> Did not carry forward the following standard from the current yard requirements in RS-12, RS-10a, and RS-10b: "On any interior lot lacking vehicular access to the rear yard, where a garage or carport is not attached to the principal building, one side yard must measure no less than 9 feet to provide rear access." That standard will be included as a minimum driveway or access width in the parking and/or access standards instead of included as a setback provision. We did not carry this standard forward in subsequent districts.

<sup>31</sup> Minimum rear yard setback in RS-12 and RS-10a is 25 feet.

## 2.6. RS-6: Single-Family Residential<sup>32</sup>

### A. Purpose

The RS-6 district is intended to accommodate high-density single-family residential uses, including manufactured homes. The RS-6 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between medium-density single-family residential and multifamily zoning districts.

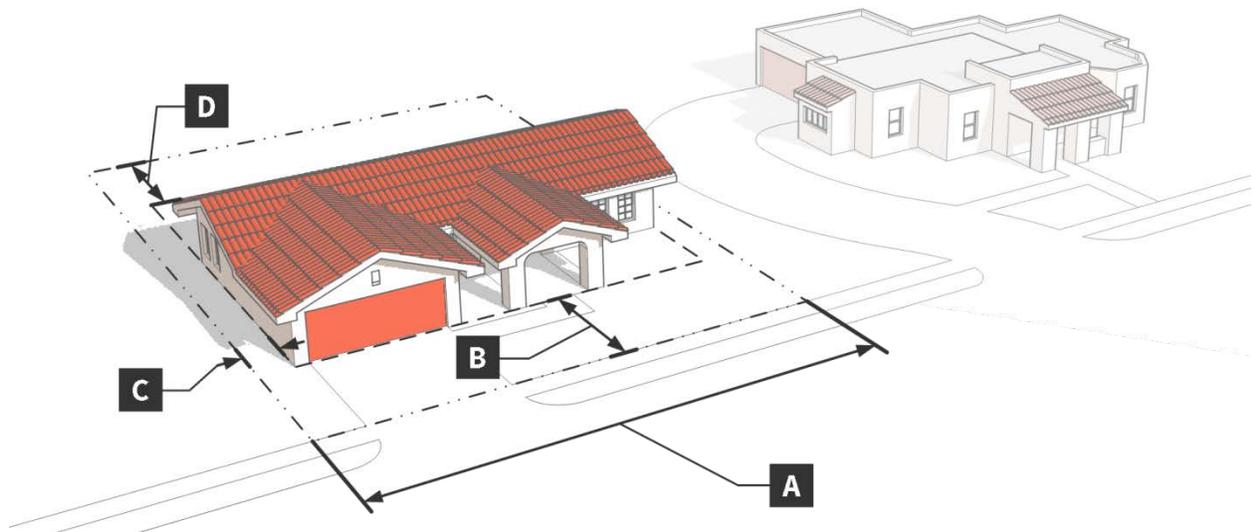
### B. RS-6 Lot and Building Standards

Lot Standards		
<b>A</b>	Width (minimum)	60 feet
	Area (minimum)	6,000 sq. ft.
	Density (maximum)	6 du/acre
Setbacks (minimum)		
<b>B</b>	Front	20 feet
<b>C</b>	Side	5 feet
	Side, abutting street	10 feet
<b>D</b>	Rear	20 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent
	Total coverage	65 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

#### Notes:



<sup>32</sup> This district is a consolidation of the current RS-6 and RMH-6 districts based on similarities between lot and building standards.

## 2.7. RMH: Single-Family and Manufactured Home<sup>33</sup>

### A. Purpose

The RMH district is intended to accommodate medium- to high-density single-family residential uses, including manufactured homes. The RMH district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between higher-density single-family residential and multifamily and/or mixed-use zoning districts.

### B. RMH Lot and Building Standards

Lot Standards		
<b>A</b>	Width (minimum)	80 feet [1]
	Area (minimum)	10,000 sq. ft. [2]
	Density (maximum)	4 du/acre
Setbacks (minimum)		
<b>B</b>	Front	20 feet
<b>C</b>	Side	7 feet
	Side, abutting street	10 feet
<b>D</b>	Rear	25 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent
	Total coverage	65 percent

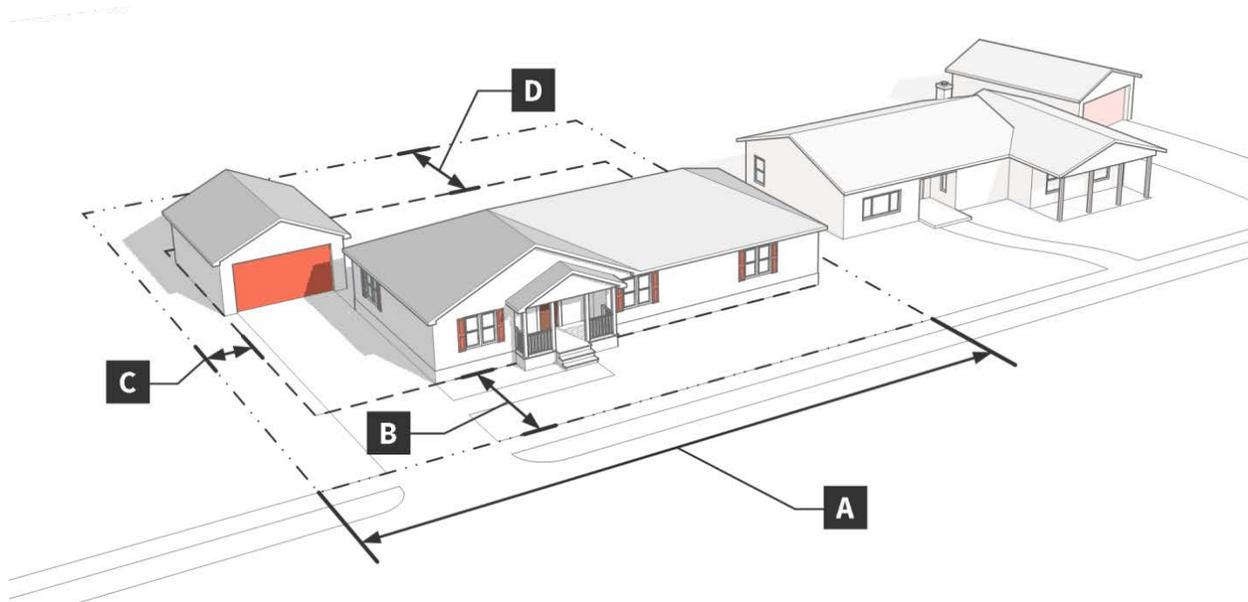
### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

[1] Currently 90 feet in RMH-12

[2] Currently 12,000 sq. ft. in RMH-12



<sup>33</sup> This district is a consolidation of the current RMH-12 and RMH-10 districts. based on similarities between purpose statements, and allowed uses.

## 2.8. RM-1: Medium-Density Multifamily<sup>34</sup>

### A. Purpose

The RM-1 district is intended to accommodate medium-density multifamily residential uses, including single-family uses and duplexes. The RM-1 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between medium- and high-density single-family districts and other multifamily and/or mixed-use zoning districts.

### B. RM-1 Lot and Building Standards

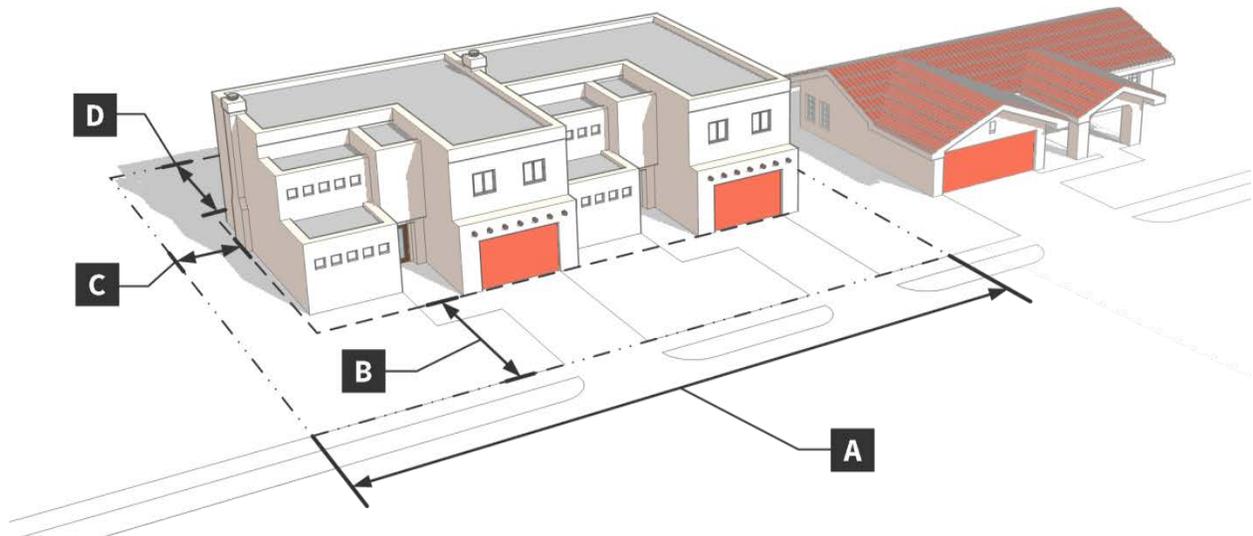
Lot Standards		
<b>A</b>	Width (minimum)	80 feet
	Area (minimum)	10,000 sq. ft.
	Density (maximum)	8 du/acre
Setbacks (minimum)		
<b>B</b>	Front	20 feet
<b>C</b>	Side	10 feet
<b>D</b>	Rear	25 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent [1]
	Total coverage	65 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

[1] Currently 40 percent for parcels smaller than 20,000 sq. ft., and 25 percent for parcels 20,000 sq. ft. or greater



<sup>34</sup> This district carries forward the current RM-1 district.

## 2.9. RM-2: Medium-High Density Multifamily<sup>35</sup>

### A. Purpose

The RM-2 district is intended to accommodate medium- to high-density multifamily residential uses, including limited single-family uses and duplexes. The RM-2 district may include limited community and educational uses, and incidental or accessory uses. This district can also serve as a transition between medium- to high-density single-family and multifamily, commercial, and/or mixed-use zoning districts.

### B. RM-2 Lot and Building Standards

Lot Standards		
<b>A</b>	Width (minimum)	100 feet
	Area (minimum)	10,000 sq. ft. [1]
	Density (maximum)	12 du/acre
Setbacks (minimum)		
<b>B</b>	Front	20 feet
<b>C</b>	Side [2]	10 feet
<b>D</b>	Rear	25 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent [3] <sup>37</sup>
	Total coverage	65 percent

### C. Other Standards

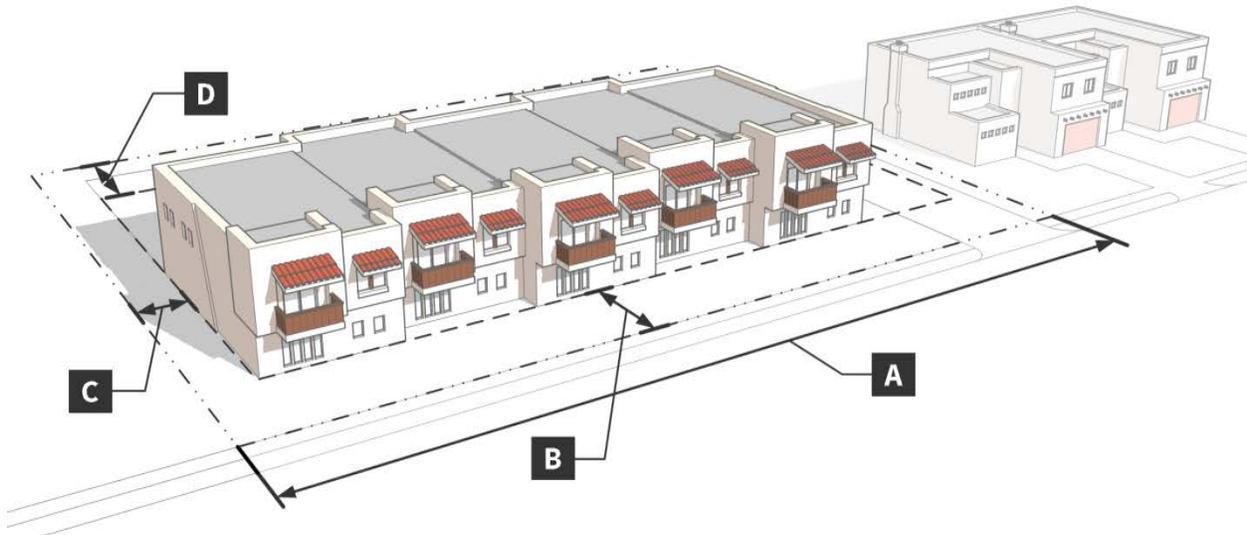
Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

[1] Currently 21,780 sq. ft. (1/2 acre)<sup>36</sup>

[2] Did not carry forward the side setback abutting a street, which is currently 15 feet

[3] Currently 25 percent



<sup>35</sup> This district is carried forward from the current RM-2 district, but renamed to reflect medium-high density.

<sup>36</sup> The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity district RM-1.

<sup>37</sup> Revised to match the proposed limits of the RM-1 and RM-3 districts.

## 2.10. RM-3: High-Density Multifamily<sup>38</sup>

### A. Purpose

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

### B. RM-3 Lot and Building Standards

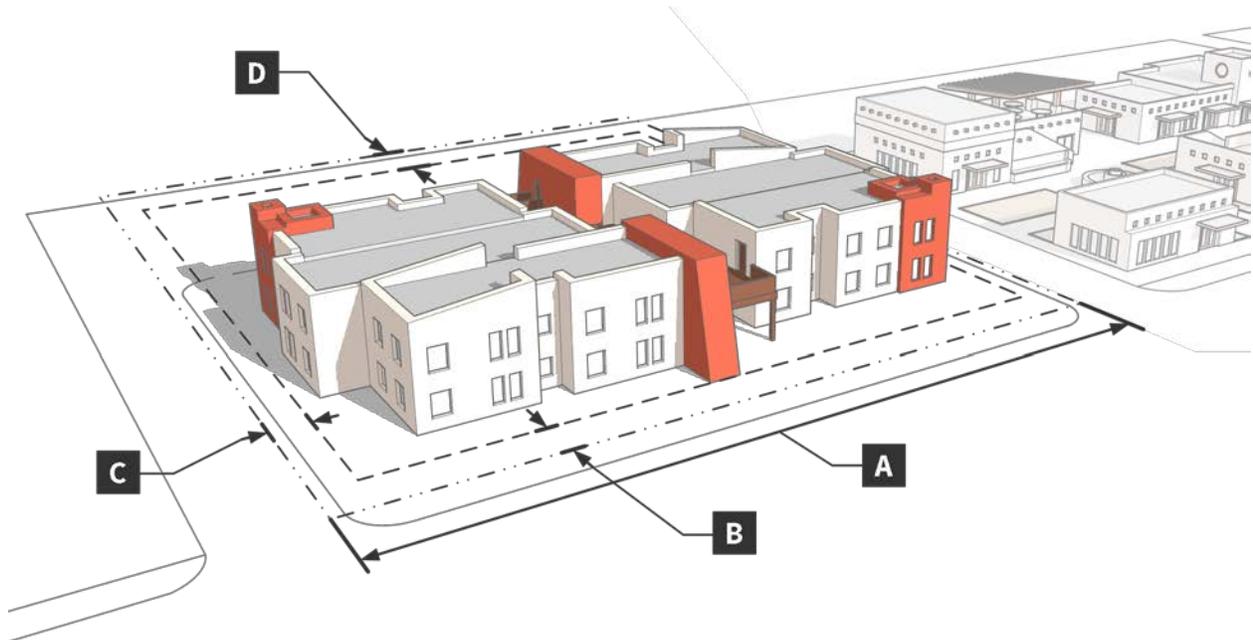
Lot Standards		
<b>A</b>	Width (minimum)	100 feet
	Area (minimum)	8,000 sq. ft.[1] <sup>39</sup>
	Density (maximum)	20 du/acre
Setbacks (minimum)		
<b>B</b>	Front	10 feet [2] <sup>40</sup>
<b>C</b>	Side [3]	8 feet [4]
<b>D</b>	Rear	20 feet [5]
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	40 percent [6] <sup>41</sup>
	Total coverage	70 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

- [1] Currently 21,780 sq. ft. (1/2 acre)
- [2] Currently 20 feet
- [3] Did not carry forward the side setback abutting a street, which is currently 15 feet
- [4] Currently 10 feet
- [5] Currently 25 feet
- [6] Currently 25 percent



<sup>38</sup> This district is carried forward from the current RM-3 district.

<sup>39</sup> The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.

<sup>40</sup> A shallower setback will encourage more walkable and dense development in key areas throughout the city.

<sup>41</sup> Revised to match the proposed limits in the RM-1 and RM-2 districts.



## 2.11. M1: Mixed-Use Neighborhood<sup>42</sup>

### A. Purpose

The M1 district is intended to accommodate primarily residential uses with limited community, educational, lodging, commercial uses, and incidental or accessory uses. Residential uses in the M1 district are intended to offer a diverse mix of housing opportunities at varied densities. Commercial uses in the M1 district are typically those providing limited retail and service for the convenience of the surrounding neighborhood. Mixed-use development in the M1 district is intended to provide a walkable and active streetscape and be compatible with surrounding residential development.

### B. M1 Lot and Building Standards

Lot Standards (minimum)		
<b>A</b>	Width	60 feet
	Area	8,000 sq. ft. <sup>43</sup>
Setbacks		
<b>B</b>	Front, minimum	5 feet [1]
	Front, maximum	15 feet [2] <sup>44</sup>
<b>D</b>	Side, minimum [3]	10 feet [4]
<b>E</b>	Rear, minimum	20 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	60 percent [5] <sup>45</sup>
	Total (residential-only lots)	70 percent
	Total (other lots)	80 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

- [1] Currently 20 feet
- [2] New standard
- [3] Did not carry forward side setback abutting a street
- [4] Currently 20 feet
- [5] Currently 2,000 sq. ft.

#### Sedona Community Plan says...

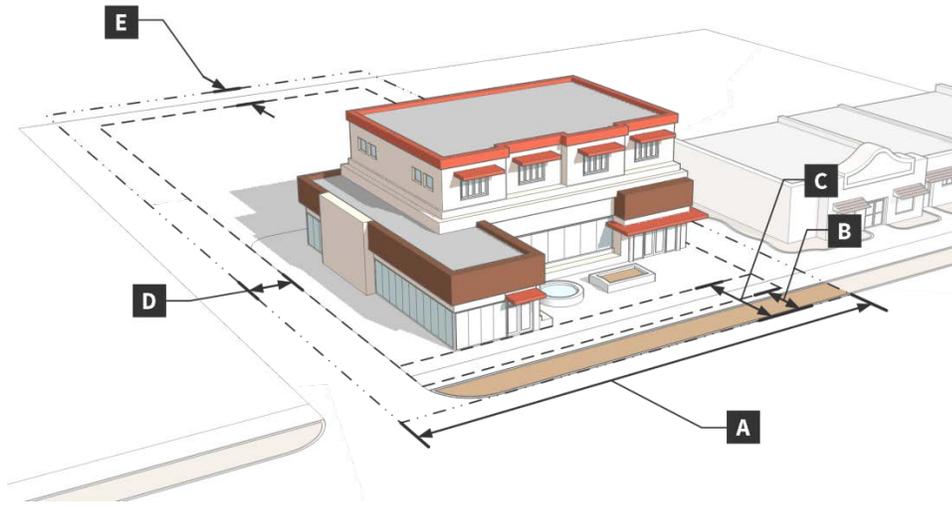
Evaluate locations for public gathering spaces and residential services on a neighborhood scale and reflective of unique architectural character for neighborhoods within walking distance and located away from the main commercial areas. (p.53)

<sup>42</sup> This district replaces the current CN district with more flexible standards and renamed to reflect the intended mix of uses (primarily residential).

<sup>43</sup> The city wants to ensure that curb cuts are minimized, especially where smaller lot sizes are permitted.

<sup>44</sup> Maximum front setbacks are common in mixed-use districts to ensure that buildings are located closer to the street and provide a more pedestrian-friendly environment.

<sup>45</sup> For walkable mixed-use, buildings often take up larger portions of the site, especially in more urbanized areas within the community.



## 2.12. M2: Mixed-Use Employment<sup>46</sup>

### A. Purpose

The M2 district is intended to accommodate primarily office and employment uses with supporting commercial and services and limited higher-density residential uses. The M2 district also provides community, educational, lodging, and commercial uses and incidental or accessory uses. Development in the M2 district may include limited auto-oriented uses and development patterns but is primarily intended to provide a walkable and active streetscape and be compatible with surrounding residential development.

### B. M2 Lot and Building Standards

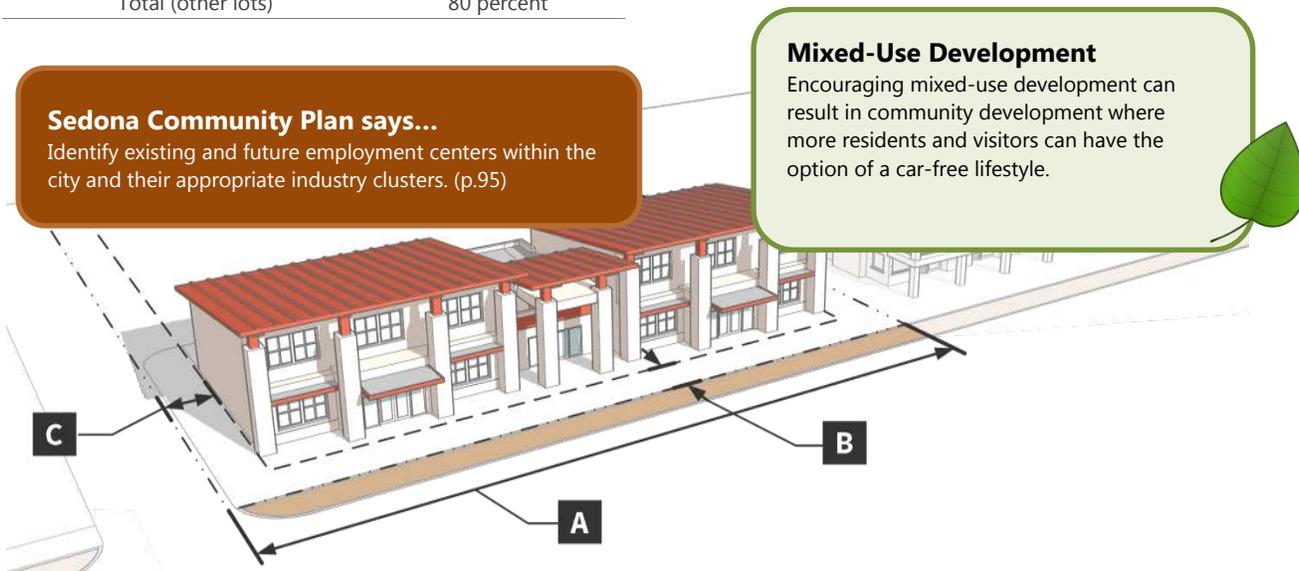
Lot Standards (minimum)		
<b>A</b>	Width	60 feet
	Area	10,000 sq. ft.
Setbacks		
<b>B</b>	Front, minimum	10 feet [1]
	Side, minimum	10 feet
<b>C</b>	Side, minimum	10 feet
	Rear, minimum	20 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	60 percent [2]
	Total (residential-only lots)	70 percent
	Total (other lots)	80 percent <sup>47</sup>

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

- [1] Currently 15 feet
- [2] Currently 25 percent for one-story commercial uses and 28 percent for multiple stories



<sup>46</sup> This district replaces the current OP district. Renamed to reflect the intended mix of uses, with an emphasis on employment centers.

<sup>47</sup> The current LDC states "If market-rate residential uses and commercial uses are combined in a mixed-use project, the maximum building coverage shall not exceed 25 percent; the market-rate residential portion shall not exceed five percent building coverage of the entire site. If affordable residential uses and commercial uses are combined in a mixed-use project, the maximum building coverage shall not exceed 35 percent; the residential portion shall not exceed 10 percent of the entire site." That current standard applies these bonuses to multi-story buildings only and are based on lot coverage (not the new "impervious coverage").

## 2.13. M3: Mixed-Use Activity Center<sup>48</sup>

### A. Purpose

The M3 district is established to provide for pedestrian-friendly areas of medium- to higher-density residential development and compatible nonresidential uses such as lodging, offices, supporting commercial and service uses, other civic and community uses, and incidental or accessory uses. Development shall be at a walkable scale that is compatible with surrounding residential neighborhoods. The district is intended to allow for a greater vertical and/or horizontal mix of uses and is appropriate near primary and secondary activity centers.

### B. M3 Lot and Building Standards

Lot Standards (minimum)		
<b>A</b>	Width	25 feet
	Area	5,000 sq. ft.
Setbacks		
<b>B</b>	Front, minimum	0 feet
<b>C</b>	Front, maximum <sup>49</sup>	10 feet
<b>D</b>	Side, minimum	3 feet
<b>E</b>	Rear, minimum	10 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	75 percent
	Total coverage	90 percent

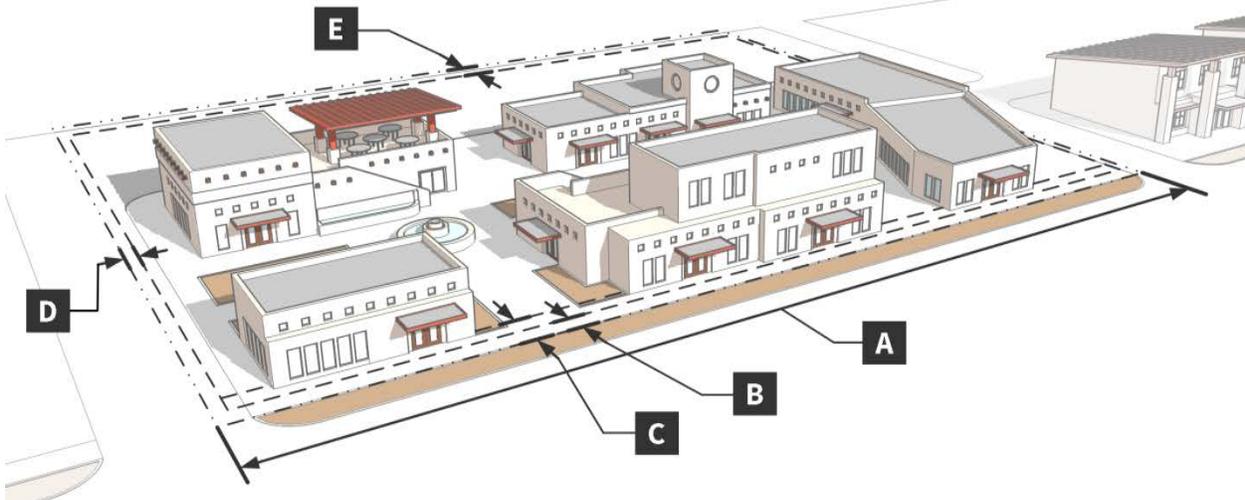
### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

#### Sedona Community Plan says...

Ensure that a balance of land uses is maintained and identify areas for concentrated, mixed-use development, public gathering places, and land use transitions to provide healthy and sustainable residential neighborhoods and commercial areas and to address specific area needs. (p.53)



<sup>48</sup> New district to accommodate a mix of uses in Sedona's primary and secondary activity centers.

<sup>49</sup> Consolidated draft: Changed minimum front setback from 5 to 0. A maximum front building setback helps to ensure that the development pattern is walkable in Sedona's activity centers.

## 2.14. CO: Commercial<sup>50</sup>

### A. Purpose

The CO district is intended to accommodate general retail and other commercial and service uses, and incidental or accessory uses, where access requires good vehicular circulation. Land uses are characterized by frequent visits of customers and clients. The CO district is intended to provide attractive commercial development with adequate access to arterial streets and with efficient internal circulation and parking and that is compatible with surrounding residential areas.

### B. CO Lot and Building Standards

Lot Standards (minimum)		
<b>A</b>	Width	60 feet
	Area	10,000 sq. ft.
Setbacks (minimum) <sup>51</sup>		
<b>B</b>	Front	10 feet [1]
	<b>C</b>	Side
		Side, abutting street
<b>D</b>	Rear	None
		Any setback, where abutting residential zoning district
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	60 percent [2] <sup>52</sup>
	Total coverage	80 percent

### C. Other Standards

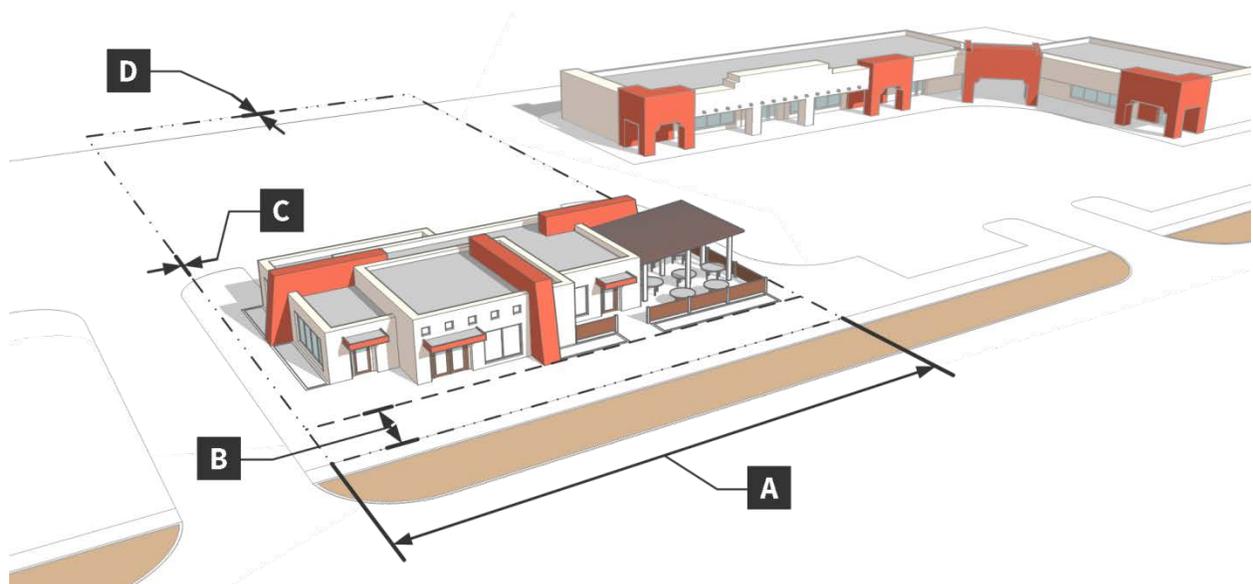
Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

[1] Currently 15 feet

[2] Currently 25 percent for one-story commercial uses and 28 percent for multiple stories

[3] This standard may be relocated to the development standards when other neighborhood protection standards are addressed



<sup>50</sup> This district consolidates the current C-1 and C-2 districts and renamed to reflect the commercial nature of the district.

<sup>52</sup> Revised to match the proposed M2 (previously OP) district standards.

<sup>52</sup> Revised to match the proposed M2 (previously OP) district standards.

# 2.15. IN: Light Industrial<sup>53</sup>

## A. Purpose

The IN district is established to provide areas appropriate for heavier-intensity commercial uses and low-intensity industrial uses including light manufacturing, warehousing and distribution, auto-oriented uses and commercial services, with limited office, retail, and support services. The IN district also allows limited incidental or accessory uses.

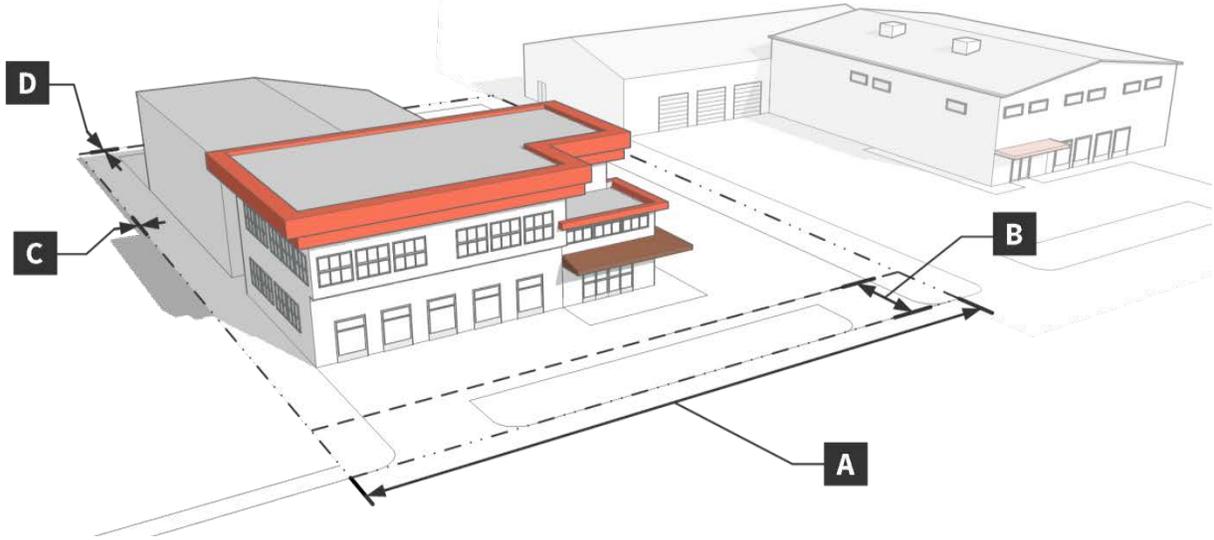
## B. IN Lot and Building Standards

Lot Standards (minimum)		
<b>A</b>	Width	50 feet [1]
	Area	10,000 sq. ft.
Setbacks (minimum) <sup>54</sup>		
<b>B</b>	Front	15 feet <sup>55</sup>
	<b>C</b>	Side
<b>D</b>	Side, abutting street	10 feet
	Rear	None
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	60 percent [2]
	Total coverage	80 percent

## C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

**Notes:**  
 [1] Currently 60 feet  
 [2] Currently 25 percent



<sup>53</sup> This district replaces the current C-3 district. Renamed to be consistent with the industrial purpose of the district.  
<sup>54</sup> As future CFAs are developed, industrial areas may transform into a greater mix of uses, at which point reductions in setbacks may be considered to be closer to those of other mixed-use districts.  
<sup>55</sup> As future CFAs are developed, industrial areas may transform into a greater mix of uses, at which point reductions in setbacks may be considered to be closer to those of other mixed-use districts.

## 2.16. L: Lodging<sup>56</sup>

### A. Purpose<sup>57</sup>

The L district is intended to accommodate resort and lodging uses and limited supporting commercial and services uses and incidental and accessory uses in a manner that:

- (1) Is consistent with the Sedona Community Plan or specific plan for the area;
- (2) Preserves the unique character of Sedona;
- (3) Is compatible in size, scale, intensity, and character of other surrounding uses;
- (4) Accommodates adequate vehicle parking and circulation; and
- (5) Promotes creative design and is sensitive to the natural environment.

### B. L Lot and Building Standards

Lot Standards (minimum)		
<b>A</b>	Width	60 feet [1]
	Area	43,560 sq. ft. [2]
Setbacks (minimum) <sup>58</sup>		
<b>B</b>	Front	15 feet [3]
<b>C</b>	Side	None
	Side, abutting street	10 feet [4]
<b>D</b>	Rear	None
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	60 percent [5]
	Total coverage	80 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

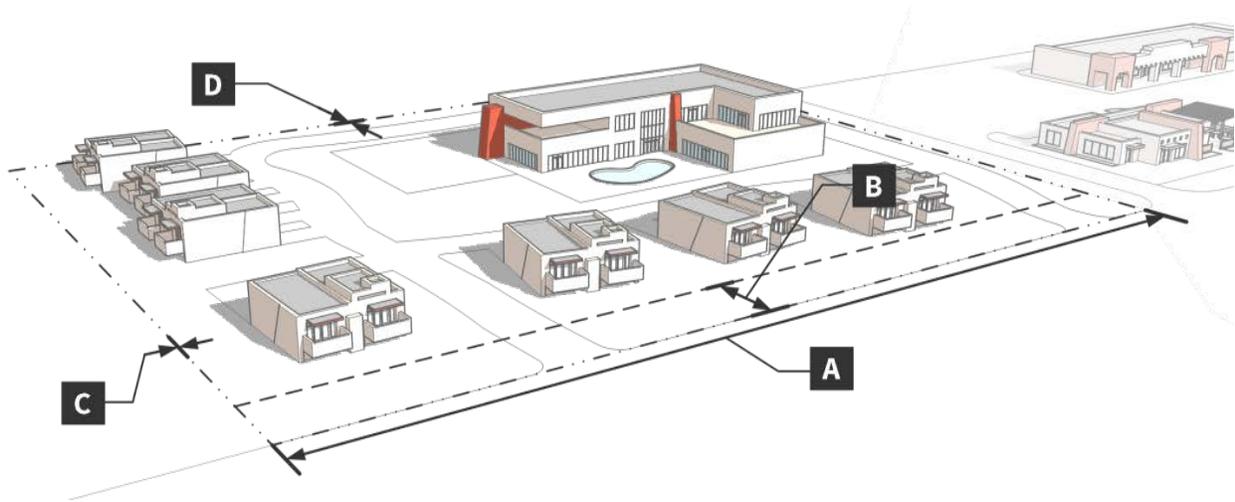
#### Notes:

- [1] Currently 100 feet in the L district  
 [2] Currently 21,780 sq. ft. in the L district. Minimum lot area not currently defined in the RC district  
 [3] Currently 30 feet in the RC district when abutting an arterial or major collector, and 20 feet elsewhere  
 [4] Currently 20 feet for exterior side yard in the RC district  
 [5] Currently 25 percent for one-story commercial uses and 28 percent for multiple stories

<sup>56</sup> This district is a consolidation of the RC and the L districts based on similar purposes and uses and because the RC has only been applied to two properties in Sedona.

<sup>57</sup> Substantially reduced for clarity. Did not carry forward "Eliminates or reduces to conformity as quickly as possible all legal nonconforming lodging uses and particularly those in which individual third-party purchasers will share a financial and ownership interest."

<sup>59</sup> This district carries forward the current CF district.



## 2.17. CF: Community Facilities<sup>59</sup>

### A. Purpose

The CF district is intended primarily for the accommodation of public/semi-public uses (other than street rights-of-way). The CF district includes community uses such as public safety facilities, schools, libraries, community centers, city buildings, and public utilities as well as incidental and accessory uses.

### B. CF Lot and Building Standards

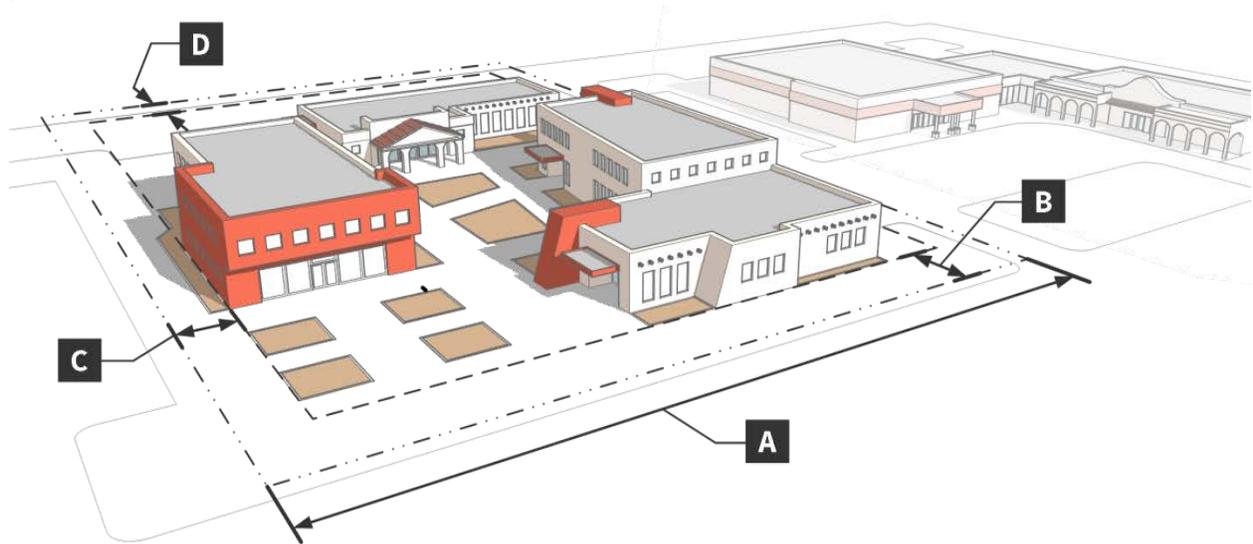
Lot Standards (minimum)		
<b>A</b>	Width	60 feet [1]
	Area	5,000 sq. ft. [2]
Setbacks (minimum)		
<b>B</b>	Front	20 feet [3]
	<b>C</b> Side	15 feet
<b>D</b>	Rear	20 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	60 percent [4]
	Total coverage	90 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

#### Notes:

- [1] Currently 100 feet
- [2] Currently 10,000 sq. ft.
- [3] Currently 30 feet
- [4] Currently 25 percent



<sup>59</sup> This district carries forward the current CF district.

## 2.18. OS: Open Space<sup>60</sup>

### A. Purpose

The OS district is established to provide adequate lands for recreational use and the preservation of permanent scenic and/or open spaces. The OS district may include public and quasi-public uses and both active and passive recreation uses as well as compatible incidental and accessory uses.

### B. OS Lot and Building Standards<sup>61</sup>

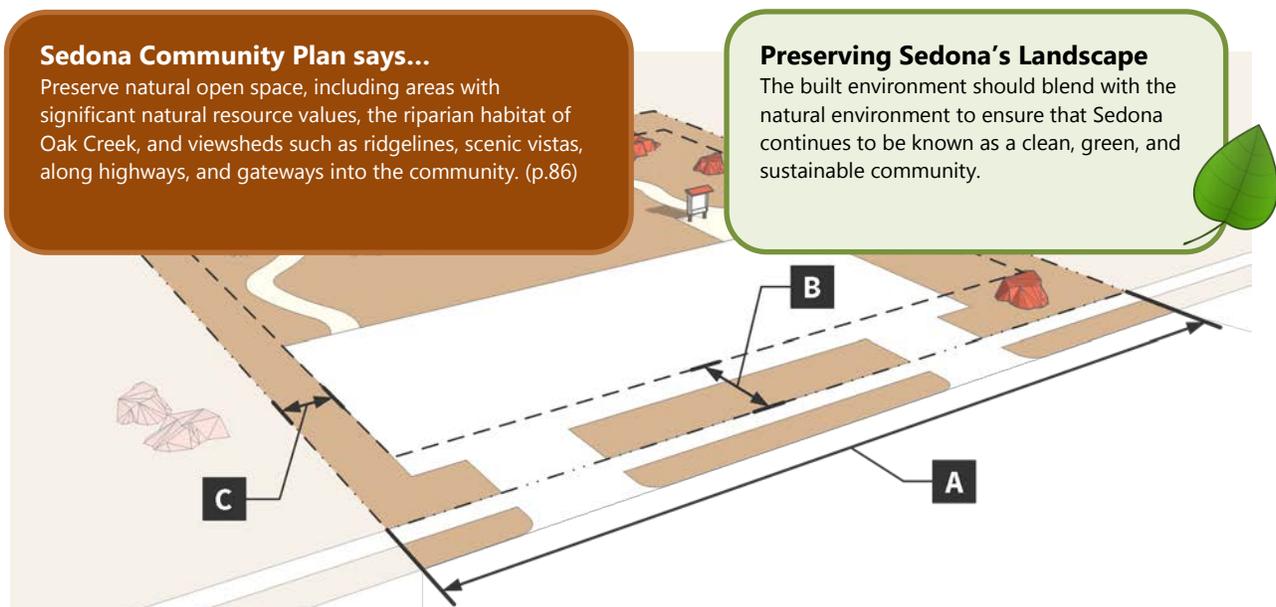
Lot Standards (minimum)		
<b>A</b>	Width	None
	Area	None
Setbacks (minimum)		
<b>B</b>	Front	20 feet
	<b>C</b>	Side
<b>D</b>	Rear	20 feet
Height		
	Building height	See 2.24.D
Impervious Coverage (maximum)		
	Building coverage	15 percent [1]
	Total coverage	20 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

#### Notes:

[1] New standard. Currently the OS district does not specify maximum lot (now building) coverage



<sup>60</sup> This district carries forward the current OS district.

<sup>61</sup> New standards. The current OS district does not prescribe minimum lot and building standards.

## 2.19. NF: National Forest<sup>62</sup>

### A. Purpose

The NF district is intended to prescribe permissible uses for Coconino National Forest lands currently subject to the jurisdiction of the United States Forest Service (USFS) and located within the corporate boundaries of the city.

#### Sedona Community Plan says...

Support Forest Service policies that ensure National Forest land in and around Sedona is permanently protected. (p.86)

### B. NF Lot and Building Standards

Property development standards as prescribed by the USFS shall apply to all land and buildings permitted in the NF district.

## 2.20. OC: Oak Creek Heritage Area<sup>63</sup>

[reserved]

## 2.21. PD: Planned Development District

### Commentary

This PD district is a consolidation of the current PD and PRD districts. Specific use standards were not carried forward, since rezoning to PD would be individually negotiated on a case-by-case basis. The approval procedures for rezoning to a PD district are in Article 8, *Administration and Procedures*. Rezoning to a PD district will require establishing a PD development plan outlining the phasing of the project (if applicable), the mix of land uses within the development, and any modifications to the development standards that would otherwise apply to the site under a base zoning district.

### A. Purpose<sup>64</sup>

The Planned Development District is intended to achieve the following purposes:

- (1) To implement the Sedona Community Plan and Community Focus Area plans;
- (2) To allow various combinations of land uses;
- (3) To ensure compatibility between residential and nonresidential and/or mixed-use areas and to minimize potential noise and visual impacts to residential areas from adjacent more intensive uses; and
- (4) To facilitate development by permitting greater flexibility than allowed by the strict application of the Code in exchange for more creative and imaginative designs with a higher level of amenities and public benefits than is otherwise possible under the base zoning districts.<sup>65</sup>

<sup>62</sup> This district carries forward the current NF district.

<sup>63</sup> Adoption draft: Relocated from the PD section in prior draft. Additional edits underway.

<sup>64</sup> Paragraphs 1 and 2 were carried forward from the revised SU district purpose, which are very similar to the intent of the PD district – individually-negotiated developments that are not otherwise achievable through a base zoning district.

<sup>65</sup> From current PRD district purpose, revised for clarity.

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## B. Establishment of a Planned Development District

Planned Development districts are established by the City's approval of a PD rezoning pursuant to 8.6.B, *Rezoning to Planned Development District*. The PD procedure shall not be used when a conditional use permit, variance, administrative adjustment, or rezoning to a base zoning district could achieve a similar result.

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## C. PD Lot and Building Standards<sup>66</sup>

Development in a PD district is subject to standards included in, or referenced in an approved PD development plan.

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# 2.22. Overlay Districts

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## A. H: Historic

### (1) Purpose

The Historic district is intended to promote the use of historic areas for the education and welfare of the community; to encourage the retention of historic properties and to keep them in active use and in their original appearance, setting, and placement; to ensure harmonious growth and development by encouraging the preservation and rehabilitation of Historic districts. It is also intended that new or remodeled structures located within Historic districts be designed and constructed to harmonize with structures located within the immediate vicinity in order to maintain the character of the district and preserve property values.

### (2) Applicability<sup>67</sup>

Properties zoned as an Historic district retain the uses of and are subject to the regulations of the underlying base zoning district. In the case where historic preservation and zoning regulations conflict, **Article 15**, *Historic Preservation Ordinance*, takes precedence.

### (3) Establishment of an Historic District

Historic districts are established by the City's approval of a rezoning pursuant to 8.6.A, *Rezoning (Zoning Map Amendment)*.

#### Sedona Community Plan says...

Create incentives, tools, and programs that preserve historic sites, such as the transfer of development rights, allowing adaptive uses of historic structures, and a public/private partnership fund. (p.106)

---

<sup>66</sup> This draft does not propose a minimum site area for PD districts, which will allow flexibility for the tool to be used on both large and smaller projects. However, the intent is for PDs to be generally larger projects and not individual lots. The current code has no minimum area requirements for individual lots in PDs, but does require the overall site area to be at least one acre.

<sup>67</sup> We did not carry forward the following language: "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 historic preservation."

## 2.23. Summary Tables of Lot and Building Standards

### A. Residential

**Table 2.2**  
**Residential Districts Lot and Building Standards**

Zoning District	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3
<b>Lot Standards</b>									
Width (ft) (minimum)	200	145	100	80	60	80	80	100	100
Area (sq ft) (minimum)	70,000	35,000	18,000	10,000	6,000	10,000	10,000	10,000	8,000
Density (du/acre) (maximum)	0.5	1	2	4	6	4	8	12	20
<b>Setbacks (minimum)</b>									
Front (ft)	50	40	25	20	20	20	20	20	10
Side (ft)	25	20	10	7	5	7	10	10	8
Side, abutting street (ft)			15	10	10	10			
Rear (ft)	50	40	25	20	20	25	25	25	20
<b>Height</b>									
Building height	See 2.24.D								
<b>Impervious Coverage (maximum)</b>									
Building coverage (%)	15	15	35	40	40	40	40	40	40
Total coverage (%)	30	40	60	60	65	65	65	65	70

**B. Mixed-Use and Commercial**

**Table 2.3  
Mixed-Use and Commercial Districts Lot and Building Standards**

Zoning District	M1	M2	M3	CO	IN	L
<b>Lot Standards (minimum)</b>						
Width (ft)	60	60	25	60	50	60
Area (sq ft)	8,000	10,000	5,000	10,000	10,000	43,560
<b>Setbacks</b>						
Front, minimum (ft)	5	10	0	10	15	15
Front, maximum (ft)	15	0	10			
Side, minimum (ft)	10	10	3	None	None	None
Side, minimum abutting street (ft)				10	10	10
Rear, minimum (ft)	20	20	10	None	None	None
<b>Height</b>						
Building height	See 2.24.D					
<b>Impervious Coverage (maximum)</b>						
Building coverage (%)	60	60	75	60	60	60
Total (residential-only lots) (%)	70	70	90	70	70	70
Total (other lots) (%)	80	80	90	80	80	80

**C. Other Nonresidential**

**Table 2.4  
Other Nonresidential Districts Lot and Building Standards**

Zoning District	CF	OS	NF
<b>Lot Standards (minimum)</b>			<i>Subject to USFS jurisdiction</i>
Width (ft)	60	None	
Area (sq ft)	5,000	None	
<b>Setbacks (minimum)</b>			
Front (ft)	20	20	
Side (ft)	15	10	
Rear (ft)	20	20	
<b>Height</b>			
Building height	See 2.24.D		
<b>Impervious Coverage (maximum)</b>			
Building coverage (%)	60	15	
Total coverage (%)	80	20	

## 2.24. Measurements and Exceptions

### Commentary

This section is intended to help inform the measurement and application of the lot and building standards presented earlier in this article for each zoning district. Some of the material is new and some is carried forward from the current LDC, with revisions as noted. Generally, the location of this content in a zoning code varies by community; some prefer to locate it in this section following the districts to help inform the district lot and building standards tables; other communities place it in the definitions, or sometimes in the development standards article.

### A. Purpose

The purpose of this section is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards in this Code.

### B. Lot and Space Requirements

#### (1) Minimum Lot Dimensions

- a. Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements set forth in this article for the zoning district in which it is located, except as otherwise established in this Code for particular uses. New lots shall also meet the development standards set forth in 7.3, *Subdivision Standards*.
- b. No space needed to meet the width, setback, area, open space, impervious coverage, parking, or other requirements of this Code for a lot or building may be sold or leased away from such lot or building.
- c. No parcel of land that has less than the minimum lot width or lot area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

#### (2) Number of Principal Buildings or Uses per Lot

- a. Except for projects approved as co-housing pursuant to 3.3.A(1), *Dwelling, Co-Housing*, only one main building for single-family uses or duplexes, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every dwelling shall have legal means of access to a right-of-way.
- b. Where a lot or tract of land is used for multifamily, mixed-use, commercial, or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Code applicable to the uses and district.
- c. No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

### C. Setbacks

#### (1) Measurement

Setbacks referred to in this Code shall be measured as stated in the definitions article under the term "setback."

**(2) Setback from National Forest Lands<sup>68</sup>**

For all zoning districts, the setback from National Forest lands shall be a minimum of 20 feet.

**(3) Single-Family Attached and Multifamily Dwellings**

- a. Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.
- b. For purposes of setback calculations for side-by-side single-family attached or multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit (end units) need observe the required side setback for the district. (See Figure 2-1.)

**Figure 2-1: Setbacks for Single-Family Attached and Multifamily Dwellings**



**(4) Exceptions to Setback Requirements<sup>69</sup>**

Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

- a. Setback restrictions do not apply to: slabs, uncovered patios, walks, steps, fences, landscaping and/or hedges, or freestanding walls; however, such features are subject to 5.4.F, *Visibility Triangles*.
- b. Certain architectural features and improvements may encroach into required setbacks as follows:

**Alternative Energy**

Allowing encroachments into setbacks and height for solar and geothermal equipment promotes energy conservation and alternative energy solutions in Sedona.



<sup>68</sup> Consolidated draft: New.

<sup>69</sup> From 901.03, revised as noted.

**Table 2.5  
Authorized Exceptions to Setback Requirements<sup>70</sup>**

Type of Exception	Extent of Exception
Change in elevation in front setback <sup>71</sup>	In any district, the front setback may be reduced by up to 50 percent at the discretion of the Director for lots with a 26 percent grade or higher as measured from the front property line to the center of the lot.
Electrical service, swimming pools and spa equipment, and other mechanical equipment	Electrical service equipment, swimming pools, and appurtenant structures and equipment, HVAC equipment, propane tanks, and all other mechanical equipment may encroach into any side or rear setback provided such equipment is not located closer than five feet to any property line. Greater projections may be permitted by the Director if adequate screening is provided. <sup>72</sup>
Front porches and stoops	In any residential district, porches and stoops may project into the front setback up to eight feet provided such porch or stoop is not located closer than five feet to the front property line. <sup>73</sup>
Ground-mounted solar and geothermal equipment	In any residential district, ground-mounted solar and geothermal equipment may project into the side or rear yard up to five feet provided such equipment is not located closer than five feet to any property line.
Incidental architectural features	In any residential district, steps and architectural features, such as eaves, cornices, awnings, chimneys, or wing walls, may project up to 5 feet into any required front or rear setback, or into any required side setback up to 1/2 of the required side setback. Greater projections may be permitted by the Director when it is demonstrated that such additional projections are needed for solar or alternate energy purposes.
Mobility access ramps and lifts <sup>74</sup>	As necessary upon written request to the Director.
Stairway, entrance, or vestibule	In any district, a stairway, entrance, or vestibule not exceeding 10 feet in width may project into the front or rear yard up to five feet.
Uncovered balconies <sup>75</sup>	In all residential and mixed-use districts, balconies that are uncovered may extend up to six feet into any setback provided they are located no closer than five feet from all property lines.

**(5) Steep Slopes<sup>76</sup>**

The Director may require greater setbacks for properties in the mixed-use and nonresidential districts to avoid development of steep slopes adjacent to public rights-of-way.

<sup>70</sup> Did not carry forward natural features provision that allows an administrative waiver through Section 405. This is proposed to be replaced by the new minor modification procedure.

<sup>71</sup> From current 901.02.A.1, revised for clarity and to require Director discretion.

<sup>72</sup> Revised to give discretion to the Director rather than automatically allowing with a solid block wall. Also revised to combine standard with swimming pool and spa encroachment standards.

<sup>73</sup> This is a new exception that is explicitly prohibited in the current LDC. Many communities are allowing front porches to encroach in order to encourage that type of character.

<sup>74</sup> New. Most communities include these to allow ADA compliant ramps and structures.

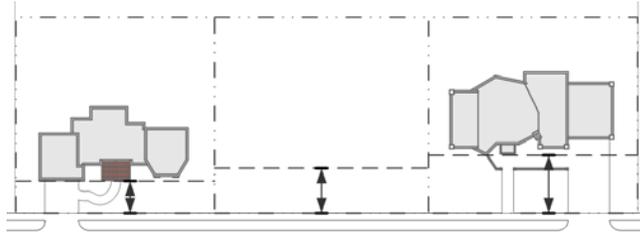
<sup>75</sup> New.

<sup>76</sup> Consolidated draft: This new standard allows for staff discretion when challenging topography dictates placing buildings further from public right-of-way.

**(6) Contextual Front Setbacks<sup>77</sup>**

The front setback for infill development may be established as a range based on the locations of the primary structures on abutting lots in the same zoning district located on the same street frontage as, and on each side of, the subject lot (e.g., two abutting lots set the range), as approved by the Director. (See Figure 2-2.)

**Figure 2-2: Contextual Setbacks**



**(7) Corner Lots**

On corner lots, front setbacks shall be established along the shorter property line abutting a street. (See Figure 2-3.) The Director, at their sole discretion, may allow the front setback to be established along the longer property line in instances such as:

- a. The building entrance is provided along the longer property line;
- b. The building has multiple entrances; and/or
- c. The longer property line is less than 20 percent longer than the shorter property line.

**Figure 2-3: Corner Lots**



**(8) Corner Sight Distance**

On any corner lot where a front and side setback are required, all development activity and site improvements shall comply with 5.4.F, *Visibility Triangles*.

<sup>77</sup> Consolidated draft: Relocated here from the site and building design standards. The earlier modules had two different provisions dealing with contextual front setbacks. New. This is intended partly to replace the existing guidelines that deal with "relationship to existing developments."

**(9) Double-Frontage Lots<sup>78</sup>**

In the case of double-frontage lots, front setbacks shall be provided on all frontages. (See Figure 2-4.)

**Figure 2-4: Double-Frontage Lots**



**(10) Irregularly Shaped Lots<sup>79</sup>**

**a. Generally**

Structures on irregularly shaped lots shall comply with the following:

1. Lots with multiple street frontages, except for corner lots, shall be required to comply with front setbacks along each lot line abutting a street.
2. Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that any lot line abutting a street shall comply with the front setback and the lot line farthest from the front lot line shall comply with the rear setback. (See Figure 2-5.)

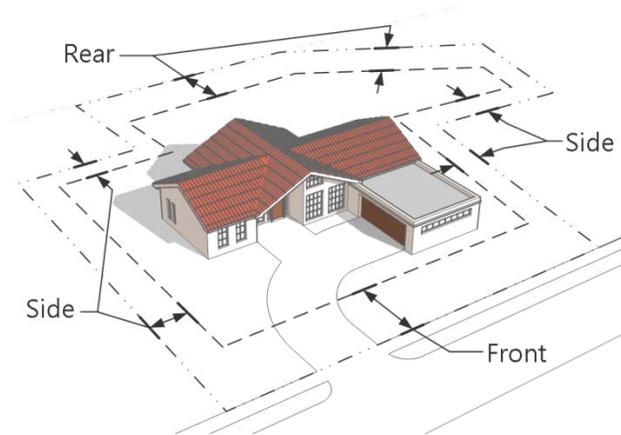
**b. Alternatives Approved by Director**

The Director may establish alternative setbacks for properties with irregularly shaped lots based on unique site and/or lot conditions.

<sup>78</sup> Replaces current 901.01.C.

<sup>79</sup> New standards.

Figure 2-5: Irregularly Shaped Lots



## D. Building Height<sup>80</sup>

### Commentary:

The current height regulations in Section 903 are complex. In this draft we attempted to clarify the way building height is measured and the types of exceptions and alternatives allowed. Many of the regulations currently included in the building height regulations are more related to building and site design standards (such as building massing, building length, and fences and walls), and are addressed in Article 5.

### (1) Measurement<sup>81</sup>

#### a. Generally

The height of a building shall be measured as the vertical distance above the natural grade to the top of a flat roof or parapet, the deck line of a mansard roof, or to the top of the ridgeline of the highest gable of a pitched roof or hip roof.

#### b. Previously Developed and/or Graded Sites

On previously developed and/or graded sites, the Director may require an alternative determination of the location of natural grade from which height will be measured from, based on previous grading and the surrounding natural grade.<sup>82</sup>

#### c. Plane Options

Building height is measured by establishing:

##### 1. Horizontal Plane

An imaginary horizontal plane, from the highest point at natural grade within the footprint of the building. No part of a building or structure shall exceed 22 feet in height for single-family uses or 25 feet for multifamily uses, as measured from this plane, except for those authorized exceptions in 2.24.D(3). Commercial, mixed-use,

<sup>80</sup> The definition of height was simplified. We did not carry forward massing requirements or building step-back provisions for buildings whose finish floor is higher than the adjoining road surface, which are addressed in the development standards with broader building design standards.

<sup>81</sup> *Adoption draft: Additional headings added for clarity.* Replaces and consolidates the current separate height measurement descriptions.

<sup>82</sup> *Consolidated draft: New standard clarifying the current practice.*

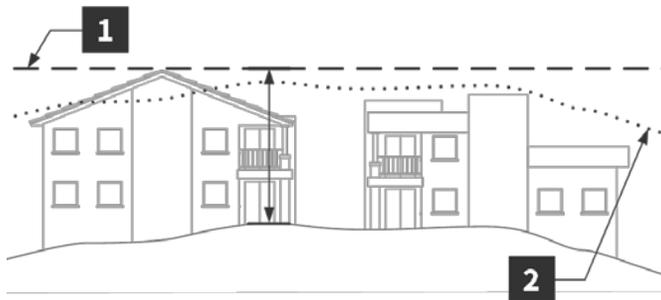
and other nonresidential buildings may not use this plane measurement. (See #1 in Figure 2-6.); and

**2. Parallel Plane**

An imaginary plane that parallels the existing natural terrain, measured vertically from any point of the building or structure to natural grade. No part of a building or structure, exclusive of the exceptions in 2.24.D(3) and/or the alternate standards in 0, shall exceed 22 feet in height as measured from this plane. Commercial, mixed-use, and other nonresidential buildings shall use this plane measurement. (See #2 in Figure 2-6.)

- d. Areas of rugged terrain with a width of less than 25 feet shall not be included when establishing imaginary planes.<sup>83</sup>

**Figure 2-6: Building Height**



**(2) Maximum Overall Building or Structure Height**

In addition to the maximum height requirements as stated in 2.24.D(1)c, *Plane Options*, the maximum overall height of any building or structure shall not exceed 40 feet measured vertically from the highest parapet or roof ridge to the natural or finish grade at the lowest point adjacent to the building exterior, excluding posts and masonry piers supporting decks or patios. This maximum height limitation applies to pitched, gable, and pitched roofs, but shall not apply to the other generally established exceptions set forth in Table 2.6. (See Figure 2-7.)

**Figure 2-7: Maximum Overall Building Height**



<sup>83</sup> From 903.01.A.2, revised for clarity.

**(3) Exceptions to Height Requirements<sup>84</sup>**

No building or part of a building shall exceed the maximum building height within any zoning district unless authorized in the table below or elsewhere in this Code.

<b>Type of Exception</b>	<b>Extent of Exception</b>
Chimneys, antennas, bell towers, spires, steeples, and other ornamental architectural features	Chimneys shall not exceed one foot above the minimum required by building code, up to a maximum of 10 feet above the maximum height requirement. All others may extend up to 10 feet above the maximum height requirement.
Elevators and associated supporting structure	May extend up to eight feet above the maximum height requirement provided that such structures shall not cover more than five percent of the total roof area of the building.
Mechanical equipment (other than elevators), stair towers, rooftop decks, and similar non-habitable structures	May extend up to eight feet above the maximum height requirement for mixed-use buildings, nonresidential buildings, or residential buildings containing two or more dwelling units, provided that such structures shall not cover more than five percent of the total roof area of the building. Mechanical equipment and rooftop decks shall be located a minimum of six feet back from the edge of the roof.
Pitched, gable or hip roof (parallel plane measurement only)	May extend up to five feet above the maximum height requirement as measured by the imaginary line in 2.24.D(1)c.2, provided the pitch of the roof is a minimum rise over run ratio of 3.5:12. This exception for pitched, gable, or hip roofs may be used only in conjunction with the parallel plane measurement in 2.24.D(1)c.2.
Rooftop solar equipment	May extend up to five feet above the maximum height requirement.

**(4) Alternate Height Standards**

The alternate height standards in this section apply only to projects that measure height pursuant to the parallel plane option in 2.24.D(1)c.2.

**a. Multiple Buildings Located on One Site<sup>85</sup>**

1. Where three or more buildings are located on a parcel, except for single-family residential uses, the maximum permitted height may be increased to allow greater building height diversity pursuant to the following:

<sup>84</sup> The current LDC excludes chimneys and antennas, and in some cases church steeples and flagpoles and other features from the height plane requirements.

<sup>85</sup> From current 903.02.A.4.e for multifamily buildings. Broadened the standard, which would now apply to mixed-use. Did not carry forward requirement for the taller buildings to meet a 30-foot separation from other buildings on the site. Also did not carry forward limitation of 25 percent of the roof area being increased by five feet (Section 903.02.A.4.e.vi).

**Table 2.7**  
**Alternate Height Standards for Multiple Buildings on a Site**

Total Number of Buildings	Number of Buildings Eligible for Increased Height	Maximum Amount of Height Increase
3	1	A maximum of 25 percent of each eligible building footprint may include a height increase of up to a maximum of five feet
4 to 6	2	
7 to 9	3	
10 to 12	4	
More than 12	1:3 ratio	

2. Increases in height for multiple buildings located on a site shall not create adverse impacts on adjacent properties or the community, and such buildings shall comply with all applicable standards in 5.7, *Site and Building Design*.<sup>86</sup>

**b. Wall Plane Relief and Reduced Light Reflectance Values (LRV)<sup>87</sup>**

1. An applicant may be eligible for greater height limits than otherwise established in this Code, as measured by the established imaginary plane in 2.24.D(1)c.2, provided the proposed development accumulates credits for unrelieved building planes or light reflectance values pursuant to Table 2.8, below. Each credit point earned is valued at one-half foot in greater height eligibility. Credit points can be earned by complying with either the largest unrelieved building plane requirement and/or the LRV percentage reduction.
2. The maximum additional height allowed through any single wall plane relief or reduced light reflectance value alternate standard, or combination of wall plane relief and reduced light reflectance value alternate height standards, shall not exceed five feet.

**Example:** *If the maximum height is 22 feet and the applicant earns six credit points, then the eligible height increase is three feet for a total of 25 feet maximum height. The six credit points can be earned independently or in combination. An applicant could earn two credit points for a 500 square foot largest unrelieved building plane, and another four credit points for an LRV percentage of 22.*

<sup>86</sup> This simplifies the current criteria in 903.02.A.4.e.vii, which are vague and written as guidelines.

<sup>87</sup> This section (and table) simplifies the current alternate standards for unrelieved wall plane and LRV percentage reductions in Section 905.

**Table 2.8**  
**Alternate Height Standards for Wall Plane Relief and Reduced LRV**

Credit Point Value	Additional height eligibility (feet)	Largest Unrelieved Building Planes (sq. ft.), for Single-Family Residential	Largest Unrelieved Building Planes (sq. ft.), for All Other Uses	LRV (%) (Single-Family Residential)	LRV (%) (All Other Uses)
+10	5	n/a	200	n/a	n/a
+9	4.5	n/a	225	n/a	n/a
+8	4	200	250	n/a	n/a
+7	3.5	250	300	16	n/a
+6	3	300	350	18	n/a
+5	2.5	350	400	20	21
+4	2	400	450	22	22
+3	1.5	450	500	24	24
+2	1	500	550	26	26
+1	0.5	550	600	28	28
Baseline standard	by district	n/a	800 [1]	30	38

**Notes:**

[1] Applies to nonresidential only.

**E. Impervious Coverage<sup>88</sup>**

**(1) Total Impervious Coverage Calculation**

The area of the lot covered by the following shall be included in the calculation of total impervious coverage in all districts:

- a. Principal buildings;
- b. Accessory buildings, parking garages, carports, and utility and storage sheds;
- c. Porches, stairways, elevated walkways, paved areas, or areas otherwise covered with materials impervious to water; and
- d. Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Director.

**Water Quality**

Impervious coverage limits help Sedona to reduce stormwater runoff and improve water quality.



<sup>88</sup> New standards.

**(2) Building Coverage Calculation**

The area of the lot covered by the following shall be included in the calculation of building impervious coverage in all districts:

- a. Principal buildings; and
- b. Accessory buildings, parking garages, carports, and utility and storage sheds.

**(3) Grading and Drainage**

As impervious coverage increases, there may be additional need for drainage provisions, including retention and detention systems. See 5.3, *Grading and Drainage*.

---

**F. Minor Modification**

In addition to the generally applicable exceptions to the rules of measurement set forth in this section, also see 8.8.B. *Minor Modification*. All available incentives and allowances in this Code shall be used before a minor modification may be considered.

# Article 3: Use Regulations

## Commentary:

This article contains the standards related to land uses in Sedona and is intended to be reviewed with Article 2: *Zoning Districts* and with the use definitions in Article 10. This article includes a table of allowed uses as recommended in the LDC Analysis and Annotated Outline. Further discussion precedes that table.

## Use-Specific Standards

Following the table of allowed uses are several use-specific standards applicable to specific land uses. Some of those standards were carried forward from the current LDC (e.g., adult entertainment and marijuana uses) and other standards are new to address issues raised by staff, identified in the LDC Analysis, or based on Clarion’s knowledge of planning trends and best practices. The standards follow the same organization as the table of allowed uses (beginning with residential and ending with industrial uses).

## Accessory and Temporary Uses and Structures

The final sections of this article address accessory and temporary uses and structures. The current regulations contain few standards for such uses and structures. We revised those standards and included several new standards as noted in those sections. Further commentary is provided in each of those sections.

## 3.1. Purpose and Organization of this Article

---

### A. Purpose

The article identifies the land uses allowed in Sedona’s zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

---

### B. Organization

- (1) Section 3.2, *Table of Allowed Uses*, lists uses allowed by district and provides cross-references to applicable use-specific standards.
- (2) Section 3.3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- (3) Section 3.4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- (4) Section 3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

## 3.2. Table of Allowed Uses

Table 3.1 lists the uses allowed within all base zoning districts. Each listed use is defined in 9.4, *Definitions of Use Categories and Specific Use Types*.

---

### A. Explanation of Table Abbreviations

#### (1) Uses Permitted By-Right

A “P” in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of the LDC.

**(2) Uses Requiring a Conditional Use Permit**

A “C” in a cell indicates that the use is only permitted in the respective zoning district with approval of a conditional use permit pursuant to 8.4.B, *Conditional Use Permit*.

**(3) Prohibited Uses**

A blank cell indicates that the use is prohibited in the respective zoning district.

**(4) Accessory Uses**

An “A” in a cell indicates that the use is only permitted in the respective zoning district as an accessory use. If the letter “A” is accompanied by the letter “C” in the same cell, the use is only permitted in the respective zoning district as an accessory use and requires approval of a conditional use permit pursuant to 8.4.B, *Conditional Use Permit*.

**(5) Use-Specific Standards**

Regardless of whether or not a use is allowed by right or with approval of a conditional use permit, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of Table 3.1.

**B. Table Organization**

In Table 3.1, land uses and activities are classified into general use categories and specific use types based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

**C. Use for Other Purposes Prohibited<sup>89</sup>**

Approval of a use listed in Table 3.1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in Table 3.1. All other uses not specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use category and use type for the unlisted use pursuant to the procedure in subsection D below.

**D. Classification of New and Unlisted Uses**

The following procedure shall apply if an application is submitted for a use category or use type that is not specifically listed in Table 3.1. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

**(1) Director Determination of Appropriate Use Category and Use Type**

The Director shall determine the appropriate use category and use type for the proposed use. In making such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or

<sup>89</sup> Currently the leading introduction to the “use regulations” section for each zoning district (600.02, 601.02, 603.02, and so on). Language has been reworded for consistency and clarity.

storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

**(2) Establish Use-Specific Standards if Necessary**

When establishing a use category and specific use type, the Director shall also determine whether or not additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community.

**(3) Uses Requiring a Code Text Amendment<sup>90</sup>**

In making a determination on a new or unlisted use, the Director may determine that such new or unlisted use requires a text amendment of this Code. A Code text amendment shall follow the procedures in 8.6.C.

**(4) Appeal of Director’s Determination**

An appeal of the Director’s determination shall be made pursuant to the procedures in 8.8.C, *Appeal*.

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**E. Table of Allowed Uses**

**Commentary:**

The proposed Table of Allowed Uses is based on the current lists of uses in the Sedona LDC Article 6, District Regulations, with several proposed consolidations and additions. This is a major step forward for adding flexibility in Sedona while also protecting neighborhoods.

**Table reflects new districts.** This table reflects the new proposed list of zoning districts. Several use types are consolidated for simplicity, and some use types are being introduced to the table as identified in the footnotes. We also developed use categories to help group similar use types in a logical way, making future land use determinations more streamlined.

Each use category and use type has a definition in Article 10. The table should be reviewed simultaneously with the definitions. Significant changes to uses and their respective levels of permission and definitions are indicated in the footnotes. When districts were consolidated and such consolidation resulted in conflicting use permissions, we typically included the more flexible use permission (e.g., “P” instead of “C” or blank).

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<sup>90</sup> Consolidated draft: New provision to accommodate uses that may rise to a code amendment (with approval by Council).

Table 3.1

**Table of Allowed Uses**

P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

	Residential									Non-Residential					Other		Use-Specific Standards	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF		OS
<b>RESIDENTIAL</b>																		
<b>Household Living</b>																		
Dwelling, Co-Housing <sup>91</sup>							P	P	C	P								3.3.A(1)
Dwelling, Duplex							P	P	C	P	P							
Dwelling, Live/Work <sup>92</sup>										P	C	P	C	C	C			3.3.A(2)
Dwelling, Multifamily							P	P	P	P	C	P						3.3.A(3)
Dwelling, Single-Family Attached <sup>93</sup>							P	P	C	P	P		C		C			3.3.A(4)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	C	C								
Manufactured Home					P	P	C	C	C									3.3.A(5)
<b>Group Living</b>																		
Assisted Living Facility										P	P	P	P		P	P		
Dormitory							C	C	C	C	P	P	C					
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>																		
<b>Community and Cultural Facilities<sup>94</sup></b>																		
Cemetery or Interment Facility																C		
Club or Lodge											P	P	P	P	P	P		3.3.B(1)
Day Care	C	C	C	C	C	C	C	C	C	C	P	P	P			A		
Funeral Facility												P	P	P	P	P		
Library										C	C	P	P	P	P	C		
Museum										C	C	P	P	P	P	C		
Park, Active	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Park and Open Space, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P		
<b>Educational Facilities</b>																		
School, Public or Private	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		3.3.B(2)
School, Vocational or Trade										C	P	P	P	P	P	P		3.3.B(2)
<b>Healthcare Facilities</b>																		

<sup>91</sup> New use.

<sup>92</sup> Consolidated draft: Added as a conditional use in the CO, IN, and L districts. New use.

<sup>93</sup> Consolidated draft: Added CUP requirement in CO and L zones. Consider additional restrictions on short-term occupancy. Removed from IN district (currently C-3).

<sup>94</sup> Did not carry forward "historical landmarks" as a specific use type.

Table 3.1

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	Residential							Non-Residential					Other		Use-Specific Standards			
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN		L	CF	OS
Hospital <sup>95</sup>											P	P	P		P			
Medical or Dental Clinic										C	P	P	P		P			
<b>COMMERCIAL USES</b>																		
<b>Agricultural and Animal Uses</b>																		
Agriculture, General <sup>96</sup>	P	P															C	3.3.C(1)
Agriculture, Urban <sup>97</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.3.C(2)
Kennel, Commercial													C	P				3.3.C(3)
Stable, Commercial <sup>98</sup>	P	P																3.3.C(4)
Veterinary Hospital or Clinic										C	P	P	P	P				3.3.C(5)
<b>Recreation and Entertainment</b>																		
Campground or RV Park <sup>99</sup>															C	C		3.3.C(6)
Indoor Recreation Facility								A	A	P	P	P	P	P	P	P		3.3.C(6)d
Outdoor Recreation Facility	CA	CA	CA	CA	A	A	A	A	A		C	C	C	C	C	C	C	3.3.C(8)
<b>Food and Beverage Services</b>																		
Bar, Tavern, Lounge, or Tasting Room <sup>100</sup>										C	P	P	P	P	P			3.3.C(9)
Catering Establishment											P	P	P	P	P			
Microbrewery, Distillery, or Winery <sup>101</sup>										C	P	P	P	P	P			3.3.C(10)
Mobile Food Vending <sup>102</sup>										P	P	P	P	P	P	P		3.3.C(11)
Restaurant										P	P	P	P	P	P			3.3.C(12)
Restaurant with Drive-Through												C	P	P	P			3.3.C(13)
<b>Office, Business, and Professional Services</b>																		
Administrative, Professional, or Government Office											P	P	P	P	P	P	P	3.3.C(14)
Financial Institution											P	P	P	P	P			3.3.C(15)

<sup>95</sup> Hospitals would likely be categorized under “medical, dental, and related health services” under the current LDC. We recommend making hospitals a use type in the table.

<sup>96</sup> New use.

<sup>97</sup> This use is not currently defined, but may currently fall within the “agricultural experimental facilities” use type.

<sup>98</sup> New use.

<sup>99</sup> Adoption draft: Combined campground and RV park. Consolidated draft: Removed from the OS district and consolidated the use-specific standards with the RV park standards.

<sup>100</sup> Consolidated draft: Added “Tasting Room” to this use type.

<sup>101</sup> New use.

<sup>102</sup> Mobile food vendors are currently categorized with “open air businesses.” We recommend making “mobile food vendors” its own use type in the table.

Table 3.1

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	Residential									Non-Residential					Other		Use-Specific Standards	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF		OS
<b>Lodging<sup>103</sup></b>																		
Lodging, Fewer than Seven Units										P	P	P	P		P			3.3.C(16)
Lodging, Medium-Density													P		P			3.3.C(16)b
Lodging, High-Density															C			3.3.C(16)c
<b>Personal Services</b>																		
Personal Services, General <sup>104</sup>										P	P	P	P	P	P			3.3.C(17)
Laundromat, Self-Service							A	A	A	P	P	P	P	P	P			3.3.C(18)
<b>Retail Sales</b>																		
Auction House											P	P	P	P	P			3.3.C(19)
Building Materials and Supply Store														P	P			
General Retail, Less than 10,000 Square Feet <sup>105</sup>										P	P	P	P	P	P			
General Retail, 10,000 Square Feet to 25,000 Square Feet														P	P			
General Retail, More than 25,000 Square Feet <sup>106</sup>														C	C			
Medical Marijuana Dispensary														P	P			3.3.C(20)
Medical Marijuana Dispensary, Off-Site Cultivation Location														P	P			3.3.C(20)
Nursery or Garden Supply Store											C	P	P	P	P			3.3.C(21)
<b>Transportation, Vehicles, and Equipment<sup>107</sup></b>																		
Equipment Sales and Rental <sup>108</sup>														C	P			3.3.C(22)
Fleet Services <sup>109</sup>														C	P	C	C	3.3.C(23)
Parking Facility												P	P	P	P	C		
Transit Terminal or Station																C		
Vehicle Fuel Sales <sup>110</sup>												C	P	P				3.3.C(24)

<sup>103</sup> This is a proposed simplification of the lodging use types. The intent is to clarify and simplify the approval process for new lodging units, while retaining strong controls over where such units might be allowed, especially larger projects.

<sup>104</sup> Use-specific standards address building size in the M1 and M2 zoning districts.

<sup>105</sup> Did not carry forward use-specific standard for "prescription pharmacy" in 619.02(A)(15) that limits the use to buildings containing five or more medical practitioners.

<sup>106</sup> New use type to allows the city to review large development proposals and to impose conditions to help off-set potential negative impacts associated with large retail developments.

<sup>107</sup> Consolidated draft: Combined transportation and vehicles and equipment category. Did not carry forward airport as a use type.

<sup>108</sup> New use.

<sup>109</sup> New use.

<sup>110</sup> Consolidated draft: Vehicle service stations are permitted by right in the CO district, so we revised the vehicle fuel sales to match.

Table 3.1

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Vehicle Repair, Major													P	P				3.3.C(25)
Vehicle Repair, Minor											C	C	P	P	P			3.3.C(26)
Vehicle Sales and Leasing <sup>111</sup>													P	P	C			3.3.C(27)
Vehicle Service Station											C	C	P	P	P			3.3.C(27)
Vehicle Wash											C	P	P	P	P			
<b>Adult Entertainment Establishments</b>																		
Adult Entertainment <sup>112</sup>													C	C				3.3.C(29)
<b>INDUSTRIAL USES</b>																		
<b>Manufacturing and Processing</b>																		
Food Processing										P	P	P	P	P	P			3.3.D(1)
Manufacturing, Artisan <sup>113</sup>										C	P	P	P	P	P			3.3.D(2)
Manufacturing, Light <sup>114</sup>													P	P				3.3.D(3)
<b>Storage and Warehousing</b>																		
Contractor Office or Equipment Storage Yard													C	P				
Outdoor Storage													C	P		C		3.3.D(4)
Self-Storage Facility													P	P				3.3.D(5)
Warehousing and Wholesale Facility													P	P				3.3.D(6)
<b>PUBLIC AND SEMI-PUBLIC UTILITY USES</b>																		
Flood Control Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	
Public Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P		
Public Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	
Water Storage Tank	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	
Wireless Telecommunications Facility	See Article 4: Wireless Communications Facilities																	

<sup>111</sup> Did not carry forward current standards in 621.02A(10).

<sup>112</sup> This use is currently only allowed in conjunction with permitted or conditional uses in the C1, C2, and C3 zoning districts (now CO and IN zoning districts). An adult entertainment establishment would not be considered "accessory" to any of the use types in this table so we included it as a principal use.

<sup>113</sup> New use.

<sup>114</sup> New use.

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<b>ACCESSORY USES<sup>115</sup></b>																		
Guest Quarters	A	A	A	A	A	A	A	A	A	A								3.4.D(1)
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A						3.4.D(2)
Outside Sales and Display										CA	CA	CA	CA	CA	CA			3.4.C(3)
Outdoor Dining										A	A	A	A	A	A			
Outdoor Storage, Accessory <sup>116</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		3.4.D(3)
<b>TEMPORARY USES</b>																		
Christmas Tree and Pumpkin Sales										P	P	P	P	P	P	P	P	3.5.E(1)
Construction Support Activity	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.5.E(2)
Filming-Related Activity	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.5.E(3)
Model Home <sup>117</sup>	P	P	P	P	P	P	P	P	P	P	P							
Special Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.5.E(4)
Temporary Housing	P	P	P	P	P	P	P	P	P	P								3.5.E(5)

<sup>115</sup> Eliminated the following from the accessory use category: "accessory commercial uses (concession stands, small gift shops)," "accessory commercial uses for guests," "appurtenant signs," "columbariums," "fences and freestanding walls," "household pets," "swimming pools," and "parking facilities."

<sup>116</sup> New use.

<sup>117</sup> Model homes currently require conditional use permit in residential zoning districts, and is not permitted in the RM-1, RM-2, and RM-3 districts.

### 3.3. Use-Specific Standards

**Commentary:**

This new section includes “use-specific standards” that apply to specific land uses regardless of zoning district. For example, while “restaurant” is listed as a permitted use in the Mixed-Use Neighborhood (M1) zoning district, a use-specific standard limits the size of that use to 3,000 square feet. In this case, limiting the size of the restaurant will help to ensure it is more compatible with the character and scale of the neighborhood.

Some of the standards in this section were consolidated from the current Sedona Article 6, *District Regulations*, Article 2, *Definitions*, and Article 9, *Development Standards*. This section follows the same organization as the Table of Allowed Uses in the previous section.

Our philosophy in drafting this section was to take a relatively light touch – in other words, include standards only where there are real issues that a zoning code can address. In contrast, some communities adopt dozens of pages of standards that can ultimately discourage development and/or are unenforceable.

Where applicable, current standards are carried forward; however, we have also added many new standards based on national planning trends and our work with communities around the country then tailored for Sedona. New standards are indicated with footnotes.

Development standards that apply more broadly across uses (e.g., lighting, signs, building design, neighborhood compatibility, etc.) are in Article 5, *Development Standards*.

#### A. Residential Uses<sup>118</sup>

**(1) Dwelling, Co-Housing<sup>119</sup>**

**a. Design and Layout**

1. The minimum project size for co-housing development is one acre.
2. The maximum size of each co-housing unit is 800 square feet of gross floor area.
3. A shared open space containing a minimum of 10 percent of the project area shall be provided.
4. Underlying zoning district lot and setback requirements shall apply to the project site boundaries as a whole, but not to individual co-housing dwellings.
5. Each co-housing dwelling unit shall be separated by a minimum of five feet.

**Housing Choice**

Encouraging a variety of choices in housing types is consistent with the community’s vision for a future that “nurtures connections between people, encourages healthy and active lifestyles, supports a diverse and prosperous economy, and values the protection of the environment.” (p. 24)

**b. Operation and Ownership**

1. Each co-housing dwelling unit shall be on a permanent foundation and shall connect to public water and sanitary sewer.
2. One accessory storage structure less than 100 square feet may be permitted for any unit part of a co-housing project approval.

<sup>118</sup> Did not carry forward from Article 6 prohibiting rental of dwelling units for periods less than 30 days.

<sup>119</sup> New for new use. This use would allow for cottage homes and/or tiny home developments with several units on one lot and shared common facilities. This would also allow the siting of multiple manufactured homes in a co-housing arrangement, so long as they obtain a conditional use permit.

- 3. One accessory storage structure less than 600 square feet may be permitted as a shared maintenance storage facility for the co-housing project. Said structure shall be enclosed on all sides and separated from other structures by a minimum of three feet.
- 4. Access drives within a co-housing dwelling development shall be constructed to city standards.
- 5. Co-housing projects shall be organized as condominium developments meeting all requirements of Arizona state law.
- 6. Individual lots or portions of the site may not be subdivided for sale.
- 7. Applicants proposing co-housing dwellings shall enter into a development agreement with the City requiring the condominium association to maintain all streets, utilities, and infrastructure that is not dedicated to and accepted by the City.

**c. Manufactured Homes as Co-Housing<sup>120</sup>**

Manufactured homes within a co-housing development require a conditional use permit.

**(2) Dwelling, Live/Work<sup>121</sup>**

**a. Location**

The residential component shall be located on upper stories or to the rear of nonresidential portions of the structure. The Director may allow the residential component to be located on a lower level, provided that residential uses on that level would be in keeping with the surrounding uses.

**b. Use and Ownership**

The nonresidential use shall be owned and operated by a resident of the live/work dwelling.

**(3) Dwelling, Multifamily<sup>122</sup>**

In the M1, M2, and M3 zoning districts, dwelling units on the ground floor require a conditional use permit.

**(4) Dwelling, Single-Family Attached<sup>123</sup>**

Each individual dwelling unit shall have legal means of access to a right-of-way.

**(5) Manufactured Home<sup>124</sup>**

- a. In the RM-1, RM-2, and RM-3 districts, manufactured homes are only permitted within a co-housing development and shall be subject to the standards in 3.3.A(1).

**Sedona Community Plan says...**  
 Apartments make up 4 percent of Sedona’s housing units compared with the statewide average of 22 percent. Apartments provide a versatile housing type from the point of view of both individuals and developers. (p. 24)

<sup>120</sup> Currently a manufactured home park is subject to the requirements of 616.03 in the MH district, which requires a conditional rezoning. Most of these standards for manufactured home park were not carried forward from the current 616.04.

<sup>121</sup> New for new use.

<sup>122</sup> New to encourage nonresidential uses to activate ground-floor spaces.

<sup>123</sup> Consolidated draft: Removed standard that in the IN district, single-family attached only allowed as part of a mixed-use development (since the use was removed as a permitted use in the IN district). New.

<sup>124</sup> Previously 616.03 of LDC. Did not carry forward language regarding color and materials, utilities, trees, outdoor lighting, landscaping, off-street parking, or signs. Those standards are addressed through general design standards. Did not carry forward language regulating the minimum size for manufactured homes.

- b. A building permit is required for the establishment of a manufactured home. Manufactured homes are subject to the single-family residential review process pursuant to 8.4.C, *Single-Family Residential Review*.<sup>125</sup>
- c. Skirting complementary to the design and coloration of the manufactured home is required.
- d. A cabana that is complementary to the design and coloration of the manufactured home may be attached to the manufactured home.

**B. Public, Institutional, and Civic Uses<sup>126</sup>**

**(1) Club or Lodge<sup>127</sup>**

In the M2 zoning district, a conditional use permit is required for outdoor recreation associated with a club or lodge.

**(2) School, Public or Private and School, Vocational or Trade<sup>128</sup>**

**a. Location and Access**

Charter and private schools shall address the following safety and traffic concerns:

- 1. Proximity to a road designed to carry through traffic.
- 2. Ease of access to a controlled intersection on Highways 89A and 179.
- 3. Access roads to the school to meet minimum design standards as determined by the City Engineering Department and Sedona Fire District.
- 4. Proximity to existing or proposed sidewalks and bicycle pathways.
- 5. Implementation of an effective car-pooling program or a bus or shuttle program, if applicable.
- 6. Installation of traffic calming devices, signage, and the like, as appropriate and as determined by the City Engineering Department. Criteria to address concerns for impacts on surrounding areas:
  - i. Proximity of the proposed school in relation to other existing or proposed schools, public or semi-public facilities and uses, and commercial uses.
  - ii. Location on the periphery of a residential neighborhood, or as few as possible residential lots are situated adjacent to the proposed main access road.
  - iii. Location adjacent to existing USFS land, state land, or city-owned land.
  - iv. Site large enough to provide effective buffering between school buildings, parking areas and outdoor play areas and adjoining residential lots.

<sup>125</sup> Previously 616.03(A). Reworded for clarity and consistency. Did not carry forward language regarding rezoning, conditional uses, or temporary use permits. Those standards are applicable globally and not specific to this use type.

<sup>126</sup> *Consolidated draft: Did not carry forward proposed limitation on day cares in the CF district only being allowed as an accessory use within the same structure as the principal business.*

<sup>127</sup> Carried forward from 619.02(A)(16).

<sup>128</sup> Previously 914 of LDC. Did not carry forward lot coverage, floor area ratio, or yards standards. Those standards are addressed in the underlying zoning district standards. Also did not carry forward number of student maximums, parking area location and lighting, building design, circulation, or car-pooling standards, which are addressed in general development standards.

- v. Reduction of potential impacts from the school by, for example, retention of existing trees and shrubs, installation of new landscape materials, construction of walls and fences, strategic building design and placement, use of changes in grade, and the like.

**b. Minimum Separation**<sup>129</sup>

A building used for educational purposes shall maintain a minimum separation of 50 feet from the setback line from any adjoining lot in a single-family residential zoning district.

**c. Outdoor Bells and Speakers**

Outdoor bells and speakers shall be prohibited, except for the purpose of providing information in the case of an emergency or for security reasons, and in accordance with the state and federal regulations.

**d. Screening and Buffers for Outdoor Play Areas and Ball Courts**<sup>130</sup>

Where necessary to provide an effective buffer and screen of outdoor play areas and ball courts to adjoining residential properties as recommended by the Director and as determined and approved by the Commission, the following shall apply:

1. A solid wall or fence shall be erected in accordance with 5.6.I, *Fences and Walls*, along the rear and side property line; or
2. A solid wall or fence shall be erected in accordance with 5.6.I, *Fences and Walls*, around all outdoor play areas and ball courts; or
3. Any combination of these requirements as determined by the Director and Commission to mitigate the potential impact of outdoor play areas on adjoining residential properties; or
4. Dense landscaping may be used to satisfy the screening requirement with approval by the Director, provided the screening achieves a similar level of screening as the previous options.
5. Where feasible as determined by the Director and the Commission, playgrounds and play areas shall be located within a courtyard formed by the strategic placement of the school buildings.
6. Notwithstanding the requirements provided above, outdoor play areas and ball courts shall be located a minimum of 25 feet from a residential property line.

**e. Outdoor Activities**

No unsupervised outdoor play activities shall be permitted prior to 7:30 a.m. and after 6:00 p.m. in residential areas unless a temporary use permit has been issued pursuant to the requirements of 8.4.D, *Temporary Use Permit*. Supervised outdoor curricular activities shall be exempt from these time limits.

<sup>129</sup> Consolidated draft: Clarified application of this standard to single-family residential zoning districts. Did not carry forward different separation standards for developed and undeveloped lots.

<sup>130</sup> Did not carry forward 100-foot landscape buffer requirement between outdoor play areas and ball courts and adjoining residential properties (currently 914.01.I.3).

**f. Accessory Residential Uses**

Residential uses may be allowed as accessory uses to schools subject to the standards of the underlying zoning district. Such accessory residential uses shall require conditional use permit approval pursuant to 8.4.B, *Conditional Use Permit*.

**C. Commercial Uses**

**(1) Agriculture, General<sup>131</sup>**

- a. The keeping of farm animals shall be for noncommercial purposes strictly for the convenience and pleasure of the owner or occupant.
- b. A minimum of one acre is required for the keeping of farm animals.
- c. No more than three farm animals may be maintained on the first acre and up to one additional farm animal for each additional one-half acre.
- d. Shelters or structures for housing or keeping farm animals shall be setback from the property line a minimum of 50 feet. This setback standard does not apply to unenclosed fenced areas such as corrals.<sup>132</sup>
- e. The keeping of all farm animals shall be subject to the regulation and conditions of the County and the City health regulations and animal control regulations.<sup>133</sup>

**(2) Agriculture, Urban<sup>134</sup>**

**a. Where Allowed**

The keeping or raising of poultry or bees shall be permitted as an accessory use subject to City licensing requirements.<sup>135</sup> In residential districts, it shall be allowed only on lots with an occupied dwelling unit.

**Urban Agriculture**

Urban agriculture can result in a great sense of community pride, is an efficient use of land, can reduce carbon emissions, and helps improve food security.



**b. Notification Requirement<sup>136</sup>**

Prior to issuing a license for the keeping of chickens and/or bees, public notification shall be mailed to property owners within 100 feet of the subject property.

**c. Licensing**

- 1. It is unlawful to keep backyard chickens and/or bees without a license pursuant to City Code.

<sup>131</sup> Previously in Article 6, *District Regulations* for the RS-5A, RS-70, RS-36, and RS-35 zoning districts (now RS-70 and RS-35). Did not carry forward language prohibiting swine and chickens.

<sup>132</sup> Previously required a minimum separation of 100 feet to a neighboring residence. Updated separation standards based on the property line and not the location of neighboring dwellings.

<sup>133</sup> Consolidated draft: Broadened the standard to County and City health and animal control regulations rather than naming the specific departments/divisions.

<sup>134</sup> Consolidated draft: Included new standards for the keeping of chickens. Cross references to applicable City Code sections will be provided in the adoption draft (and may require separate edits to the City Code).

<sup>135</sup> Consolidated draft: New reference to licensing requirements.

<sup>136</sup> Consolidated draft: New.

2. For the keeping of chickens and/or bees as an accessory use, licenses may only be issued to properties with dedicated rear yards; shared outdoor spaces for single-family attached or multifamily dwellings shall not be eligible for licenses.

**d. Standards for Keeping of Chickens**

**1. Number and Type of Chickens Allowed**

- i. The maximum number of chickens allowed is as follows:
  - a. Lots under 10,000 square feet: Up to two chickens
  - b. Lots between 10,000 square feet and 20,000 square feet: Up to four chickens
  - c. Lots greater than 20,000 square feet: Up to six chickens
- ii. Roosters shall be prohibited.

**2. Chicken Coop Standards<sup>137</sup>**

A coop is a physical structure providing protection and shelter to chickens. Coops shall comply with the following:

- i. Chickens shall be kept in a coop from dusk until dawn.
- ii. No chickens shall be kept in any part of any dwelling or building used for human occupation.
- iii. The coop size shall not exceed 120 square feet and shall provide at least four square feet of space per chicken.
- iv. The coop height shall not exceed six feet in height.
- v. The coop shall be located in the rear yard and shall be a minimum of 10 feet from side and rear property lines and a minimum of 25 feet from adjacent dwellings.
- vi. The coop shall be designed to be resistant to predators.
- vii. The coop shall be kept clean and free from offensive odors.
- viii. Feed shall be stored within a structure in a rodent-proof, fastened container.

**3. Ranging Standards**

- i. If a chicken run or other enclosure is used, a minimum of 20 square feet of permeable surface per chicken shall be provided within the enclosure, and access to bare earth shall also be provided.
- ii. Chickens are allowed to range in the rear yard up to the side and rear property line, provided a fence around such yard is a minimum of four feet in height and adequate for containing animals.

**e. Standards for the Keeping of Bees<sup>138</sup>**

**1. Number of Hives**

On lots 10,000 square feet or smaller, no more than one hive shall be allowed. On lots greater than 10,000 square feet, no more than two hives shall be allowed.

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<sup>137</sup> Some of these coop standards may be relocated to the City Code under animal control and/or nuisance provisions.

<sup>138</sup> Consolidated draft: New.

**2. Hive Location**

Hives shall be located in the rear yard and setback from the side and rear property lines a minimum of five feet.

**3. Flyway Barrier**

A flyway barrier made of common building materials or natural vegetation shall be provided to adjust the flight path of honey bees causing them to fly above where they would otherwise have human contact. The flyway barrier shall:

- i.** Be a minimum of six feet in height;
- ii.** Be a solid wall, fence, dense vegetation, or a combination of those materials that will not allow bees to pass through;
- iii.** Be located within five feet of the hive’s egress; and
- iv.** Extend 10 feet beyond the colony in each direction.

**4. Water**

Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees so they are discouraged from congregating at swimming pools, pet water bowls, birdbaths, or other water sources where they may cause human or domestic pet contact.

**5. Aggressive Bees and Swarms**

If a colony becomes aggressive or swarms, the beekeeper shall re-queen the colony with a queen selected from stock bred for gentleness and nonswarming characteristics.

**6. Signs**

At least one sign indicating the presence of bees and/or bee hives shall be installed and shall be visible to visitors of the property and to the general public.

**7. Maintenance of Hives**

- i.** Any honey bee colony not residing in a structure intended for beekeeping or any swarm of bees or colony residing in a standard or homemade hive that, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and shall be deemed a public nuisance.
- ii.** The hive may be summarily destroyed or removed from the City by an appropriate designee. The beekeeper shall have 30 days from the time of the complaint to bring the hive/hives into compliance.

**(3) Kennel, Commercial<sup>139</sup>**

**a. Enclosed Building Requirement**

The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

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<sup>139</sup> Proposing new standards in addition to those associated with “commercial kennel” in Article 6 to help mitigate noise and odor typically associated with kennels.

**b. Kennels with Outdoor Facilities**

Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any single-family residential zoning district.<sup>140</sup>

**(4) Stable, Commercial<sup>141</sup>**

- a. A minimum of one acre is required for the maintenance of animals.
- b. No more than three animals may be maintained on the first acre and up to one additional animal for each additional one-half acre. These limitations apply cumulatively with the allowed animals under general agriculture in 3.3.C(1).<sup>142</sup>
- c. The keeping of all animals shall be subject to the regulation and conditions of the County and City health regulations and animal control regulations.<sup>143</sup>
- d. Shelters or structures for housing or keeping farm animals shall be setback from the property line a minimum of 50 feet. This setback standard does not apply to unenclosed fenced areas such as corrals.

**(5) Veterinary Hospital or Clinic<sup>144</sup>**

A veterinary hospital or clinic shall comply with the same requirements for a commercial kennel in 3.3.C(3). The following additional standards shall apply:

**a. M1, M2, and M3 Zoning Districts**

Outdoor kennel facilities are not permitted.

**b. CO Zoning District**

- 1. Outdoor kennel facilities require a conditional use permit.
- 2. Kennels and/or boarding areas are limited to 50 percent of the total floor area.<sup>145</sup>

**(6) Campground or RV Park<sup>146</sup>**

**a. Generally**

- 1. The principal business of a campground shall be to provide sites for tents and travel trailers.
- 2. The principal business of a RV park shall be to provide sites for RVs, camper vehicles, and travel trailers. Mobile homes designed to meet residential building codes are prohibited.
- 3. Plumbed sanitary facilities shall include a minimum of one men’s and one women’s toilet, lavatory and shower for each 15 spaces, subject to the requirements of the adopted building and plumbing codes.

<sup>140</sup> Consolidated draft: Changed application of this standard to adjacent to a single-family residential zoning district and did not carry forward “or residential use.”

<sup>141</sup> We applied the same standards from “the noncommercial keeping of farm animals” in 600.02(A)(5). We propose changing the separation requirement from “100 feet to a neighboring residence occupied by other persons” to be 50 feet from the property line.

<sup>142</sup> Consolidated draft: Second sentence is new.

<sup>143</sup> Consolidated draft: Broadened the standard to County and City health and animal control regulations rather than naming the specific departments/divisions.

<sup>144</sup> Proposing new standards in addition to those associated with “veterinarian offices and animals hospitals” in Article 6.

<sup>145</sup> Previously 620.02(B)(24) and 621.02(A)(85).

<sup>146</sup> Adoption draft: Combined campgrounds and RV parks. New.

**b. Accessory Uses**

Campgrounds or RV parks may include the following accessory uses:

1. Service buildings associated with the campground or RV park, including utilities, management office, repair shop, equipment storage, sanitary facilities, laundry facilities, and recreation facilities.
2. Equipment rentals, concessions, and camping supply sales.
3. Up to two residential dwelling units or permanent recreational vehicles for the purpose of housing a resident manager and caretaker.

**c. Access and Circulation**

1. Access to a lot may be provided via a public access easement. There shall be no minimum required street frontage.
2. Two-way and one-way traffic drive-aisle widths shall conform to the commercial parking lot dimensions per the Engineering Manual.

**d. Parking**

Each RV space shall include parking for a recreational vehicle. Additional off-street parking shall be provided at community sanitary facilities.

**(7) Indoor Recreation Facility<sup>147</sup>**

In the RM-2 and RM-3 zoning districts, indoor recreation facilities are only allowed as an accessory use to a multifamily dwelling project.

**(8) Outdoor Recreation Facility<sup>148</sup>**

Outdoor recreation facilities shall only be permitted as an accessory use to a multifamily dwelling or as a shared amenity on a parcel under common ownership.

**(9) Bar, Tavern, Lounge, or Tasting Room<sup>149</sup>**

Bars, taverns, lounges, or tasting rooms shall not be located within 150 feet of any single-family residential zoning district. This separation standard does not apply to residential uses within a mixed-use development or zoning district.

**(10) Microbrewery, Distillery, or Winery<sup>150</sup>**

In the M1, M2, M3, and L zoning districts, wholesale sales and bulk shipping of products produced on-site is prohibited.

<sup>147</sup> New.

<sup>148</sup> New to allow for community amenities such as swimming pools in base zoning districts without requiring approval of a Planned Development.

<sup>149</sup> Consolidated draft: Added "tasting rooms" to the use type. Changed application of this standard to adjacent to a single-family residential zoning district and did not carry forward "or residential use." New.

<sup>150</sup> New standards for new use.

**(11) Mobile Food Vending<sup>151</sup>**

**a. Location and Separation Standards**

1. Mobile food vending on undeveloped lots and lots with unoccupied structures or unimproved surfaces requires conditional use permit approval pursuant to 8.4.B, *Conditional Use Permit*.
2. Only one mobile food vending is allowed per lot unless otherwise approved through a conditional use permit.
3. Mobile food vending shall not be located within 150 feet of any single-family residential zoning district. This separation standard does not apply to residential uses within a mixed-use development or zoning district.<sup>152</sup>

**b. Operational Standards<sup>153</sup>**

1. A business license is required and shall be available on site for inspection by government officials.
2. Mobile food vending operators intending to operate in the public right-of-way shall obtain all required licenses and permits from the City.
3. If operated on public property (including city rights-of-way), operators shall have liability insurance in amounts of \$1,000,000.00 per occurrence, as approved by the City Engineer, and must provide a certificate of insurance naming the City of Sedona as an additional insured. The applicant may petition the City Manager for full or partial waiver of this insurance requirement.
4. Mobile food vending operators shall obtain written consent from the private property owner(s) of properties on which they intend to operate.
5. Mobile food vending operators shall maintain trash receptacles and all areas used for food vending in a safe and clean condition, and must dispose of all waste in accordance with health department regulations.
6. Mobile food vending operators shall obey all parking and traffic laws. No part of the mobile food business shall obstruct required parking stalls.
7. Mobile food vending operations shall not obstruct pedestrian or bicycle access or passage, or parking lot circulation.
8. Structures, canopies, tables, or chairs associated with the mobile food vending operation are prohibited unless otherwise approved by the Director.

**(12) Restaurant**

In the M1 zoning district, restaurants shall not exceed 3,000 square feet.

<sup>151</sup> New. This use is currently regulated under the “open air businesses” provisions in 917 of the LDC. The proposed standards are specific to mobile food vending. The application and permitting process for mobile food vending could follow the same process as “outside sales and display.” Specific standards may be needed for Uptown versus other parts of Sedona.

<sup>152</sup> Consolidated draft: *Changed application of this standard to adjacent to a single-family residential zoning district and did not carry forward “or residential use.” Second sentence is new.*

<sup>153</sup> These standards may be simplified to cross-reference city and state licensing procedures.

**(13) Restaurant with Drive-Through<sup>154</sup>**

All drive-through facilities shall comply with the vehicle stacking requirements of 5.5.G, *Loading and Stacking Areas*.

**(14) Administrative, Professional, or Government Office<sup>155</sup>**

**a. M1 Zoning District<sup>156</sup>**

1. No individual administrative, professional, or government office shall exceed 3,000 square feet.
2. Drive-through facilities are prohibited.

**b. M2 Zoning District**

Drive-through facilities are prohibited.

**c. M3 Zoning District**

1. No individual administrative, professional, or government office shall exceed 10,000 square feet unless part of a mixed-use building.
2. Drive-through facilities are prohibited.

**(15) Financial Institution<sup>157</sup>**

In the M1, M2, and M3 zoning districts, drive-through facilities are prohibited.

**(16) Lodging<sup>158</sup>**

**a. Generally: All Lodging**

**1. Building Length**

All lodging uses shall comply with the maximum building length standards in 5.7.F(5), *Building Length (Multifamily Residential and Lodging Uses)*.

**2. Expansion<sup>159</sup>**

- i. Existing lodging facilities (established prior to the *effective date of this LDC*) may add up to two additional units with Director approval, provided the building footprint is not expanded and all necessary building permits are obtained. Meeting space, long-term housing, and other benefits originally approved with zoning cannot be converted to lodging units.
- ii. In nonconforming districts, the Director may approve two additional lodging units provided the building footprint is not expanded and all necessary building

**Sedona Community Plan says...**

Ensure that the proportion of lodging uses to other commercial uses does not significantly increase by limiting locations for lodging uses and by evaluating the proportional increase in all lodging rezoning applications, (p.53)

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<sup>154</sup> New.

<sup>155</sup> New.

<sup>156</sup> Replaces standards currently in 618.02(A)(7).

<sup>157</sup> New.

<sup>158</sup> Consolidated draft: Additional edits to streamline this section and reduce repetition.

<sup>159</sup> Consolidated draft: Updated for all lodging types.

permits are obtained. The resulting number of units shall not exceed the established limit for a property of the same size in a conforming lodging district.<sup>160</sup>

**b. Lodging, Medium-Density<sup>161</sup>**

1. Shall not exceed a maximum density of eight lodging units per acre.
2. Shall not exceed two acres in overall site area.

**c. Lodging, High-Density**

Any lodging that exceeds two acres in overall site area and/or exceeds a maximum density of eight lodging units per acre shall be designated “high-density lodging” and shall require approval of a conditional use permit pursuant to 8.4.B, *Conditional Use Permit*. Applications for all conditional use permits for lodging uses shall require review and recommendation by the Planning and Zoning Commission, followed by review and approval by the City Council. In addition to the general findings required for all conditional use permits, the following lodging-related conditions shall be considered:<sup>162</sup>

1. Provision of housing;
2. Alternative means of transportation (such as bicycle rental);
3. Trailhead access and parking;
4. Participation in transit and/or shuttle services;
5. Neighborhood connectivity;
6. Creek access;
7. Incorporation into a mixed-use project;
8. On-site amenities such as restaurants and fitness and recreation spaces; and
9. Compliance with adopted CFA plans.

**(17) Personal Services, General<sup>163</sup>**

**a. M1 Zoning District**

1. Personal service uses shall not exceed 2,500 square feet unless part of a mixed-use building.
2. Drive-through facilities are prohibited.

**b. M2 Zoning District**

1. Personal service uses shall not exceed 5,000 square feet unless part of a mixed-use building.
2. All business and storage activities shall be within a completely enclosed structure.
3. Drive-through facilities are prohibited.

<sup>160</sup> Consolidated draft: Second sentence is new.

<sup>161</sup> New (unless otherwise noted).

<sup>162</sup> Consolidated draft: New considerations for high-density lodging conditional uses.

<sup>163</sup> New.

**c. M3 Zoning District**

1. All business and storage activities shall be within a completely enclosed structure.
2. Drive-through facilities are prohibited.

**(18) Laundromat, Self-Service<sup>164</sup>**

- a. In the RM-1, RM-2, and RM-3 districts, laundromats shall only be permitted as an accessory use within a multifamily building and only intended to serve residents of the multifamily building.
- b. In the M1 zoning district, laundromats shall not exceed 2,500 square feet.

**(19) Auction House<sup>165</sup>**

All business activities shall be conducted within an entirely enclosed structure.

**(20) Medical Marijuana Dispensary; Medical Marijuana Dispensary, Off-Site Cultivation Location<sup>166</sup>**

**a. Applicability**

1. The minimum requirements of this section shall apply to all medical marijuana dispensary and medical marijuana dispensary off-site cultivation location uses where permitted in the CO and IN zoning districts.
2. Medical marijuana designated caregiver and qualifying patient cultivation are prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary.
3. Medical marijuana facilities shall comply with Arizona Department of Health Services regulations as they may be promulgated or modified.

**b. Application Submittal Requirements**

In addition to the general application requirements of 8.4, *Development Review*, applicants for any medical marijuana dispensary or medical marijuana dispensary off-site cultivation location shall provide the following:

1. Names and locations of the medical marijuana dispensary and the medical marijuana dispensary off-site cultivation location (if any) associated with the dispensary.
2. Copy of the operating procedures adopted in compliance with A.R.S. Section 36-2804(B)(1)(c).
3. Proof of a valid registration certificate(s) and identification number(s) from the Arizona Department of Health Services for the dispensary and associated board members and dispensary agents in compliance with A.R.S. Section 36-2804(A) and (B).
4. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana dispensary off-site cultivation location will be secured, enclosed and locked as required by law.

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<sup>164</sup> New.

<sup>165</sup> New.

<sup>166</sup> Previously 919 of the LDC. Content has been re-organized and modified for consistency. The current standards have been carried forward with no substantial changes.

5. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary, or medical marijuana dispensary off-site cultivation location to the property boundary of the parcel containing any existing uses listed in 3.3.C(20)d.2. If any of the uses are located within 50 feet of the minimum separation, the drawing showing the actual surveyed separation shall be prepared by a registered land surveyor.

**c. General Standards**

1. A medical marijuana dispensary or medical marijuana dispensary off-site cultivation location shall provide proper disposal of marijuana remnants or byproducts, and not to be placed within the facility's exterior refuse containers.
2. Drive-through service is not permitted.
3. Outside vending machines are not permitted.
4. A medical marijuana dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.

**d. Location Standards**

A medical marijuana dispensary or medical marijuana dispensary off-site cultivation location shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. "Building" shall have the same meaning as provided in Article 9: *Rules of Construction and Definitions*.

1. Medical marijuana dispensary and cultivation locations shall comply with all building safety requirements and be secured in compliance with A.R.S. Section 36-2806(C) and (E).
2. A medical marijuana dispensary or medical marijuana dispensary off-site cultivation location shall be at least 500 feet from the following existing uses, measured in a straight line from the nearest property line to nearest property line:
  - i. Educational institutions;
  - ii. Religious institutions, churches and places of worship;
  - iii. Parks and recreational facilities;
  - iv. Day care facilities;
  - v. Public library;
  - vi. Youth or teen center.
3. The location by one of the uses listed in 3.3.C(20)d.2 after the dispensary is approved and in operation will not cause the dispensary to be in violation of this provision, nor prevent its license renewal application to the Arizona Department of Health Services.
4. A medical marijuana dispensary may include cultivation as part of the dispensary, on the same site as the dispensary.
5. A medical marijuana dispensary off-site cultivation location not associated with a medical marijuana dispensary is prohibited.

- 6. Only one medical marijuana dispensary off-site cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.
- 7. A medical marijuana infusion facility shall only be permitted within a medical marijuana dispensary.

**(21) Nurseries and Garden Supply Store<sup>167</sup>**

In the CO and L zoning districts, all merchandise, equipment, and supplies other than plants shall be kept within enclosed buildings or a fully screened enclosure.

**(22) Equipment Sales and Rental<sup>168</sup>**

- a. Maintenance of equipment shall be conducted entirely within an enclosed building.
- b. Unenclosed storage of inoperable or wrecked equipment or materials shall be prohibited.
- c. All other unenclosed stored equipment shall be screened from public view from all rights-of-way, residential zoning districts, and residential uses.

**(23) Fleet Services<sup>169</sup>**

- a. Stored vehicles and equipment shall be screened from public view from all rights-of-way, residential zoning districts, and residential uses.
- b. On site vehicle or equipment maintenance is not allowed.

**(24) Vehicle Fuel Sales**

- a. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.<sup>170</sup>
- b. The maximum square footage for canopies associated with fuel pumps shall be no more than 25 percent larger in area than the primary structure or 3,000 square feet, whichever is smaller.<sup>171</sup>

**(25) Vehicle Repair, Major**

- a. All repairs, services, and storage shall be conducted within an entirely enclosed structure.
- b. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.

**(26) Vehicle Repair, Minor**

- a. All repairs, services, and storage shall be conducted within an entirely enclosed structure.
- b. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.
- c. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.

<sup>167</sup> Carried forward from 620.02(A)(44) and 621.02(A)(53) and 629.02(A)(46).

<sup>168</sup> New for new use.

<sup>169</sup> New for new use.

<sup>170</sup> New.

<sup>171</sup> Carried forward from 620.02B(2) and 621.02B(2); minor revisions for grammatical consistency.

**(27) Vehicle Sales and Leasing<sup>172</sup>**

Outside display of vehicles for sale or lease shall be subject to the following:

- a. Where an area of outside display abuts a public right-of-way, screening shall be provided at a minimum height of four feet by means of a wall, fence, landscaping, dense live plant material, natural terrain features, or a combination of these. Screening materials shall be permanent; portable fences and/or potted plants shall not satisfy this requirement.<sup>173</sup>
- b. A setback of the display area shall be maintained that meets the following conditions:
  1. Twenty feet from the nearest edge of pavement, or usable road surface; and
  2. Six feet from the property line. This six-foot setback area shall be permanently landscaped, subject to the requirements of 5.6, *Landscaping, Buffering, and Screening*.
- c. Where an area of outside display is adjacent to a residentially zoned parcel, the following apply:
  1. Screening by means of a wall, fence or dense live plant material shall be provided at a height of six feet adjacent to rear and side yards and three feet adjacent to front yards of the abutting parcel.
  2. The display area shall be setback at least 20 feet from the residentially zoned parcel.
- d. The display area shall not be elevated above the grade at the base of the established screening.
- e. Unscreened outside storage of parts, outside display, or parking of vehicles or accessories not in operating and saleable condition is prohibited.
- f. Lighting of the display area shall be reduced to the minimum necessary for security purposes, except during hours of operation. Average lighting intensity in the display area shall not exceed one foot-candle. All other requirements for lighting are listed in 5.8, *Exterior Lighting*.

**(28) Vehicle Service Station**

- a. All repairs, services, and storage shall be conducted within an entirely enclosed structure.
- b. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.
- c. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.

**(29) Adult Entertainment<sup>174</sup>****a. General Standards**

1. Exterior doors of adult entertainment establishments shall remain closed during business hours.

<sup>172</sup> Consolidated draft: New, adapted from current 621.02.A.10.

<sup>173</sup> Consolidated draft: Last sentence is new.

<sup>174</sup> The standards from 916 of the LDC have been carried forward with no substantive changes. Content has been re-organized and revised for clarity. Any significant changes to standards have been footnoted.

2. All materials, projections, entertainment or other activities involving or depicting “specified sexual activities” or “specified anatomical areas” shall not be visible from off-premises areas or from portions of an establishment accessible to minors.
3. Sound from projections or entertainment shall not be audible from off-premises areas.

**b. Location Standards**

1. Adult entertainment establishments shall not be located within 1,000 feet of another adult establishment, measured from the nearest point of the exterior wall of the proposed adult use to the nearest exterior wall of any other adult use.
2. Adult entertainment establishments shall not be located within 300 feet of the following protected uses, measured from the nearest point of the exterior wall of the proposed adult use to the nearest point of lot boundary, provided such protected uses are established on or before the date an application for the proposed adult entertainment use is filed:
  - i. Daycares;<sup>175</sup>
  - ii. Schools, public or private;<sup>176</sup>
  - iii. Schools, Vocational or Trade;<sup>177</sup>
  - iv. Parks, playgrounds, or open space;<sup>178</sup>
  - v. Indoor recreation facilities;<sup>179</sup>
  - vi. Outdoor recreation facilities;<sup>180</sup>
  - vii. Libraries;<sup>181</sup>
  - viii. Religious assembly facilities;<sup>182</sup> or
  - ix. Community buildings or privately owned clubs or lodges catered to minors (such as Boys and Girls Club, YMCA, and the like).<sup>183</sup>
3. Measurements to determine whether the proposed adult use is within 300 feet of any recreational area, park, or trailhead shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest edge of the nearest public right-of-way, public parking, public access or fenced area associated with the recreational area, park or trailhead.
4. Measurements involving a proposed adult use and any use identified in 3.3.C(29)b.1 or 3.3.C(29)b.2, both located on the same multi-tenant parcel, shall be measured from

<sup>175</sup> Renamed from “a public or private day nursery or preschool” for consistency with new terms and definitions.

<sup>176</sup> Renamed from “elementary, middle, or secondary school” for consistency with new terms and definitions. “Instructional school” is included in the definition for “school, public or private” and has been eliminated from the list of “protected uses” in this section.

<sup>177</sup> Renamed from “vocational high school” for consistency with new terms and definitions. “Teen dance center” is included in the definition for “school, vocational or trade” and has been eliminated from the list of “protected uses in this section.

<sup>178</sup> Renamed from “public park or trailhead” for consistency with new terms and definitions.

<sup>179</sup> Renamed from “game center” for consistency with new terms and definitions.

<sup>180</sup> Renamed from “amusement park” for consistency with new terms and definitions.

<sup>181</sup> Renamed from “public library” for consistency with new terms and definitions.

<sup>182</sup> Renamed from “church, synagogue or temple” for consistency with new terms and definitions.

<sup>183</sup> Reworded for clarity and consistency.

the nearest point of the exterior wall of the proposed adult use to the nearest point of the exterior wall of any use identified in 3.3.C(29)b.1 or 3.3.C(29)b.2..

5. Adult entertainment establishments shall not be located within 300 feet of the following zoning district boundaries: RS-70, RS-35, RS-18, RS-10, RS-6, RMH, RM-1, RM-2, RM-3, M1, M2, L, PD, CF, OS, or NF, measured from the nearest point of the exterior wall of the proposed adult use to the nearest edge of the zoning district boundary. For purposes of this section, streets and other thoroughfares adjacent to the zoning district boundaries shall themselves be considered within such district boundaries.

**c. Location Standard Exceptions**

The Planning and Zoning Commission may waive the location standards in 3.3.C(29)b.2 and/or 3.3.C(29)b.3 if:

1. A petition requesting such waiver is signed by 51 percent of those persons residing, 30 days or more, within a 300 foot radius of the proposed adult entertainment establishment location; and
2. A petition requesting such waiver is signed by 51 percent of those nongovernmental owners who own uses listed in 3.3.C(29)b.2 within a 500 foot radius of the proposed adult entertainment establishment location; and
3. The petition is received and verified by the Director.

**d. Application and Approval Process**

1. A conditional use permit application for any proposed adult use shall be submitted pursuant to 8.4.B, *Conditional Use Permit*, including the procedures described therein for a pre-application consultation and application submittal requirements.
2. After the filing of a conditional use permit application for a proposed adult use with the Community Development Department, the Director shall, within 15 days of filing of the application, determine if the application is complete. If the application is found to be incomplete, the Director shall immediately inform the applicant in writing, by certified mail, of the reasons thereof.
3. The Director shall process any resubmitted application in accordance with the same requirements applicable to the processing of the original application. An applicant may appeal the Director's determination that the application is incomplete to the Board of Adjustment pursuant to 8.8.C, *Appeal*.
4. No conditional use permit application for any proposed adult use shall be deemed complete unless the Director has determined that the location requirements have been satisfied pursuant to 3.3.C(29)b.
5. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a report which shall be submitted to the Planning and Zoning Commission and made available to the applicant, media, and general public seven calendar days prior to the public hearing.
6. Notice of hearings shall be given in the same manner as provided in 8.3.F, *Scheduling and Notice of Public Hearings*.

7. Action of the Planning and Zoning Commission shall be in accordance with 8.4.B, *Conditional Use Permit*, based upon the general findings for all conditional use permits set forth in 8.4.B(5), *Findings*. In addition, the Planning and Zoning Commission shall also find that the granting of such conditional use permit would not endanger the public health, safety, or welfare by significantly increasing the likelihood of one or more of the following:
  - i. Hazards to the public health arising from the creation of a sanitary nuisance.
  - ii. Illegal conduct in the areas surrounding the proposed adult use.
  - iii. Adverse impacts on surrounding property resulting from an unusual volume or character of vehicular or pedestrian traffic.
  - iv. Substantial and demonstrable diminution of the market value of surrounding property.
8. The decision of the Planning and Zoning Commission 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.
9. An applicant whose complete application for a conditional use permit for an adult use has been denied by the Planning and Zoning Commission or approved by the Planning and Zoning Commission, but subject to conditions unacceptable to the applicant, shall have the right to appeal to City Council as provided in 8.8.C, *Appeal*.
10. Each of the provisions of this section, including each of the findings set forth in paragraph 7 above, shall be severable, and a judicial determination that any such provision is invalid on federal or state constitutional grounds, or otherwise, shall not affect the validity of:
  - i. Any other provisions; or
  - ii. Any determination by the Planning and Zoning Commission insofar as it is based on any provision not determined to be invalid.
11. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

## **D. Industrial Uses**

### **(1) Food Processing<sup>184</sup>**

#### **a. All Zoning Districts**

If proposed use is within 150 feet of a residential zoning district and the floor area is greater than 5,000 square feet, then approval of a conditional use permit shall be required pursuant to 8.4.B, *Conditional Use Permit*.

#### **b. M1, M3, and L Zoning Districts**

Retail sales associated with this use are allowed in these zoning districts; however, distribution, warehousing, and/or wholesaling activities are prohibited.

<sup>184</sup> New for new use.

**(2) Manufacturing, Artisan<sup>185</sup>**

In the M1, M2, and M3 zoning districts:

- a. Artisan manufacturing uses shall be limited to 3,000 square feet of shop floor area.<sup>186</sup>
- b. All activities shall occur entirely within an enclosed structure.

**Sedona Community Plan says...**

Visitors come to Sedona for its artistic offerings more than for any other purpose except the natural beauty and outdoor recreation. (p. 102)

**(3) Manufacturing, Light<sup>187</sup>**

In the CO zoning district:

- a. Retail sales associated with this use are allowed in the CO zoning district; however, distribution, warehousing, and/or wholesaling activities are prohibited.
- b. Individual uses are limited to a maximum of 5,000 square feet of gross floor area.
- c. All activities shall occur entirely within an enclosed structure.

**(4) Outdoor Storage<sup>188</sup>**

- a. No outdoor storage operation shall be located in front of a principal building.
- b. Materials shall not be stored in areas intended for vehicular or pedestrian circulation.
- c. Outdoor storage shall be screened from public view pursuant to the standards in 5.6.H, *Screening*.
- d. No materials or storage shall be stacked higher than six feet.

**(5) Self-Storage Facility<sup>189</sup>**

**a. Layout and Design**

- 1. Doors to individual storage units shall not be directly accessible from any public street frontage.<sup>190</sup>
- 2. Individual storage units shall face the interior of the site.

**b. Operations**

- 1. Self-storage facilities within 150 feet of a residential district or use shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
- 2. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is allowed.

**(6) Warehousing and Wholesale Facilities**

- a. Individual uses shall be limited to a maximum of 20,000 square feet of gross floor area.

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<sup>185</sup> New for new use.

<sup>186</sup> Replaces standard in 620.02(A)(22) and 629.02(A)(29) limiting "custom service and craft shops" to 3,000 square feet of shop floor area in the C1 and L zoning districts.

<sup>187</sup> New.

<sup>188</sup> New.

<sup>189</sup> New.

<sup>190</sup> Consolidated draft: Clarified that the individual units can't open onto a public street.

- b. Outdoor storage and loading docks are subject to the screening and buffering standards in 5.6.H, *Screening*.

## 3.4. Accessory Uses and Structures

### Commentary:

The current Sedona LDC lacks some common basic language related to accessory structures and uses that are typical in most land use codes. This new section is intended to allow a variety of accessory uses/structures, so long as they comply with the general standards in this section.

### A. Purpose<sup>191</sup>

The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.

### B. Accessory Uses and Structures Allowed

- (1) The specific accessory uses and structures identified in Table 3.1 are allowed pursuant to the standards in this section.
- (2) In addition, all principal uses allowed in a zoning district pursuant to Table 3.1 shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this section. Such other typical accessory uses are identified in 9.4, *Definitions of Use Categories and Specific Use Types*.
- (3) Accessory uses and structures are subject to the standards in this section and any applicable standards for the associated principal use pursuant to 3.3, *Use-Specific Standards*.

### C. General Standards for All Accessory Uses and Structures<sup>192</sup>

#### (1) General Standards

##### a. Size<sup>193</sup>

1. Accessory uses and structures shall be clearly subordinate in area, extent, and purpose to the principal use or structure.
2. Accessory uses and structures shall not violate the bulk, parking, landscaping, or open space standards of this LDC when taken together with the principal use or structure.
3. The floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure. The Director may authorize a structure to exceed this percentage if the structure is used for animal production or crop production associated with an agricultural use.
4. The total combined floor area of all structures shall not exceed the maximum lot coverage for the zoning district in which it is located.

<sup>191</sup> New.

<sup>192</sup> Previously 902.01 and 902.02 and 902.03. Did not carry forward language related to attached accessory structures. Are there any particular issues that have arisen in Sedona to address, or other general standards that should be considered?

<sup>193</sup> New.

**b. Function**

Accessory uses, including facilities and equipment, are permitted in conjunction with any principal use, provided the accessory use is compatible with the principal use and does not alter the character of the premises. Any reference to a permitted use shall include the accessory use.

**c. Timing**

Accessory uses or structures are not allowed until the principal use or structure is established.<sup>194</sup>

**(2) Detached Accessory Buildings**

**a. Use**

1. A maximum of one accessory building on a lot may be used as habitable space, and may include a kitchenette but not a full kitchen. No other accessory buildings shall include habitable space, bathtubs, or showers. Each accessory structure shall comply with the standards of this LDC.<sup>195</sup>
2. Manufactured homes shall not be used as accessory buildings or structures in any zoning districts.<sup>196</sup>

**b. Location**<sup>197</sup>

1. Accessory buildings shall meet the setback requirements applicable to the primary structure, except as allowed under paragraph 2 below.
2. In residential zoning districts, one accessory building not used as habitable space and not exceeding 15 feet in height may project to within five feet of the rear property line, provided the accessory building is separated from the primary building by at least 10 feet.<sup>198</sup>

**(3) Outside Sales and Display**<sup>199</sup>

- a. Outside sales or display items, furniture, or other associated devices shall not obstruct exits, entrances, pedestrian or bicycle access or passage, parking lot circulation nor impede traffic flow.<sup>200</sup>
- b. The designated outdoor sales/display area shall be kept clean and free from litter and debris at all times.
- c. To minimize visual impacts and maintain an attractive appearance, the city may require aesthetic enhancements (such as decorative and/or architectural embellishments, landscaping, and the like).

<sup>194</sup> Replaces current standard in 902.01C allowing accessory structures prior to installation of the primary structure.

<sup>195</sup> Consolidated draft: Added last sentence, and removed the maximum of two accessory buildings per lot. Added limitation to kitchenette. Replaced "cannot be used for residential purposes" with "shall not include habitable space."

<sup>196</sup> Removed language referring to "mobile homes" and propose prohibiting the accessory use of manufactured homes in all zones.

<sup>197</sup> Consolidated draft: Did not carry forward requirement for accessory buildings to be located in the rear setback area.

<sup>198</sup> Reworded for clarity. Consolidated draft: Revised to limit this exception to residential zoning districts to maintain adequate separation between commercial buildings and residential properties. The 10-foot separation requirement is to prevent large continuous masses from the main house to within five feet of the rear property line.

<sup>199</sup> Standards carried forward from 917 of the LDC. Content was re-organized and modified for consistent grammar.

<sup>200</sup> Reworded for clarity and consistency.

- d. Revisions or changes to an outside sales or display area that increase the number of sales/display locations, increase the size of the outdoor sales or display area, or change the approved use category shall subject to the same approval process as the original review.<sup>201</sup>
- e. The outside sales/display area shall be opaquely screened from public view pursuant to the standards in 5.6.H, *Screening*.
- f. Off-street parking for the outside sales/display area shall comply with 5.5.F, *Off-Street Parking Layout and Design*.
- g. Vending machines permanently installed against but outside a structure shall not be considered an outside display.<sup>202</sup>

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## **D. Additional Standards for Specific Accessory Uses and Structures**

### **(1) Guest Quarters<sup>203</sup>**

- a. No more than one guest quarter use may be permitted per lot or parcel.
- b. Guest quarters shall be architecturally compatible with the principal dwelling on the lot.
- c. Mobile and manufactured homes, travel trailers, and recreational vehicles shall not be used as guest quarters.
- d. Guest quarters shall not contain kitchen facilities and shall be connected to the same utility services as the single-family dwelling.
- e. Guest quarters shall only be held in ownership by the owner of the principal dwelling.
- f. Detached structures used for guest quarters shall meet the setback requirements of the principal building.

### **(2) Home Occupation<sup>204</sup>**

#### **a. Generally**

Home occupation does not include a family of unrelated persons with disabilities residing in a group home licensed by the State of Arizona, including staff persons, as defined by this Code.

#### **b. Use of Residential Space**

1. A home occupation shall be conducted in a dwelling or accessory building on a property that is also used as a primary residence by the proprietor of the home occupation.
2. There shall be no rental of residential space for commercial uses by others.

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<sup>201</sup> Reworded for clarity.

<sup>202</sup> Previously 902.03(E). Did not carry forward language requiring the number of vending machines to be approved by the Director.

<sup>203</sup> Previously in Article 6, *District Regulations*. Did not carry forward 600.02(A)(3)(e), a provision about converting guest houses to ADUs.

<sup>204</sup> Previously 915 in LDC. Reorganized for clarity.

**c. Size and Design**

1. The total usable floor space area dedicated to home occupation uses in any principal dwelling or accessory structure shall not exceed 25 percent of the gross floor area on the site.
2. In no way shall the appearance of the structure or premises be altered or the conduct of the occupation within the structure be reasonably recognized as serving a nonresidential use (by color, materials, construction, lighting, signs, sounds, vibrations, display of equipment, and the like).

**d. Operations**

1. No one other than a resident of the dwelling shall be employed in the use or activities of a home occupation.
2. No indoor or outdoor storage of materials and/or supplies, including vehicles or equipment used in the occupation, shall be permitted that will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.
3. No smoke, odor, liquid or solid waste shall be emitted.
4. A home occupation shall not create any radio, television, computer, or power line interference or noise audible beyond the boundaries of the site.
5. The use shall not generate more pedestrian or vehicular traffic than would be typical to the zoning district in which it is located.
6. The uses and activities associated with the home occupation shall not interfere with the maintenance of the required off-street parking spaces on the property.
7. There shall be no use of utilities or community facilities beyond that typical to the use of the property for residential purposes.

**(3) Outside Storage, Accessory<sup>205</sup>**

**a. Generally**

1. Outside storage shall be limited to goods or materials sold or used on the premises as part of the principal use of the property.<sup>206</sup>
2. Outside storage shall be located in the rear yard or interior side yard of the lot.
3. Outside storage shall be subject to the standards in 5.6.H, *Screening*.
4. Metal storage containers are prohibited in all zoning districts.

**b. Mobile Homes, Trailers, and Recreational Vehicles**

1. A mobile home shall not be placed or kept on a lot or parcel without a current and valid building permit, permanent foundation, hook-up facilities, permanent piers, blocks or foundations.

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<sup>205</sup> Standards taken from 902.03. Added the word "accessory." Reworded and reorganized for clarity and user-friendliness.

<sup>206</sup> New standard, replaces language in 902.03A. We propose this standard be applicable for all zoning districts, not just residential.

- 2. Travel trailers, motor homes, or recreational vehicles shall not be used or made suitable for use or occupancy.
  - 3. All boats, trailers, motor homes, travel trailers, recreational vehicles, and buses shall be kept in reasonable repair and operable and neatly arranged in a parked condition, and shall be screened from adjacent properties and streets pursuant to 5.6.H, *Screening*.
- c. All Residential Zoning Districts**  
A maximum of 200 square feet of any lot or parcel may be used for accessory outside storage.
- d. CO and IN Zoning Districts**
- 1. Outside storage shall be screened from the view of any contiguous property, right-of-way or easement pursuant to the standards in 5.6.H, *Screening*.
  - 2. Outside storage shall not include the display of merchandise for sale, except as provided in 3.4.C(3), *Outside Sales and Display*.

**(4) Swimming Pools**

- a. No swimming pool shall be located in the front setback area.<sup>207</sup>
- b. Swimming pools and associated equipment shall maintain a minimum separation of five feet from any other buildings or structures, except where the pool is attached to or part of a principal structure.<sup>208</sup>
- c. Swimming pools and associated equipment shall comply with building code requirements.<sup>209</sup>

### 3.5. Temporary Uses and Structures<sup>210</sup>

**Commentary:**

The current LDC addresses temporary uses through Section 407, but those standards primarily consist of procedures and application requirements which are complex and difficult to administer. This proposed section builds on and clarifies the existing standards based on the recommendations in the LDC Analysis and subsequent discussions with staff. Revisions to existing standards and new standards are noted. The procedures for obtaining a temporary use permit are in Article 8.

**A. Purpose**

The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.<sup>211</sup>

<sup>207</sup> Consolidated draft: Did not carry forward side setback area prohibition, since they are currently allowed up to five feet from property line.

<sup>208</sup> New.

<sup>209</sup> Consolidated draft: Replaced property line separation requirement with broad standard to comply with building code. New.

<sup>210</sup> Replaces 407 of the LDC.

<sup>211</sup> Replaces 407.02. Reworded for consistency and clarity.

**B. Temporary Uses and Structures Allowed<sup>212</sup>**

Table 3.1, *Table of Allowed Uses*, lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in 3.2.D, Classification of New and Unlisted Uses. All temporary uses are subject to the standards in this Section 3.5, in addition to any applicable requirements in 3.3, *Use-Specific Standards*.

**C. Approval Process for Temporary Uses and Structures**

Review and approval of Temporary Use Permits shall be in accordance with 8.4.D, *Temporary Use Permit*.

**D. General Standards for All Temporary Uses and Structures**

Temporary uses and structures shall comply with the following general requirements unless otherwise specified in this Code:<sup>213</sup>

- (1) The temporary use or structure shall not be detrimental to surrounding properties or to the public health, safety, or general welfare.<sup>214</sup>
- (2) Permanent alterations to the site are prohibited.<sup>215</sup>
- (3) Temporary signs associated with a temporary use or structure shall be removed when the activity ends or permit expires, whichever occurs first.<sup>216</sup>
- (4) A temporary use or structure shall not violate any applicable use-specific standards or conditions of approval applicable to a principal use on the site.<sup>217</sup>
- (5) Temporary uses shall not disturb any sensitive or protected resources, including floodplains, river protection setbacks, and required landscaping.<sup>218</sup>
- (6) At the conclusion of a temporary use or structure, all disturbed areas shall be restored to the condition that existed prior to the use, or improved.<sup>219</sup>
- (7) Temporary uses or structures shall not impede with normal operations of any permanent use located on the property.<sup>220</sup>
- (8) Off-street parking shall be sufficient to accommodate the proposed temporary use.<sup>221</sup>
- (9) Informal activities or sales, such as a weekend sidewalk sale, shall not require a temporary use permit provided they comply with all applicable regulations of this LDC and Chapter 5.05, *Business Licensing*, of the Sedona City Code.<sup>222</sup>

<sup>212</sup> Replaces 407.01.

<sup>213</sup> Some language taken from 407 and reworded for clarity and consistency, some standards are new.

<sup>214</sup> Replaces 407.03(B)(2).

<sup>215</sup> Replaces 407.03(B)(1).

<sup>216</sup> Replaces 407.03(B)(4).

<sup>217</sup> New.

<sup>218</sup> Replaces 407.03(B)(6).

<sup>219</sup> New.

<sup>220</sup> New.

<sup>221</sup> Replaces 407.03(B)(3).

<sup>222</sup> Consolidated draft: New.

**E. Additional Standards for Specific Temporary Uses and Structures<sup>223</sup>**

**(1) Christmas Tree and Pumpkin Sales<sup>224</sup>**

Christmas tree lots may be displayed no sooner than November 15 and shall be removed by December 30. Pumpkin sales may be displayed throughout the month of October.

**(2) Construction Support Activities<sup>225</sup>**

- a. Construction support activities are limited to on-premise construction purposes associated with the properties within extents of the development area or an approved adjoining lot.
- b. The Building Official may order the construction support activities to be discontinued, and in no event shall such temporary use continue after construction is complete.

**(3) Filming-Related Activity<sup>226</sup>**

Commercial filming-related activities in a residential zoning district for periods longer than four consecutive weeks requires approval of a conditional use permit pursuant to 8.4.B, *Conditional Use Permit*.

**(4) Special Event<sup>227</sup>**

**a. Frequency and Duration**

- 1. Each lot or parcel is allowed a maximum of 10 separate events per calendar year, each lasting a maximum of three days.
- 2. A lot or parcel with more than one business shall be treated as one property for purposes of this limitation.
- 3. An event on multiple parcels shall count against the number of allowed events in a calendar year for each individual parcel participating in the event.<sup>228</sup>

**b. Sanitation and City Codes**

- 1. The Director or Building Official may require additional portable sanitation facilities in addition to existing area sanitation facilities.
- 2. Special events are subject to established occupancy loads and other building and fire code standards.

**c. Location**

For a special event established by a single business, outside sales shall be located only within the permittee’s business frontage.

<sup>223</sup> These are typical types of temporary structures that we often include in codes. Are there other particular types of structures in Sedona that we should address?

<sup>224</sup> *Consolidated draft: Added pumpkin sales and associated limitations.* Replaces 407.02(D). Propose changing the start date from the fourth Friday in November to November 15<sup>th</sup>.

<sup>225</sup> New, replaces 407.02(E).

<sup>226</sup> Replaces 407.03(F)(2).

<sup>227</sup> Fundraising activities now fall under the general category “special event.” The current frequency and duration for events is “11 consecutive days every 12 months or four separate three day events every twelve months.” Proposed change allows for 10 separate three day events. Removed references to “outdoor” allowing special events to be conducted indoors or outdoors. Specific licensing and permitting criteria will be included in Article 9, Administration and Procedures.

<sup>228</sup> *Consolidated draft: New.*

**d. Organized Community Event<sup>229</sup>**

Itinerant vendors are allowed only in conjunction with an organized community event.

**(5) Temporary Housing<sup>230</sup>**

- a.** A permit shall be obtained prior to occupancy of the temporary housing.
- b.** Temporary housing is allowed during the 12 month period after issuance of a building permit to construct a permanent dwelling on the same lot.
- c.** The Building Official may order the temporary housing to be discontinued, and in no event shall such temporary use continue after construction is complete.<sup>231</sup>

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<sup>229</sup> Language defining organized community events has been moved to the definitions section as part of a consolidated definition of "special events."

<sup>230</sup> Language taken from several zoning district regulations in Article 6, "occupancy of temporary housing."

<sup>231</sup> New.

# Article 4: Wireless Communications Facilities

## 4.1. Title

This Article shall be known as the Sedona Wireless Communication Facilities Ordinance.

## 4.2. Purpose

The purpose of this Article is to:

- A.** Provide protection of the unique natural beauty and small-town character of the city as specified in the Sedona Community Plan while meeting the needs of its citizens to enjoy the benefits of wireless communication services;
- B.** Promote the health, safety and general welfare of the public by regulating the siting of wireless communication facilities, including satellite earth stations;
- C.** Consider impact on historical and environmentally sensitive areas as well as consideration of potential impacts on adjacent properties;
- D.** Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- E.** Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional towers;
- F.** Encourage antenna configurations, which minimize additional visual impact through careful and innovative siting,
- G.** Accommodate the growing need and demand for wireless communication services;
- H.** Encourage coordination between suppliers of wireless communication services in the city;
- I.** Respond to the policies embodied in the Telecommunications Act of 1996 and the 2012 Spectrum Act in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the city;
- J.** Establish predictable and balanced regulations governing the construction and location of wireless communication facilities, within the confines of permissible local regulation for locations outside of public rights of way. Wireless communication facilities within a public ROW shall be regulated in accordance with the provisions of Sedona City Code Title 12 and the provisions of Arizona Revised Statutes Section 9-591 et seq.; and
- K.** Establish review procedures to ensure that applications for wireless communication facilities are reviewed and acted upon within a reasonable period of time.

## 4.3. Administration

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### A. Applicability

- (1) Except as provided for in subsection 4.3.A(2) below, this Article shall apply to development activities including installation, construction, or modification to all the following wireless communication facilities:
- a. Existing towers, concealed and non-concealed; publicly and privately owned;
  - b. Proposed towers, concealed and non-concealed; publicly and privately owned;
  - c. Replacement of any existing tower;
  - d. Collocation on any existing tower or base station;
  - e. Existing concealed and non-concealed base stations, publicly and privately owned;
  - f. Proposed concealed and non-concealed base stations, publicly and privately owned;
  - g. AM/FM/DTV broadcasting facilities; and
  - h. Amateur radio tower(s).
- (2) The following items are exempt from the provisions of this Article, notwithstanding any other regulations established in this Code:
- a. Noncommercial, amateur radio towers or antennas that are less than 65 feet in height and attached to the rear or side of residential or commercial structures or freestanding in an area directly behind the rear structural wall of a residential or commercial structure. Noncommercial, amateur, ham radio or citizens' band towers, antennas or antenna arrays with heights greater than 65 feet or not located directly behind the rear structural wall of a residential or commercial structure, or attached to the rear or side of residential or commercial structures shall be regulated in accordance with 4.4, *General Development and Design Standards and Processes*;
  - b. Regular maintenance of any existing wireless communication facility that does not include an increase in the size or number of antenna; the addition of radio heads or other similar structures; the addition of coaxial cable; or the addition of equipment shelters, cabinets or generators;
  - c. The replacement of existing antennas, antenna panels, antenna elements or other equipment on an existing tower or base station by the same owner or wireless communication facility provider; provided, that the replaced antennas, antenna elements or equipment meet building code requirements (including wind loading) and provided such replacement does not increase the overall height or width of the structure;
  - d. A government-owned wireless communication facility, upon the declaration of a state of emergency by federal, state or local government, and a written determination of public necessity by the Fire Chief or Chief of Police; except that such facility must comply with all federal and state requirements. No wireless communication facility shall be exempt from the provisions of this Article beyond the duration of the state of emergency;
  - e. Data, video or information transmission as part of the day-to-day operations of a commercial business, including, for example, processing of credit card sales, automatic

inventory control, and the like which are mounted on and do not extend more than two meters or six and one-half feet above the roof surface of any building. Where technologically feasible, such antennas shall not be mounted on an exterior parapet wall facing a public ROW or private easement;

- f.** All users (such as both commercial and residential) of a wireless internet service for which a send/receive antenna is required to be located at the point of use. Where technologically feasible, such antennas shall not be mounted on an exterior parapet wall facing a public ROW or private easement;
- g.** OTARD including satellite earth stations, so long as the device does not require construction of a tower or other structure exceeding 12 feet above the home or building and the device is no more than one meter in diameter in a residential zone or two meters in any other zone district. Where technologically feasible, such antennas shall not be mounted on an exterior parapet wall facing a public ROW or private easement;
- h.** Any antenna-supporting structure that is damaged or destroyed 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; provided, that there is no increase in structure height, width or number of antennas. If a new, larger antenna-supporting structure is proposed as a replacement structure, then the requirements of 4.3.B, *Approvals Required*, shall be satisfied;
- i.** A temporary PWSF, utilized for not more than 60 calendar days, which does not require FAA lighting or marking and does not require any kind of excavation; and
- j.** A wireless communication facility located within a public ROW, which shall be regulated in accordance with the provisions of Sedona City Code Title 12 and the provisions of Arizona Revised Statutes Section 9-591 et seq.

**(3) Siting Preferences for New Wireless Communication Facilities**

- a.** Siting of new PWSF of any type shall be in accordance with the siting preferences below and with the use table below. Where a lower-ranked alternative is proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established preferences within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete. No new PWSF shall be permitted unless the applicant demonstrates that no existing PWSF can accommodate the applicant's proposed facility; or that use of such existing facilities would prohibit personal wireless services in the area of the city to be served by the proposed antenna-supporting structure.
- b.** Evidence submitted to demonstrate that no existing PWSF could accommodate the applicant's proposed facility may consist of any of the following:
  - 1.** No existing PWSF located within the geographic search ring or a one-half mile around the geographic search ring meet the applicant's engineering requirements.
  - 2.** Existing PWSF are not of sufficient height to meet the applicant's engineering requirements.

- 3. Existing PWSF do not have sufficient structural strength to support the applicant’s proposed wireless communication facilities and related equipment.
- 4. The applicant demonstrates that there are other limiting factors that render existing PWSF unsuitable.
- c. Siting for new PWSFs is as shown in Table 4.1. The preferred order of alternative ranking, from highest to lowest, shall be 1, 2, 3, 4, and 5 (and within each ranking a, b, c, etc.).

**Table 4.1  
Siting for New PWSFs**

PWSF Type	Tower Example	Base Station Example	Other Example
<b>1. Concealed Base Station</b>			
a. City-owned property	Not applicable		
b. Other public property			
c. Privately-owned property zone non-residential			
d. Privately-owned property zoned:			
i. Non-residential use in residential single family (RS) or residential multi-family (RM) districts			
ii. Non-residential multi-family structures in high density multi-family (RM) districts.			
iii. Residential multi-family structures in high density multi-family (RM) districts.			
<b>2. Collocation</b>			
a. Concealed collocation on an existing concealed tower or concealed base station			Not applicable
b. On a non-concealed tower or base station			
<b>3. Replacement</b>			
Replacement of existing non-concealed tower with a concealed tower	No picture available	No picture available	No picture available

**Table 4.1**  
**Siting for New PWSFs**

PWSF Type	Tower Example	Base Station Example	Other Example
<b>4. Concealed Tower for Small Cell, DAS or Node (not macro)</b>			
a. City-owned property		<p>Not applicable</p>	
b. Public property			
c. Privately-owned property zoned non-residential			
d. Privately-owned property that is:			
i. Non-residential use in residential single-family (RS) or residential multi-family (RM) districts			
ii. Non-residential multi-family structures in high density multi-family (RM) districts			
iii. Residential multi-family structures in high density multi-family (RM) districts			

**B. Approvals Required**

All applications for PWSF shall be considered by the Planning and Zoning Commission (Commission) at a public hearing as set forth in 8.4.B, *Conditional Use Permit*, based on potential location, aesthetic or visually related impacts as a result of the proposed antenna’s height, color, size and the like, except as set forth below.

- (1) All applications for: (i) concealed replacement tower collocations that do not constitute a "substantial change" on an existing tower or base station that has been designed and approved to accommodate multiple wireless collocations; or (ii) replacements of existing non-concealed towers with concealed towers; shall each be subject to review and approval by the Community Development Director (Director), relative to the review criteria provided in 4.3.C, *Approval Criteria*.
- (2) All applications for any wireless communication facilities within a public ROW that meet the eligibility criteria for “small cell facilities” in A.R.S. §9-591 et seq. shall be subject to review and approval by the Director of Public Works in accordance with the provisions of application processes and approval criteria are set forth in Chapter 12, Sedona City Code and A.R.S. §9-591.

**C. Approval Criteria**

In considering any application for a conditional use permit for the establishment of a tower or base station, the Director or Commission’s decision shall be guided by the application of the following criteria:

- (1) Use of suitable existing towers or base stations is preferred over placement of new towers;
- (2) New base stations that do not exceed height limitations for the zoning district are preferred over base stations that do exceed the height limitation for the zoning district;

- (3) Concealed wireless communication facilities that cannot be readily observable by pedestrians on adjacent streets to such facility are preferred over facilities that are readily observable by pedestrians on adjacent streets;
- (4) Collocation of multiple uses on a single wireless communication facility will have significant favorable weight in evaluating the application;
- (5) Network development plans that achieve the fewest number of wireless communication facilities of all users reasonably necessary for commercial coverage are preferred;
- (6) Location in non-residential zoning districts is preferred over residential districts;
- (7) Suitability of the location for collocation of governmental public service wireless service facilities.

**D. Location by Zoning District**

**(1) Generally**

- a. No wireless communication facilities shall be allowed in any Open Space Districts.
- b. Wireless communication facilities may be permitted in the following districts subject to approval by the Director or Commission as set forth in 4.3.B, *Approvals Required*.

**Table 4.2**

**Table of Allowed Uses for Wireless Communication Facilities<sup>232</sup>**

P = permitted C = conditional use permit required A = administrative permit required<sup>233</sup>

Blank Cell = use prohibited

	Residential									Non-Residential						Other	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS
<b>WIRELESS COMMUNICATION FACILITIES</b>																	
<b>Concealed Base Station on Property with a Non-Residential Land Use</b>																	
City-Owned Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Other Public Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Private Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	

<sup>232</sup> This draft updates a use table prepared in a separate project (ordinance “R2018-14”) by aligning districts with those proposed in the new draft Code. The current CN zone district (renamed to M1) was not included in R2018-14, so we left those cells blank. The M3 zone district is new and was not addressed in R2018-14, so we left those cells blank. The levels of permission for each wireless communications facility (“WCF”) does not change based on property ownership (city-owned/other public property/private property). We recommend removing this distinction to allow a single row for each facility type (rather than multiple rows for each type). We did not carry forward the distinction of “HDRM” and “NR” in the RM zone districts because there were no instances where the levels of permission were different. Similarly, we replaced the “NR” distinction in the RS zone districts by changing the name of those facility use types to include “on a property with a non-residential land use.” We recommend adding language to clarify if this applies if the primary land use is non-residential, or if any type of non-residential land use exists on the property. We did not carry forward the “R” distinction in the RS zone districts, we think that renaming those facility use types to include “on property with a non-residential land use” implies that those facilities would not be allowed on properties with a residential land use (because it is not included in the table).

<sup>233</sup> This needs to be updated to reflect the new procedures chapter of the LDC, which does not include an “Administrative Permit.” This abbreviation is also potentially confusing because the general Table of Allowed Uses in Article 3 uses an “A” to identify accessory uses.

**Table 4.2**

**Table of Allowed Uses for Wireless Communication Facilities<sup>232</sup>**

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	Residential									Non-Residential						Other	
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS
<b>Replacement of Existing Non-Concealed Tower With a New Concealed Tower</b>																	
Other Public Property	A	A	A	A	A	A	A	A	A		A		A	A	A	A	
Private Property	A	A	A	A	A	A	A	A	A		A		A	A	A	A	
<b>Concealed Small Cell Tower, DAS or Node (Not Macro) on Property with a Non-Residential Land Use</b>																	
City-Owned Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Other Public Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Private Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
<b>Concealed Macro Tower on Property with a Non-Residential Land Use</b>																	
City-Owned Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Other Public Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Private Property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
<b>Collocation on Eligible Facility</b>																	
Non-substantial change	A	A	A	A	A	A	A	A	A		A		A	A	A	A	
<b>Collocation on Eligible Facility with Substantial Change or on a Non-Eligible Facility on Property with a Non-Residential Land Use</b>																	
City-owned property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Other public property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	
Private property	C	C	C	C	C	C	C	C	C		C		C	C	C	C	

**(2) City Parks**

Concealed wireless communication facilities may be permitted within city park areas. Consideration will be given to locating wireless communication facilities on athletic field lighting standards, provided the equipment does not interfere with the primary purpose of the lights and does not detract from the overall aesthetics of the facility.

**E. Application Submittal Requirements**

Prior to submitting an application as described below, an applicant shall conduct a pre-application meeting with the City to discuss the Application and the Applicant’s plans.

**(1) Application**

An application for any type of wireless communication facility shall include the following information:

- a. A completed application form and any appropriate fees.

- b.** An accurate inventory of applicant's existing wireless communication facilities, which are existing or for which application for approval or permit has been submitted for zoning or construction, which are within the jurisdiction of this Article or within one mile of the city limits. The inventory shall include the location, height, type, ownership and all tenants of each facility.
- c.** A map of all locations owned, leased, or operated by the applicant and their coverage that are located within the jurisdiction of this Article or within one mile of the city limits of the proposed site or which are capable of service with the proposed site by wireless means.
- d.** An accurate site plan of the proposed wireless communication facility showing the means of access, all adjacent roadways, and a complete landscape plan.
- e.** A scaled drawing of the exterior of the proposed wireless communication facility, clearly showing the method of fencing; coloration; materials; illumination; and camouflage.
- f.** Photo-simulated pre- and post-construction renderings of the proposed wireless service facilities, equipment enclosures and ancillary structures as they would look after construction from locations to be determined at the time of application submittal (but shall, at a minimum, include renderings from the vantage point of any adjacent roadways and occupied commercial or residential structures), as well as photo-simulations of the antenna-supporting structure after it has been fully developed with antenna structures (applicant may assume for the purpose of the simulation that other antenna structures on the facility will resemble their proposed structure in size and design).
- g.** Exterior paint or finish samples of the colors to be used in the construction of the tower, base station and ground equipment facilities.
- h.** Proof of ownership or a letter of authorization from the property owner stating that the applicant may install a wireless communication facility on their property.
- i.** A signed statement from the wireless communication facility owner or owner's agent stating that the radio frequency emissions comply with FCC standards for such emissions as set forth in 47 CFR 1.1307, 1.310, 2.091 or 2.093, as amended and as applicable (Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997). In particular, the statement shall demonstrate the proposed facility, individually and cumulatively, will not exceed the maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. In addition, any collocation application shall contain an analytical report which confirms that following installation, the composite facility will remain in compliance with FCC standards as stated in OET-65.
- j.** Proof of an FCC license to transmit and/or receive radio signals in the city prior to commencement of operations.
- k.** Prior to issuance of a building permit, a stamped or sealed structural analysis of the proposed antenna-supporting structure prepared by a licensed Arizona engineer indicating the proposed and future loading capacity of the antenna-supporting structure.
- l.** Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.

- m.** A signed statement from the wireless communication facility owner agreeing to allow the collocation of other wireless equipment on the proposed antenna-supporting structure.
- n.** When conditional use permit is required, an ownership map of property owners within 300 feet of the exterior boundaries of the subject property as shown on the last assessment of the property. A list of these property owners shall also be provided on mailing labels and keyed to a map showing the location of the identified properties.
- o.** Cover letter describing the overall project and addressing in writing how the proposed wireless communication facility satisfies the requirements of this Article.
- p.** All other documentation, evidence or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Article, including where applicable:
  - 1.** Existing wireless communication facilities to which the proposed facility will be a handoff candidate, including latitude, longitude and power levels of each;
  - 2.** A radio frequency plot indicating the coverage of existing wireless service sites, and that of the proposed site sufficient to demonstrate radio frequency search area, coverage prediction with legend and signal levels, and design radius, together with a certification from the applicant's radio frequency engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as collocation, attached facility, replacement facility or concealed facility;
  - 3.** Prior to issuance of a building permit, a statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility;
  - 4.** Antenna heights and power levels of the proposed facility and all other facilities on the subject property; and
  - 5.** A statement from the applicant that demonstrates that alternative locations, configurations and facility types have been examined; and addresses in narrative form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration and location proposed including but not limited to:
    - i.** Height;
    - ii.** Mass and scale;
    - iii.** Materials and color;
    - iv.** Illumination; and
    - v.** Information addressing the following items:
      - a.** The extent of any commercial development within the geographic search ring of the proposed facility;
      - b.** The proximity of the structure to any residential dwellings;
      - c.** The proximity of the structure to any public buildings or facilities;
      - d.** The existence of tall and like structures within the geographic search ring of the proposed structure.
- q.** Citizen Participation Plan and Report as set forth in 8.3.D, *Citizen Review Process*, when a conditional use permit is required.

- r. A statement that the proposed facility conforms with state of the art, as defined herein, or alternatively, that state of the art technology is unsuitable for the proposed facility and the basis for same. Costs of state of the art technology that exceed facility development costs shall not be presumed to render the technology unsuitable.
  - s. Any other materials and data as may be required by the Director.
- 

## **F. Expert Review**

- (1) Because of the complexity of the methodology or analysis required to review an application for a wireless communication facility requiring a conditional use permit, the Director may require a technical review by a third-party expert. The costs of this review shall be payable in advance by the applicant, in accordance with the Fee Schedule of the City of Sedona and shall be in addition to applicable conditional use permit and building permit fees.
  - (2) The expert review may address any or all the following:
    - a. The accuracy and completeness of submissions;
    - b. The applicability of analysis techniques and methodologies;
    - c. The validity of conclusions reached;
    - d. Whether the proposed wireless communication facility complies with the applicable approval criteria set forth in these regulations;
    - e. Other matters deemed by the Director to be relevant to determining whether a proposed wireless communication facility complies with the provisions of these regulations.
  - (3) Based on the results of the expert review, the Director may require changes to the applicant's application or submittals.
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## **G. Essential Public Services**

- (1) Wireless communication facilities outside public right of way shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities or private utilities.
  - (2) By submitting any application under this Article, applicant shall be deemed to agree that their service is subordinate to essential public service services, and agrees to suspend use of any site, which may conflict with such services, regardless of the reason for such conflict, until such conflict is resolved.
- 

## **H. Enforcement**

Wireless communication facilities that are not in compliance with all portions of this Article shall be removed at the owner's expense if not brought into compliance within 30 days after written demand by the city.

## 4.4. General Development and Design Standards and Processes

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### A. General Standards

All wireless communication facilities regulated under this Article shall meet the following general development and design standards and processes at a minimum:

#### (1) Impact Fee Calculation

- a. For the purposes of impact fee calculation, the floor area for a wireless communication facility shall be considered a commercial use and shall include the total square footage of all equipment enclosures and the areas of the antenna-supporting structure foundation at or above grade.
- b. The following shall be considered as development area and shall be required to meet the setbacks and open space ratio requirements for the land use district where they are located:
  1. The area beneath all equipment enclosures;
  2. The area of the antenna-supporting structure foundation at or above grade;
  3. The area beneath ancillary structures;
  4. The area inside the antenna-supporting structure framework.

#### (2) Signage

##### a. Identification Signage

Identification signage for each wireless communication facility shall be required for the purpose of identifying the owner as well as the tenants, responsible party for the operation and maintenance of the facility, its current address and telephone number, ASR registration number, site name, security or safety signs and property manager information (if applicable). Identification signage on wireless communication facilities shall not exceed four square feet.

##### b. High Voltage Signage

If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the structure, signs located every 20 feet and attached to an enclosing fence or wall shall display in large, bold, high contrast letters (minimum height of each letter: four inches) the following: "HIGH VOLTAGE – DANGER."

#### (3) Sounds

No unusual sound emissions such as alarms, bells, buzzers or the like are permitted and shall be consistent with City Code. Sounds shall not exceed 65 dba at any exterior line of a property in a commercial district and 55 dba at any exterior line of a property in a residential district.

#### (4) Antenna Mounting

Antennas and related service equipment mounted on a service tower shall be mounted as close to the tower as possible.

**(5) Equipment Cabinets**

- a. Vaulting underground freestanding equipment cabinet or shelter and/or power meter not attached to an existing structure is preferred. However, if the applicant can demonstrate that underground water table or floodplain issues prevent vaulting the supporting ground equipment then it may be placed on the ground. In no instance shall supporting group equipment be located farther than two feet from the base of the structure and it shall not interfere with pedestrian or vehicular traffic.
- b. Equipment shelters or cabinets not vaulted shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.
- c. Screening enclosures shall be allowed when the design is architecturally compatible with the building.
- d. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
- e. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

**(6) Maintenance**

Wireless communication facilities shall be maintained in compliance with standards contained in applicable state or local building codes and the applicable health and safety standards established by the FCC or other bodies having jurisdiction, as amended from time to time.

**(7) Structural Integrity**

The entire tower or base station and all appurtenances shall be designed pursuant to the design requirements of the most current edition of the IBC adopted by the City of Sedona. In addition, the entire tower or base station and all appurtenances shall be designed pursuant to the design requirements of ASCE 7, including wind speed design requirements, and tower loading/wind design requirements of EIA/TIA 222-G, Series II, including any subsequent modification to those specifications.

**(8) Lighting**

New towers shall be illuminated only when required and in accordance with FAA requirements to provide aircraft obstruction lighting. All other on-site lighting required for security or emergency purposes shall be in accordance with 5.8, *Exterior Lighting*, and be activated by timers or motion detectors.

**(9) Grading and Drainage**

Applicants shall furnish evidence that the proposed facility does not violate requirements in 5.3, *Grading and Drainage*.

**(10) Historical/Environmental Review Compliance**

Applicants shall furnish evidence that the proposed facility has completed any applicable federal/state/tribal historical review or environmental review processes.

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## B. Standards for Specific Types of Wireless Communication Facilities

In addition to the foregoing general development and design standards, the following additional development and design standards apply to the specific type of wireless communication facility identified below:

### (1) New Concealed Base Station Facilities for Macro, Small Cell, DAS, or Nodes

The following additional standards and processes apply to all new concealed base station facilities:

#### a. Height

1. The overall height of any new base station facility on a rooftop shall not exceed more than ten feet above the rooftop or parapet whichever is greater. "Height" for all purposes in this subsection shall mean the linear distance from the rooftop where the antenna is attached to the highest physical point on the wireless communication facility.
2. The overall height of any new base station facility on an existing utility or light pole shall not exceed five feet above the existing pole.

#### b. Color, Screening, and Placement

##### 1. Buildings

- i. Where feasible, antennas shall be placed directly above, below or incorporated with vertical design elements of a building or structure to maximize concealment.
- ii. Base station facilities shall be concealed in some fashion (e.g. screened by a parapet or other device to minimize its visual impact as measured from the boundary line of the subject property).
- iii. Base stations shall be designed in such a manner as to be compatible with the existing structure. The base station facility shall be constructed to integrate with the existing architecture. There shall be as little contrast as possible between the communications equipment and the structure.

##### 2. Poles

- i. All cables shall be installed internally; but where internal mounting is not possible, surface mounted wires shall be enclosed within conduit or a similar cable cover which shall be painted to match the structure or building on which that DAS is mounted.
- ii. Attached equipment box and power meter is discouraged; however, if attachment is justified, equipment box and meter shall be located on the pole at a height that does not interfere with pedestrian or vehicular traffic or visibility and where applicable shall not interfere with street name signs or traffic lighting standards.

#### c. Approval Process

Approvals for any proposed facility under this section shall be pursuant to 4.3.B, *Approvals Required*.

**d. Timing for Review**

A new concealed base station facility shall be reviewed and a decision rendered within 150 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" base stations are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new concealed base stations shall be valid for a term of 180 days and shall lapse and be void if construction of the contemplated concealed base station is not completed within that time.

**(2) Collocations on Existing Towers or Base Stations**

The following additional standards and processes apply to all collocation facilities:

**a. On Eligible Facility; Non-Substantial Change**

- 1.** Collocations on eligible towers and eligible base stations shall meet and shall not exceed the definition of "substantial change" described in 9.8, *Wireless Communication Facility Definitions*.
- 2.** Approval Process
  - i.** Applicants shall complete a wireless infrastructure application and building permit application and submit applicable filing fees.
  - ii.** The Director shall review application and decide if the application meets the non-substantial change definitions and notify applicant in writing within 30 days of submission if the application is incomplete or complete. If incomplete, the city shall specifically delineate the missing information. The applicant shall resubmit the missing information. The timeframe for review will begin running again when the applicant makes a supplemental submission. The city shall review and provide written notice to the applicant within ten days if the application is approved or remains incomplete. If incomplete the City shall provide in writing specifically delineating the missing information.
  - iii.** City shall complete review process within 60 days, accounting for any tolling, including any review to determine whether an application is complete unless there is a mutual agreement to an extension of time. The request will be deemed granted is not approved within the 60-day period, accounting for any tolling or mutually agreed upon extension of time.

**b. Collocation on Non-Eligible Facility or a Substantial Change**

**1. Approval Process**

Any and all collocations that exceed the parameters set forth in the substantial change definition or are on a non-eligible facility are subject to discretionary approval on a case by case and site-specific basis through the conditional use process as set forth in 4.3.B, *Approvals Required*. Applicants shall minimize substantial changes as much as possible.

**2. Antenna Mounting**

Antennas and related service equipment mounted on a service tower shall be mounted as close to the tower as possible.

**3. Timing for Review of Substantial Change Collocations**

A substantial change collocation shall be reviewed, and a decision rendered within 90 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" collocations are not entitled to review and decision within 90 days, or to any of the other protections of the Telecommunications Act.)

**(3) Concealed DAS, Small Cell, or Nodes**

**a. New Freestanding Concealed DAS, Small Cell, and Node Facility Development Standards**

The following additional standards and processes apply to all new concealed freestanding DAS, node and small cell tower facilities:

**1. Height**

The total height of a DAS / small cell facility including antenna shall not exceed 30 feet.

**2. Setbacks**

Setbacks for DAS / small cell facility shall meet the same setbacks of the underlying zoning district.

**3. Ground Equipment**

The use of foliage and vegetation around ground equipment may be required by the city based on conditions of the specific area where the ground equipment is to be located. In order to avoid the clustering of multiple items of ground equipment in a single area, a maximum of two ground equipment boxes may be grouped together in any single location. Individual ground equipment boxes shall not exceed the dimensions provided for in 9.8, *Wireless Communication Facility Definitions*.

**4. Visibility of New DAS / Small Cell Facility**

**i.** New DAS / small cell facilities shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture and architectural design of the buildings on the same and adjacent zoned lots. Concealment design is required to minimize the visual impact of wireless communication facilities.

**ii.** All cables, conduits, electronics, and wires shall be enclosed within the structure.

**iii.** Small cell facilities shall be no larger in size than what is specified in 9.8, *Wireless Communication Facility Definitions*.

**5. Timing for Review**

A new concealed DAS, node and concealed small cell tower shall be reviewed, and a decision rendered within 150 days of receipt of the application, subject to any

applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new concealed PWSF towers shall be valid for a term of 180 days and shall lapse and be void if construction of the contemplated concealed PWSF tower is not completed within that time.

**b. DAS Hub Development Standards**

**1. Setbacks**

Setbacks for DAS hubs shall meet the setback standards of the underlying zoning district.

**2. Equipment Shelters or Cabinets**

DAS Hub Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping or materials and colors consistent with the surrounding backdrop.

- i.** Screening enclosures shall be allowed when the design is architecturally compatible with the building;
- ii.** Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure;
- iii.** The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

**(4) Concealed Macro or Replacement Tower**

The following additional standards and processes apply to new or replacement concealed macro wireless communication facilities:

**a. Setbacks**

Concealed facilities shall meet the greater of either:

- 1.** The minimum setback requirements for the zoning district; or
- 2.** Away from single family residential use properties by a minimum distance of 100 percent of the tower height; notwithstanding the foregoing requirements, if the antenna-supporting structure has been constructed using "breakpoint" design technology, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the "breakpoint" level of the structure. For example, on a 70-foot-tall monopole with a "breakpoint" at 50 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the "breakpoint"). Certification by an Arizona professional engineer of the "breakpoint" design and the design's fall radius shall be provided together with the other information required in 4.3.E, *Application Submittal Requirements*.

3. The Planning and Zoning Commission shall have the authority to waive any applicable setback requirements where the City favors a more desirable location within the applicable parcel for the concealed facility.

**b. Construction**

The new tower shall be designed to accommodate the maximum amount of wireless communication equipment, including that of other wireless communication providers, with all transmission lines contained within the structure. In all cases, the minimum number of collocated facilities on a new tower 60 or more feet shall be three. No new or replacement concealed wireless communication facility shall be guyed or have a lattice type construction

**c. Design Standards**

1. No concealed facility, whether fully enclosed within a building or otherwise, shall have antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that is readily identifiable from the public domain as wireless communication equipment. Examples of concealed facilities include, but are not limited to, flagpoles, light standards, utility poles, church steeples, bell towers, clock towers, and artificial trees.
2. Concealed wireless communication facilities shall be placed and constructed in such a manner as to be compatible with the existing structure or surrounding natural terrain, preferably with both. There shall be as little contrast as possible between the communications equipment and the structure or natural terrain. A determination of appropriate concealment type shall be based on the proposed location and environment.
3. Concealed facilities constructed in the form of a "faux" tree shall mimic a tree native to Sedona with sufficient number of "faux" branches and foliage to conceal all external antenna, panels, trays, cables, support rods, crossbars, port holes, splitters, couplers and attenuators and any other equipment external to the tower mast, which shall be painted or have applied material to simulate tree bark, branches, and leaves indigenous to the area, with variations in color and shape to replicate natural fauna. "Faux" branches shall surround the tower in a multi-dimensional pyramid shape pattern to the top of the tower, with branches and foliage material in variable length, width and depth sufficient to obscure physical view of the tower, antenna elements and brackets.
4. Placement of equipment for pole-mounted antennas: Any ground-mounted equipment and equipment shelters shall be located outside of the public ROW. Such ground-mounted equipment and equipment shelters shall be painted to comply with the color requirements of 5.7.I, *Building Color*, and shall be screened from public view with appropriate landscaping. In the alternative, equipment may be mounted on the pole; provided, that access to the pole and to any other services or equipment above it is not impeded. Pole-mounted equipment shall also be designed and placed to be aesthetically compatible with existing and proposed uses and as visually inconspicuous as possible.
5. Security: An opaque fence or masonry wall no greater than eight (8) feet in height from finished grade shall be provided around the perimeter of all development areas for ground-mounted wireless communication facilities. The decision to provide either

a fence or a wall shall rest with the Director and/or Commission. If a fence is used to enclose the site, the fence shall be constructed of wire mesh, metal picket or an alternative material as approved by the Director and/or Commission. If a wall is used to enclose the site, the wall shall have a decorative finish of native stone, stucco, split-faced block, brick, or an alternative material as approved by the Director and/or Commission. The Director will give administrative approvals; and for conditional use permits the Director will make recommendations and the Commission will give approvals. Access to the development area shall be through a locked gate.

- 6.** Landscaping: Landscaping and buffering shall be required around the perimeter of development areas, except that the Director or Commission, as applicable, may waive the any applicable landscaping requirements as outlined in this Code on one or more sides of the development areas or allow the placement of required landscaping elsewhere on the development area when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Landscaping shall be installed on the outside of the perimeter fence or wall. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements, subject to approval by the Director (for administrative approvals) or Commission (for conditional use permits). Landscaping shall be placed in a manner so as to maximize the screening between residential areas and the wireless communication facility and minimize the view of the facility from any residential areas. The Director or Commission may approve an alternate method of compliance for the landscaping on a case by case basis.
- 7.** Control buildings and ground-mounted equipment:
  - i.** The control buildings shall be designed to be architecturally compatible with adjacent buildings and shall comply with the provisions of Article 5: *Development Standards*. The control buildings shall not be placed in minimum setback areas as required in Article 2: *Zoning Districts*, nor shall they encroach into required landscape areas.
  - ii.** Ground-mounted equipment shall not be visible from beyond the boundaries of the site and shall be screened by a solid wall or fence and dense landscaping materials as described in subsections 4.4.B(4)c.5 and 4.4.B(4)c.6 above.
- 8.** Height

The overall height of any concealed tower including antennas shall not exceed the lesser of: (a) 70 feet or (b) 20 feet above the tallest tree within a 500-foot radius of the proposed facility. "Height" for all purposes in this subsection shall mean the linear distance from the ground to the highest physical point on the antenna-supporting structure, including all antennas and antenna arrays.
- 9.** Adverse Effects on Properties
  - i.** New concealed towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the

feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed.

- ii. An applicant shall demonstrate through the photo-simulation requirements under 4.3.E, *Application Submittal Requirements*, that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent feasible.
- iii. The following attributes shall be considered from vantage points at adjacent properties, roadways and occupied structures:
  - a. Height and location;
  - b. Mass and scale;
  - c. Materials and color;
  - d. Illumination;
  - e. Existing and proposed vegetation and intervening structures.

**10.** Timing for review of new concealed tower applications: A new concealed PWSF tower, shall be reviewed and a decision rendered within 150 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new concealed PWSF towers shall be valid for a term of 180 days and shall lapse and be void if construction of the contemplated concealed PWSF tower is not completed within that time.

**(5) AM/FM/TV/DTV Broadcasting Facilities**

The following standards apply to new AM/FM/DTV broadcasting facilities:

- a. An antenna, antenna array and/or antenna-supporting structure for AM/FM/TV/DTV facilities licensed by the Federal Communications Commission shall only be permitted in zoning districts CO or IN in the city.
- b. Any applicant for the construction or installation of any antenna, antenna array and/or antenna-supporting structure for use as an AM, FM, TV or DTV broadcasting facility must demonstrate, prior to submitting an application, a valid FCC construction permit for the proposed location (showing NAD 27 coordinates and appropriate conversion to NAD 83 coordinates) together with an FAA Determination of No Hazard to Air Navigation (Form 7460) for the same coordinates.
- c. An antenna, antenna array and/or antenna-supporting structure for use as an AM, FM, TV or DTV broadcasting facility shall, in no event, exceed 250 feet in height.
- d. Any antenna-supporting structure, equipment enclosures and ancillary structures shall meet the minimum setback requirements for the land use district where they are located, except that where the minimum setback distance for an antenna-supporting structure from any property line or public ROW is less than the height of the proposed antenna-supporting structure, the minimum setback distance shall be increased to equal the height of the proposed antenna-supporting structure. However, in all instances, the minimum

## Article 4: Wireless Communications Facilities

### 4.4 General Development and Design Standards and Processes | 4.4.B. Standards for Specific Types of Wireless Communication Facilities

setback distance from the setback line of any residentially zoned property, with a constructed residence or potential residence, shall be at least 200 percent of the height of the entire proposed structure.

- e. The entire antenna-supporting structure and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.
- f. Any facility shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (such as the longest duration between flashes) allowable by the FAA. No strobes or other lighting shall be permitted unless required by the FAA.
- g. New towers shall maintain a galvanized gray finish or other accepted contextual or compatible color, except as required by federal rules or regulations.
- h. The radio frequency emissions shall comply with FCC standards for such emissions on an individual and cumulative basis with any adjacent facilities. The applicant shall certify that any and all new services shall cause no harmful interference to the existing City of Sedona Public Safety Communications equipment.
- i. Applicants shall provide for a fence or wall around the proposed facility that meets the requirements of 4.4.B(4)c.5.
- j. Landscaping and buffering shall be required around the perimeter of development areas, as required by 5.6, *Landscaping, Buffering, and Screening*, except that the Planning and Zoning Commission may waive the required landscaping otherwise required under SLDC 910 on one or more sides of the development areas or allow the placement of required landscaping elsewhere on the development area when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Alternative landscaping may be approved by the Planning and Zoning Commission. Landscaping shall be installed on the outside of the perimeter fence or wall.
- k. The only signage that is permitted upon an antenna-supporting structure, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter: four inches) the following: "HIGH VOLTAGE – DANGER."
- l. Grading and Drainage - Applicant shall furnish evidence that the proposed facility does not violate requirements in 5.3, *Grading and Drainage*.
- m. Adverse Effects on Adjacent Properties:
  - 1. New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on adjacent properties. The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any

alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration and location proposed.

2. The following attributes shall be considered from vantage points at adjacent properties, roadways and occupied structures:
  - i. Height and location;
  - ii. Mass and scale;
  - iii. Materials and color;
  - iv. Illumination;
  - v. Existing and proposed vegetation and intervening structures; and
  - vi. Overall aesthetics of the proposed structure.

## **4.5. Noncommercial Amateur Radio Tower or Oversized Satellite Earth Station**

An applicant proposing either (i) a satellite earth station larger than the parameters set forth in 4.3.A(2)g or (ii) an amateur radio tower that is 65 feet or greater or is not located either directly behind the rear structural wall of a residential or commercial structure, or is attached to the rear or side of a residential or commercial structure, shall obtain a conditional use permit as set forth in 8.4.B, *Conditional Use Permit*, relative to the review criteria provided in 4.3.C, *Approval Criteria*, prior to submittal for building permit approval and the initiation of construction.

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### **A. Application Requirements**

- (1) Site Plan application in accordance with the Site Plan requirements of the codes of the city.
- (2) Applicant's copy of current, valid FCC license for amateur radio tower operation (not applicable for satellite earth station applicants).
- (3) Site Plan sketch showing all proposed structures (such as support structures, anchorage) and setbacks from such structures to property boundaries.

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### **B. Approval Standards**

Approval standards for amateur radio tower in excess of 65 feet:

- (1) The facility shall be accessory to a legal, principal use on site (such as a residence).
- (2) Structures, including towers, shall meet the setback requirements for primary structures for the zoning district in which the proposed facility shall be located.
- (3) Applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.
- (4) If more than 220 voltage is present in the ground grid or in the tower, a sign shall be attached to the tower and shall display in large bold letters the following: "HIGH VOLTAGE – DANGER."
- (5) Applicant shall certify that the proposed facility meets or exceeds FCC guidelines for radio frequency radiation exposure.

- (6) Applicant shall furnish evidence that the proposed facility does not violate requirements in 5.3, *Grading and Drainage*.
- 

### **C. Collocation Prohibited**

Collocation of any antenna, antenna arrays, microwave or similar type equipment not used for the purposes of either a satellite earth station or an amateur radio tower is prohibited.

## **4.6. Interference with Public Safety Communications**

In order to ensure that the city's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit for a wireless communication facility or an AM/FM/TV/DTV facility shall agree, in addition to any other requirements:

- A.** To demonstrate compliance with good engineering practices;
- B.** To provide the city a copy of all inter-modulation studies submitted to the FCC;
- C.** Not to induce objectionable technical interference to the city's public safety radio services;
- D.** To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);
- E.** In the case of collocation of wireless communications facilities either in the same location or on the same tower as the city's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical interference of any kind whatsoever to the broadcasting transmissions, reception, or electromagnetic communications of the city;
- F.** To pay for any studies requested by the city's Director to determine if the applicant's wireless communication facilities are causing objectionable technical interference; and
- G.** Upon notification by the Director, if the operations of the applicant are causing objectionable technical interference, to immediately undertake all steps necessary to determine the cause of and eliminate such interference utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations, at the cost of the applicant. If said interference continues for a period in excess of 48 hours after notice from the Director, the city shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to ameliorate the objectionable technical interference until the condition causing said interference has abated.

## **4.7. Post-Construction Inspections**

- A.** Wireless communication facility owners (other than amateur radio towers) shall submit a report to the Department of Community Development certifying structural and electrical integrity, as well as continued compliance with RF exposure standards specified in OET-65, upon activation of the facility and thereafter once every two years on the anniversary of the certificate of completion.

- B.** Inspections shall be conducted by an engineer licensed to practice in the State of Arizona. Based upon the results of an inspection, the Director of the Department of Community Development may require repair or removal of a wireless communication facility.
- C.** The city may conduct periodic inspections with the cost of such inspection paid by the owner of the wireless communication facility as provided in the fee schedule of the city to ensure structural and electrical integrity. The owner of the wireless communication facility may be required by the city to have more frequent inspections if there is evidence that the wireless communication facility has a safety problem or is exposed to extraordinary conditions.

## **4.8. Abandonment and Removal**

- A.** Towers and base stations shall be removed, at the owner's expense, within 180 days of cessation of use.
- B.** An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good and unique cause. If the tower or base station is not removed within this time, the city may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the city may cause removal at the cost of the owner.
- C.** Upon removal of the tower or base station, the site shall be returned to its natural state and topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed. The Director may extend the time for returning the site to its natural state, topography, and vegetation up to 60 additional days upon a showing of good and unique cause. If the site improvements are not made, the city may give notice that it will contract for the improvements within 30 days following written notice to the owner. Thereafter, the city may contract the improvements at the cost of the owner.

# Article 5: Development Standards

## Commentary

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

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

In this article, and subsequent articles, we often 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.

## 5.1. Purpose<sup>234</sup>

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

### Sedona Community Plan says...

Ensure harmony between the built and natural environments. (p.17)

## 5.2. Applicability<sup>235</sup>

### A. New Development

The requirements of this article shall apply to all new development pursuant to 1.3, *Authority, Applicability, and Jurisdiction*, unless otherwise exempted in this article.

### B. Redevelopment Activities

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

#### (1) Exterior Renovation

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

<sup>234</sup> New.

<sup>235</sup> This new section summarizes the applicability of the various development standard sections throughout this article.

**(2) External Additions**

External additions to existing structures shall trigger compliance with the development standards in this article pursuant to Table 5.1. Additions shall be calculated based on the gross floor area of that structure (and not gross floor area of all structures per lot). Additional information on applicability is provided in the referenced sections.

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

**(3) Nonconformities<sup>236</sup>**

The standards of this Code relating to nonconformities may also apply to redevelopment activities. See 1.6, *Nonconformities*.

**C. Planned Developments<sup>237</sup>**

- (1)** Development within any new planned development established after the effective date of this Code shall be subject to this Article 5: *Development Standards*, unless alternative standards are adopted as part of the PD approval that, in the determination of the Director, are at least equal to the standards set forth in this article.

<sup>236</sup> Consolidated draft: New.

<sup>237</sup> Consolidated draft: Relocated from the site and building design section to the beginning of this article, to have broader applicability.

- (2) Development of a residential structure within an existing planned development established prior to the effective date of this Code is exempt from this Article 5: *Development Standards*.

## 5.3. Grading and Drainage

### Commentary

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

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### A. Purpose<sup>238</sup>

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

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### B. Applicability<sup>239</sup>

#### (1) Generally<sup>240</sup>

- a. No person shall do any work in or over any drainage way or floodplain, nor shall any person do any grading, filling, excavating, cutting, or other site earthwork, without first obtaining the proper permit and/or authorization pursuant to the Engineering Manual.
- b. In no case shall alteration of any drainage way identified in the 1994 SCS Floodplain Management Study as a permanent or intermittent watercourse be permitted, except as allowed in 5.3.B(2), *Exemptions*.
- c. Submittals for development of individual residential lots within flood-prone areas shall comply with the city's Engineering Manual and with the requirements of the Arizona Department of Water Resources State Standard 6-05 and associated attachments, as they currently exist or may be amended in the future.

#### (2) Exemptions

##### a. Generally

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

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<sup>238</sup> From Article 8, Section 800 and Section 801. Minor edits to streamline.

<sup>239</sup> From Article 8, Section 801. Pulls in the applicability language from the purpose statement. This section has been reorganized for clarity. The current LDC has multiple permit requirements that appear to overlap.

<sup>240</sup> Article 8, Section 803. Removed the AZ State Standard 6-05 language, which we understand is outdated. We also removed the site plan checklist and supplementary information checklist, which should be in a separate manual. Did not carry forward language specific to submittal requirements (plans; drawings; engineering studies; supporting data, including the quantity of cut and the quantity of fill; and such other information as required by the City Engineer and Director).

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

**b. Existing Development<sup>241</sup>**

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

1. Existing legal uses of property or the right to continuation of such legal use, and reasonable repair or alteration of such property pursuant to 1.6, *Nonconformities*;
2. Reasonable repair of structures constructed with the written authorization required by A.R.S. Section 48-3613;
3. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2, Power Plant and Transmission Line Siting Committee; and
4. Improvements to existing streets or highways, or improvements to existing fill slopes, that do not conform with this Section 5.2 that is authorized in writing by the City Engineer.<sup>242</sup>

**c. Liability<sup>243</sup>**

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

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## **C. Compliance Required**

- (1) All earthwork construction and stormwater management systems shall be designed and constructed in accordance with the provisions of this Code, the Engineering Standards Manual, and the standards of other applicable regulating authorities.<sup>244</sup>
- (2) In the case where requirements in this Code conflict with requirements in the Engineering Standards Manual, Yavapai County Flood Control District, or Coconino County Flood Control

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<sup>241</sup> Relocated here from current 803.02. Did not carry forward "...However, if a nonconforming use of land or building or structure is discontinued for 12 months, or is destroyed to the extent of 50 percent of its value, as determined by a licensed appraiser, any further use shall comply with this section; Reasonable repair or alteration of property for the purposes for which the property was legally used on September 10, 1991, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential shall be either floodproofed or elevated to or above the regulatory flood elevation."

<sup>242</sup> Previously 810.07L and 810.08K.

<sup>243</sup> Previously 803.02D. We propose this standard apply to all exemptions listed in this section.

<sup>244</sup> Modified to include reference to the Engineering Standards Manual and standards from other regulating authorities.

District conflict, the more stringent requirement as determined by the City Engineer shall apply.<sup>245</sup>

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

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## **D. General Standards<sup>246</sup>**

### **(1) Grading and Slope Protection<sup>247</sup>**

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

- a. All buildings, structures, driveways, and roads shall, to the maximum extent practicable, follow the natural contours of the land to minimize disturbed area.
- b. Grading and cut-and-fill practices shall be minimized and shall blend scale, form, and visual character into the natural landforms and minimize exposed scars. Level grading of entire lots without respect for existing landforms or neighboring development is prohibited.<sup>248</sup>
- c. Sharp angles shall be rounded off, in a natural manner, at the top and ends of cut and fill slopes (within approximately five feet of the sharp angle) unless steep angles are a natural character of the site. Where this would damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.
- d. Except for driveways, cut-and-fill slopes shall be entirely contained within a lot and natural grade at the lot lines shall be maintained.
- e. Where the existing terrain is generally level, slopes greater than 1:3 are prohibited within five feet of property lines.
- f. Finished floor elevations of buildings and parking areas shall transition with the grades of the site.
- g. On sloped properties, structures shall be designed to step down with the existing topography. Building placement on slopes shall incorporate stepped vertical massing and plan view offsets to save existing vegetation and landforms.

### **(2) Storm Drainage Facilities<sup>249</sup>**

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

#### **a. Generally**

1. All developments shall be designed with considerations for existing, temporary, and post-development drainage impacts and flows. These considerations shall include quantity, quality, and method of delivery of drainage flows.

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<sup>245</sup> Previously 803.01A.

<sup>246</sup> Previously 805. Renamed from Permit Requirements.

<sup>247</sup> Consolidates grading standards from Article 8 and Article 10.

<sup>248</sup> Previously 810.07A and 810.08A and combined with similar grading requirements in Article 10. Replaced "should blend scale..." with "shall blend scale..." These standards will be included in the Engineering Standards Manual.

<sup>249</sup> New language regarding MDS4 inserted by staff. Precipitation data removed and will be located in the Engineering Standards Manual.

2. Project designs shall provide drainage or stormwater capture/low-impact development measures on the project site so that off-site storm drainage flows do not increase, are not more polluted, or differently delivered than existing flows, unless adequate provisions satisfactory to the City Engineer are made to accommodate the flow off site.<sup>250</sup>
  - b. Design measures shall be implemented to prevent non-storm drainage flows from flowing between or off of properties.
  - c. All development proposals shall, to the maximum extent feasible, preserve existing drainage courses in as natural a manner as possible. Stormwater may be directed into natural or landscaped areas where infiltration can occur (bio-retention basins, swales, rain gardens).<sup>251</sup>
  - d. No obstruction, including walls and fences, shall be placed within a drainage facility, roadside ditch, wash, or drainage easement, unless authorized by the City Engineer.<sup>252</sup>
  - e. Maintain existing riparian areas in undisturbed form unless authorized by the City Engineer.<sup>253</sup>

**Sedona Community Plan says...**

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

**(3) Detention Basins<sup>254</sup>**

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

- a. Be designed in free-form shapes to blend with the natural landscape. They may be integrated into a park or recreation area with controlled access and signage that provides for the safe public use of such areas.
- b. Be landscaped to serve as areas of visual interest, and to soften their appearance.
- c. Incorporate landscape materials that are consistent with the overall landscape palette of the project and that comply with the standards in 5.6, *Landscaping, Buffering, and Screening*.

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<sup>250</sup> Removed "to the extent practicable" and added "satisfactory to the City Engineer."

<sup>251</sup> *Consolidated draft: Last sentence is new.* Previously 2.3 of Design Manual. Replaced "should" with "shall."

<sup>252</sup> Previously 803.01.

<sup>253</sup> Replaced "should" with "shall" and included statement granting authority to the City Engineer.

<sup>254</sup> Previously 2.3.2 of Article 10. Replaced "should" with "shall."

## 5.4. Access, Connectivity, and Circulation

### Commentary:

This section includes standards from Sections 706, 906, 912, and Article 10 related to access, connectivity, and circulation of automobiles, pedestrians, and bicycles. In cases where the current LDC merely encourages a sound development practice, this draft requires such practice. The majority of this section contains new standards. Footnotes indicate where existing language has been modified.

### A. Purpose<sup>255</sup>

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

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

#### Sedona Community Plan says...

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

### B. Applicability<sup>256</sup>

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

### C. Circulation Plan Required<sup>257</sup>

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

<sup>255</sup> New.

<sup>256</sup> New.

<sup>257</sup> New.

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

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## D. Street Connectivity

(1) **Purpose**<sup>258</sup>

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

**Sedona Community Plan says...**

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

(2) **Standards**<sup>259</sup>

**a. Continuation and Connection to Public Roadways**

The vehicular access and circulation for a development shall incorporate the continuation and connection of public street roadways and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved abutting developments.

**b. Extension of Circulation System to Site Boundaries**

The vehicular access and circulation for a development shall provide for the extension or connection of proposed internal public street roadways and associated rights-of-way to those boundaries of the development site whenever such extensions or connections are or may be necessary to ensure that the development site or the abutting property will have:

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<sup>258</sup> New.

<sup>259</sup> New.

1. At least two vehicular access points to and from an external through street system;
2. Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and
3. Convenient and efficient access by vehicles needed to provide other public services.

**c. Connection to Bikeways and Sidewalks**

An extension or connection of a public street roadway and right-of-way to an abutting property, street, or right-of-way shall include the extension or connection of associated bikeways and sidewalks.

**d. Temporary Turnaround**

The Director and/or the City Engineer may require a temporary turnaround at the end of a roadway extension if needed to facilitate traffic flow or to accommodate emergency vehicles pending the roadway's connection to other roadways.

**e. Waiver or Modification of Connection Requirements**

The Director and/or the City Engineer may waive or modify the requirements or standards for extension or connection of a public roadway from or to an abutting property if such extension is impractical or undesirable because it would:

1. Require crossing a significant physical barrier or environmentally sensitive area (e.g., watercourses, floodplains, riparian areas, steep slopes; wildfire hazard areas);
2. Require the extension or connection of a proposed internal public street to an abutting property with existing development whose design makes it unlikely that the street will ever be part of a network of public streets (for example, the abutting existing development has no public streets, or there are no "stubbed-out" street rights-of-way or open corridors between the proposed development site and public streets in the abutting development to accommodate a current or future extension or connection);
3. Require the extension or connection of a proposed internal public street to an abutting property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by easement or deed; or
4. Require the extension or connection of a proposed internal public street to an abutting property that is developed or zoned for a use whose level and type of generated traffic would be incompatible with the proposed development.

**(3) Cul-de-Sacs and Dead-End Streets<sup>260</sup>**

- a. Where residential developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sacs in adjoining subdivisions via a sidewalk or multi-use path, except where deemed impractical by the Director.

<sup>260</sup> These standards are new. Standards related to turnarounds, cul-de-sac radius, and islands from 706.04.A(10) were not carried forward and will be relocated to the Engineering Standards Manual.

- b. All stub streets and temporary dead-end streets greater than 150 feet in length shall terminate in a cul-de-sac.

**(4) Gates and Restrictions on Access to Streets, Driveways, or Alleys<sup>261</sup>**

The standards of this subsection apply to all residential, commercial, and industrial development. They do not apply to individual detached houses with gated private driveways. For the purpose of this provision and this section, the term “gate” means any barrier or similar device that would allow access or passage to a certain person, group of people, or type of traffic and not to the general public or to transient traffic.

**a. Gating of Public Streets**

Public streets and public alleys may not be gated.

**b. Approval Required**

No other street, driveway, or alley may be gated and no vehicular or pedestrian (traffic) access may be otherwise restricted along any street without the City’s express written approval, in accordance with the standards of this section.

**c. New Streets and Alleys**

Permission to restrict access from public streets to private streets or to gate or otherwise restrict access to private streets, driveways, and alleys may be granted by the City Engineer in conjunction with the Director, provided that the proposed design does not result in a restriction of access to any existing street. Before approval of any restriction on access to a newly created street or alley, the City Engineer in conjunction with the Director shall forward the request to the Sedona Fire District and any other relevant agencies for their review and comment.

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**E. Driveways and Access**

**(1) General<sup>262</sup>**

- a. Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles and for those needing access to the property for its intended use.
- b. All driveway entrances and other openings onto streets shall be constructed so that:
  - 1. Vehicles may safely enter and exit the property;
  - 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
  - 3. Shared driveways are provided to the maximum extent feasible to minimize the number of access points to streets (except for driveways within residential subdivisions or along private residential streets).
- c. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive.

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<sup>261</sup> Consolidated draft: This new language is provided for city review based on several staff comments on the earlier module.

<sup>262</sup> New.

- d. All driveways shall be surfaced with materials that have textures and colors that would enhance visual compatibility with native site surroundings. Such materials may include paving blocks or bricks, exposed aggregate concrete and asphalt, but specifically does not include uncolored concrete.<sup>263</sup>
- e. All driveways from existing private or public roads that interfere with a natural or constructed drainage course shall provide a drainage culvert that meets the Engineering Standards.<sup>264</sup>

**(2) Driveways Fronting State Highways<sup>265</sup>**

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

- a. Only one driveway access point per property shall be allowed.
- b. Driveways along State highways shall not be located closer than 40 feet from another driveway.
- c. Access approval from the Arizona Department of Transportation shall be obtained.

**(3) Residential<sup>266</sup>**

In addition to the above general requirements in 5.4.E(1) and (2), all residential development shall be subject to the following:

- a. There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.
- b. Multi-family development sites shall include a minimum of two access points to the maximum extent practicable. An exception may be made by the City Engineer where a site is landlocked by existing development or other physical or legal constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible, or where the small size of the site makes dual access unnecessary.
- c. Driveways shall be no less than 20 feet in length from the face of a garage, carport, or other structure intended to house vehicles to the near edge of the sidewalk or public right-of-way.
- d. Within the front setback, each driveway at its widest point shall be not more than 30 feet in width, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii.
- e. Driveways providing access to single-family residential lots shall be located a minimum of 30 feet from any road intersection.<sup>267</sup>

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<sup>263</sup> Previously 906.02.

<sup>264</sup> Consolidated draft: new.

<sup>265</sup> New.

<sup>266</sup> New unless otherwise noted.

<sup>267</sup> Previously 912.05.F.

**(4) Non-Residential**

In addition to the above general requirements in 5.4.E(1) and (2), all non-residential development shall be subject to the following:

**a. Vehicle Maneuvering**

Vehicles shall not be allowed to back out or otherwise maneuver from a property into a city arterial or roadway if, in the opinion of the City Engineer, a potential traffic safety concern is present.<sup>268</sup>

**b. General Driveway Standards<sup>269</sup>**

All driveways providing access to a public right-of-way shall comply with adopted City engineering standards.

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**F. Visibility Triangles<sup>270</sup>**

- (1)** On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by joining points measured 30 feet along the property line from the intersection of two streets, or by joining points measured 10 feet back along a driveway and lot line from the point of intersection of the driveway and lot line. On a site-specific basis; as an alternative, the City Engineer may apply AASHTO standards based on a site-specific evaluation of intersection visibility. (See Figure 5-1:.)
- (2)** Within the area of the triangle there shall be no sight-obscuring or partly obscuring wall, fence, sign, or foliage higher than 36 inches above curb grade or, in the case of trees, foliage lower than six feet.
- (3)** Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the triangle or, if no curb exists, from the edge of the nearest traveled way.

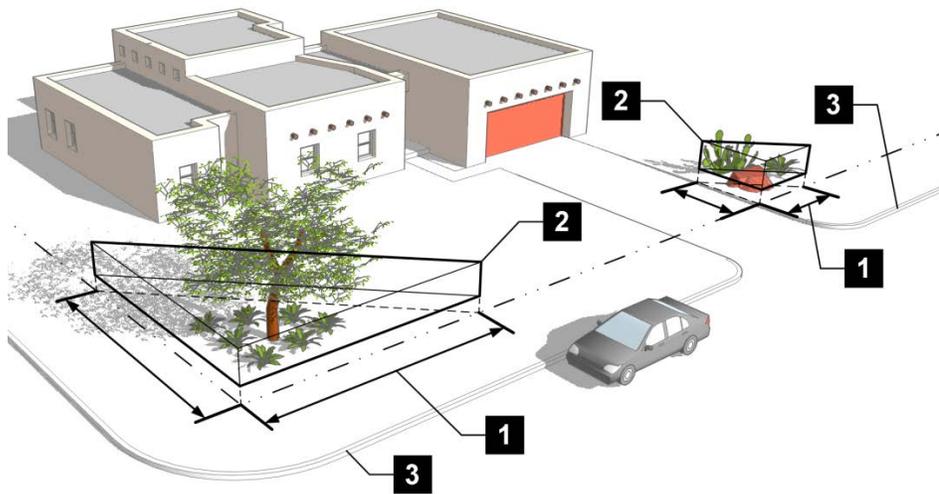
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<sup>268</sup> Previously 912.05.B.

<sup>269</sup> Consolidated draft: Driveway standards and minimum driveway clearance standards removed for placement in separate manual.

<sup>270</sup> Consolidated draft: Chanted height from 24 to 36 inches. Previously 706.04.D(2). Added language limiting the applicability of this provision to parcels of land where a front setback is required.

Figure 5-1: Visibility Triangle



**G. Cross-Access between Adjacent Uses<sup>271</sup>**

- (1) All non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets, even if no current connection exists (in order to enable future connections). This may be established by one or more of the following:
  - a. Connecting streets and drives;
  - b. Coordinating parking structure and parking lot entrances;
  - c. Common service/delivery areas;
  - d. Legally shared parking structures and parking lots;
  - e. Linkages between parking lots and parking structures; or
  - f. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts.
- (2) When cross-access is deemed impractical by the Director and/or City Engineer on the basis of topography, the presence of natural features, or vehicular or pedestrian safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.
- (3) Cross-access and maintenance agreements associated with such interconnections shall be provided, if necessary, with the associated subdivision or development application.

**H. Pedestrian and Bicycle Circulation**

**(1) Sidewalks<sup>272</sup>**

<sup>271</sup> Replaces 912.02.F. Cross-access between adjacent uses is currently encouraged in the LDC, we recommend requiring cross-access unless otherwise exempted.

<sup>272</sup> New.

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

**Reducing Vehicle Miles Travelled**  
 Enhancing pedestrian and bicycle facilities can result in fewer automobile trips and fewer vehicle miles travelled.



**(2) On-Site Pedestrian Walkways<sup>273</sup>**

All development shall provide an on-site system of pedestrian walkways that meets the following standards:

**a. Areas to Connect**

On-site pedestrian walkways shall provide direct access and connections to and between:

- 1. The primary entrance or entrances to each building, including pad site buildings;
- 2. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development;<sup>274</sup>
- 3. Any parking areas intended to serve the development;
- 4. Any sidewalk system along the perimeter streets adjacent to the development;
- 5. Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street;
- 6. Any adjacent residential neighborhoods (planned or existing); and
- 7. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

**b. Walkway Design**

Required on-site pedestrian walkways shall be a minimum width of five feet; however, the Director and/or City Engineer may require a wider walkway based on site characteristics such as, but not limited to, anticipated pedestrian volume, street classification, zoning of adjacent properties, and location within a CFA.<sup>275</sup> All required walkways shall:

- 1. Be distinguishable from areas used by vehicles using one or more of the following techniques:
  - i. Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving material;

<sup>273</sup> Consolidated draft: Edited to streamline and reduce repetition. New.

<sup>274</sup> Did not carry forward graphic from 2.5.1 of Article 10, *Street sidewalk continuity*.

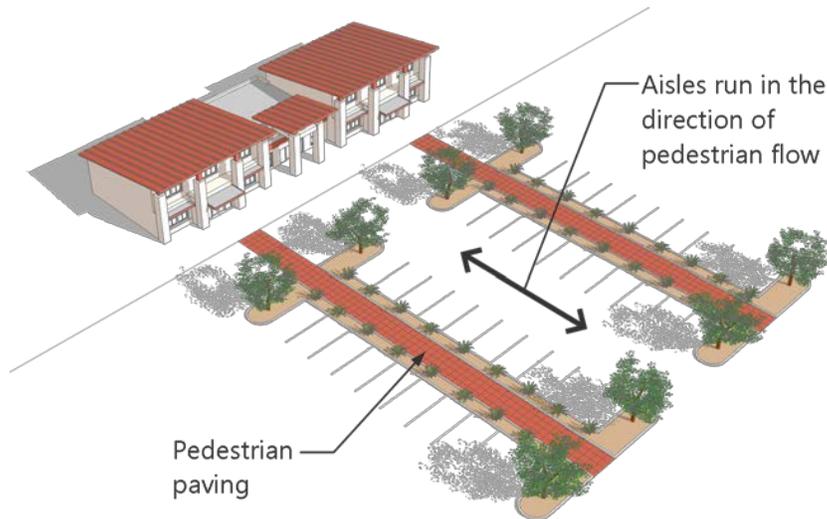
<sup>275</sup> Consolidated draft: new second sentence.

- ii. Changing paving height;
  - iii. Decorative bollards;
  - iv. Raised median walkways with landscaped buffers;
2. Be designed with similar and/or complementary details, colors, and finishes as other interconnected walkways;
  3. Have adequate lighting for security and safety;
  4. Be conveniently and centrally located on the subject property;
  5. Be ADA accessible; and
  6. Not include barriers that limit pedestrian access between the subject property and adjacent properties.

**(3) Pedestrian Access through Parking Areas<sup>276</sup>**

All parking lots that contain more than 50 parking spaces shall include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150 foot intervals, whichever is less. (See Figure 5-2.)

**Figure 5-2: Example Pedestrian Access through a Parking Lot**



**(4) Pedestrian Access through Parking Garages<sup>277</sup>**

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

<sup>276</sup> Replaces current standards in 2.5.3 of Article 10.

<sup>277</sup> New.

**(5) Multi-Use Trails**

Multi-use trails, separated from automobile traffic, are encouraged to enhance pedestrian and bicycle travel.

**a.** Trails shall:

- 1.** Connect to the street system in a safe and convenient manner;
- 2.** Be well-signed with destination and directional signing;
- 3.** Connect origin and destination points such as residential areas, schools, shopping centers, parks, USFS trail systems, etc.; and
- 4.** Be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized.

**b.** Multi-use trails designated in the Transportation Master Plan (TMP), Community Focus Area Plan, or other specific plan shall require a minimum width of 10 feet, unless an alternative width is required by an adopted CFA plan.

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

**a. Restrictions on Use**

Sidewalks, walkways, and trails are intended to provide pedestrian and bicycle access. Vehicle parking, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum width of any required sidewalk, trail, walkway, or other pedestrian way.

**b. Maintenance and Snow Removal**

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

**(7) Bicycle Circulation<sup>278</sup>**

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

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<sup>278</sup> New. The Sedona Community Plan indicates a pedestrian and bicycle master plan will be developed to identify potential linkages, barriers and gaps, bike lanes and routes, sidewalks, separated pathways, and implementation strategies. In the future, this language could be modified to refer to that plan when it is created.

## 5.5. Off-Street Parking and Loading

### Commentary:

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

There are several new exemptions from off-street parking requirements, including properties smaller than 5,000 square feet (except single-family and duplex dwellings) and expansions of a use less than 15 percent. These exemptions, coupled with new and revised parking alternatives, attempt to make it easier to redevelop properties in Sedona and encourage sustainable practices such as shared parking, bicycle parking, and pervious pavement surfaces.

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

### A. Purpose<sup>279</sup>

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

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

### B. Applicability

#### (1) New Development<sup>280</sup>

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

#### (2) Expansions and Enlargements<sup>281</sup>

- a. The off-street parking and loading standards of this Section 5.5 apply when the gross floor area of an existing structure or use is expanded or enlarged by 15 percent or more for primary uses of the property, 25 percent or more for supportive non-primary uses of the property, or for any expansion or enlargement that requires a Conditional Use Permit. In such cases, the number of off-street parking and loading spaces provided for the entire use

<sup>279</sup> Replaces 912.01.

<sup>280</sup> Replaces 912.02.A.

<sup>281</sup> Replaces 912.02.A.

(pre-existing plus expansion) shall equal 100 percent of the minimum ratio established Table 5.2, *Required Off-Street Parking Spaces*.

- b. For single-family detached dwellings, any additional expanded parking provided pursuant to this section shall be restricted to covered parking.<sup>282</sup>

**(3) Exemptions<sup>283</sup>**

The following shall be exempt from the requirements in Table 5.2, *Required Off-Street Parking Spaces*, but shall comply with parking area design standards if parking is provided:

**Sedona Community Plan says...**

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

- a. Properties containing less than 5,000 square feet of lot area, except for one-family and duplex dwellings.<sup>284</sup>
- b. Expansions or enlargements that increase the square footage of an existing conforming structure or conforming use by less than 15 percent gross floor area, provided that any existing off-street parking remains unaltered.<sup>285</sup>

**(4) Change in Use<sup>286</sup>**

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

**(5) Mixed-Use Development<sup>287</sup>**

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

- a. To reflect the reduced automobile use associated with mixed-use developments, all uses within a mixed-use zoning district that are part of a mixed-use development shall be eligible for the following reductions from the minimum off-street parking requirements in Table 5.2, *Required Off-Street Parking Spaces*:<sup>288</sup>
  - 1. M1 district: 10 percent parking reduction;
  - 2. M2 district: 15 percent parking reduction; and
  - 3. M3 district: 30 percent parking reduction.
- b. The total number of parking spaces required of a use or uses may be further reduced by the Director if the applicant prepares a parking demand study that demonstrates a reduction is appropriate based on the expected parking needs of the development,

<sup>282</sup> Consolidated draft: New.

<sup>283</sup> New. Did not carry forward 912.02.J exempting single-family residential uses from parking provisions and requirements.

<sup>284</sup> New standard to promote infill and redevelopment.

<sup>285</sup> Consolidated draft: Clarified that this exemption only applies to conforming structures and uses. New standards to allow flexibility for redeveloping properties.

<sup>286</sup> New.

<sup>287</sup> New.

<sup>288</sup> Consolidated draft: Clarified that these reductions would only apply to uses part of a mixed-use development (previously stated any uses in a mixed-use zoning district).

availability of mass transit, and similar factors. The parking and loading demand study shall be prepared pursuant to 5.5.C(5), *Discretionary Requirement Based on Demand Study*.

### C. Calculation of Parking and Loading Requirements<sup>289</sup>

#### (1) Area Measurements

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

#### (2) Fractions<sup>290</sup>

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

#### (3) Parking and Loading for Multiple Uses<sup>291</sup>

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

#### (4) Parking and Loading for Unlisted Uses<sup>292</sup>

For uses not expressly listed in Table 5.2, *Required Off-Street Parking Spaces*, the Director is authorized to:

- a. Apply the minimum off-street parking space requirement specified in Table 5.2, *Required Off-Street Parking Spaces*, for the listed use that is deemed most similar to the proposed use (based on operating characteristics, the most similar related occupancy classification, or other factors determined by the Director); or
- b. Establish the minimum off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data; or
- c. Establish the minimum off-street parking space and loading requirements based on a parking and loading demand study prepared by the applicant according to 5.5.C(5), *Discretionary Requirement Based on Demand Study*.

#### (5) Discretionary Requirement Based on Demand Study<sup>293</sup>

Uses that reference this paragraph in Table 5.2, *Required Off-Street Parking Spaces*, have widely varying parking and loading demand characteristics, making it difficult to specify a single off-

<sup>289</sup> Did not carry forward 912.03.F giving the Director authority to increase parking requirements established in Table 5.3, *Required Off-Street Parking Spaces*, based on nature of proposed and existing land uses on the site and surrounding areas.

<sup>290</sup> Previously 912.03.C. Reworded for clarity and grammatical consistency.

<sup>291</sup> Previously 912.02.C.

<sup>292</sup> Replaces 912.03.D. Expanded Director's authority to base decision on published parking manuals or a parking and loading demand study.

<sup>293</sup> New requirement that we often include in codes to give staff the flexibility to determine appropriate parking rather than relying on a one-size-fits-all approach.

street parking or loading standard. Upon receiving an application for a use subject to this paragraph, the Director shall apply the off-street parking and loading standards on the basis of a parking and loading demand study prepared by the applicant. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

**D. Minimum Off-Street Parking Spaces Required<sup>294</sup>**

**(1) Minimum Required Off-Street Parking<sup>295</sup>**

Unless otherwise provided in this Ordinance, off-street parking spaces shall be provided in accordance with Table 5.2, *Required Off-Street Parking Spaces*, below.

**Sedona Community Plan says...**

Require parking standards that are consistent with mixed and shared uses, promote efficient use of space, and minimize asphalt coverage (p.53)

**Commentary:**

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

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

<sup>294</sup> Consolidated draft: removed separate section with maximum parking requirements.

<sup>295</sup> Consolidated draft: Removed separate standard for the Uptown area (previously established at 500 square feet for all uses).

Table 5.2 Required Off-Street Parking Spaces				
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)	
<b>Residential</b>				
<b>Household Living</b>	Dwelling, Co-Housing		1.5 spaces per dwelling unit	
	Dwelling, Duplex	2 parking spaces per dwelling unit	2 spaces per dwelling unit	
	Dwelling, Live/Work		1.5 space per dwelling unit (work area calculated as retail, office, or commercial use)	
	Dwelling, Multifamily	A minimum of 1 covered space per dwelling unit  Efficiency units: 1.25 spaces per dwelling unit  1 bedroom units: 2 parking spaces per dwelling unit for the first 5 units. After the first 5 units, 1.5 parking spaces per dwelling unit		<b>Studio:</b> 1 space per dwelling unit <b>1 Bedrooms:</b> 1.25 spaces per dwelling unit <b>2+ Bedrooms:</b> 1.75 spaces per dwelling unit
		2 or more bedroom units: 2.5 parking spaces per dwelling unit for the first 5 units. After the first 5 units, 2 parking spaces per dwelling unit		For all multifamily uses, a minimum of 0.5 spaces of the required spaces per dwelling unit shall be covered parking spaces. <sup>296</sup>
		Active senior living accommodations: 1 parking space per dwelling unit		
	Dwelling, Single-Family Attached	2 parking spaces per dwelling unit		2 spaces per dwelling unit
Dwelling, Single-Family Detached			<b>Dwellings with 6 or fewer bedrooms:</b> 2 spaces per dwelling unit; <b>Dwellings with more than 6 bedrooms:</b> 2 spaces per dwelling unit plus 1 space per bedroom over 6 bedrooms	
	2 parking spaces per dwelling unit		Accessory guest rooms are included in the overall parking calculations for the site.  If a garage is converted into habitable space, the garage shall be replaced or the additional required surface	

<sup>296</sup> Consolidated draft: New.

Table 5.2 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
			parking must be screened.
	Manufactured Home	2 parking spaces for each mobile home space	2 spaces per dwelling unit
Group Living	Assisted Living Facility	1 parking space for each 2 patient beds	1 space per patient bed
	Dormitory	2 parking spaces for each 3 guest rooms	0.75 spaces per bedroom
Public, Institutional, and Civic Uses			
Community and Cultural Facilities	Cemetery or Interment Facility		No requirement
	Club or Lodge	1 parking space for each 3.5 fixed seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room	1 space per 50 square feet of assembly area
	Day Care	1 parking space for each staff member plus 1 space for each 10 students	1 space per employee on largest shift, plus 1 space per 15 students
	Funeral Facility	1 parking space per 3 fixed seats or 1 parking space per 20 square feet of assembly room area, plus 1 per each commercial funeral vehicle	1 space per 20 square feet of assembly area; plus 1 space per business vehicle
	Library	1 parking space for each 300 square feet of gross floor area	1 space per 300 square feet
	Museum	1 parking space for each 300 square feet of gross floor area	1 space per 300 square feet
	Park, Active		Discretionary, see 5.5.C(5) Playfields (soccer, baseball, etc.) shall have a minimum of 20 spaces per field.
	Park and Open Space, Passive		No requirement
	Religious Assembly	1 parking space for each 3.5 fixed seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room	1 space per 50 square feet of assembly area
Educational Facilities	School, Public or Private	Elementary or junior high schools: 2 parking spaces for each teaching station  High schools including auditoriums and stadiums: 7 parking spaces for each teaching station	<b>High school:</b> 6 per classroom plus 1 per 300 square feet of administrative office space <b>Elementary and junior high:</b> 2 per classroom <b>All others:</b> 1 space per 300 square feet <sup>297</sup>

<sup>297</sup> Consolidated draft: Added separate requirements for elementary/junior high and then "all others" to apply to colleges.

Table 5.2 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
	School, Vocational or Trade		1 space per 300 square feet
Healthcare Facilities	Hospital	1 parking space for each patient bed	1 space per 400 square feet
	Medical or Dental Clinic	1 parking space per 200 square feet of gross floor area	1 space per 200 square feet
<b>Commercial Uses</b>			
Agricultural and Animal Uses	Agriculture, General		No requirement
	Agriculture, Urban		No requirement
	Kennel, Commercial		1 space per 1,000 square feet
	Stable, Commercial		1 per 5 animals boarding capacity
	Veterinary Hospital or Clinic		1 space per 500 square feet
Recreation and Entertainment	Campground or RV Park		1 space per visitor site; plus 1 space per resident caretaker
	Indoor Recreation Facility	<p>1 parking space for each 3 persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Director</p> <p>Art gallery: 1 parking space for each 350 square feet of gross floor area</p> <p>Billiard parlor: 1 parking space per 1.5 billiard tables</p> <p>Bowling alley: 4 parking spaces for each bowling lane</p> <p>Gymnasium and health studios, not on a school site: 1 parking space per 300 square feet of exercise area</p> <p>Skating rinks, dance halls/dance studios: 1 parking space per 250 square feet of gross floor area</p> <p>Theater or auditorium not on a school site: 1 parking space for each 3 seats in the</p>	1 space per 300 square feet

Table 5.2 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		main assembly room	
	Outdoor Recreation Facility	1 parking space for each 3 persons, based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Director  Golf courses: 6 parking spaces per green  Miniature golf course: 2.5 parking spaces for each hole of the course	1 space per 250 square feet building area; plus 1 space per 10,000 square feet site area
Food and Beverage Service	Bar, Tavern, Lounge, or Tasting Room	Restaurant, cocktail lounge or similar use for sale or consumption of food or beverages on the premises with more than 16 seats: 1 parking space for each 100 square feet of gross floor area  Restaurant primarily for sale of food and beverages off-premises with 16 seats or less: 1 parking space for each 200 square feet of gross floor area	<b>Bars, taverns, lounges, or tasting rooms less than 2,500 square feet (including outdoor seating area):</b> 1 space per 250 square feet <sup>298</sup> <b>All other bars, taverns, lounges, or tasting rooms:</b> 1 space per 100 square feet
	Catering Establishment		3 space per 1,000 square feet
	Microbrewery, Distillery, or Winery		1 space per 250 square feet seating/tasting area; <sup>299</sup> 1 space per 1,000 square feet for all other areas
	Mobile Food Vending		1 space per vendor in addition to the space where the vendor is parked <sup>300</sup>
	Restaurant	Restaurant, cocktail lounge or similar use for sale or consumption of food or beverages on the premises with more than 16 seats: 1 parking space for each 100 square feet of gross floor	<b>Restaurants with less than 2,500 square feet (including outdoor seating area):</b> 1 space per 250 square feet; <sup>301</sup> <b>All other restaurants:</b> 1 space per 100 square feet

<sup>298</sup> Consolidated draft: Revised from less than 10,000 square feet to 2,500 square feet.

<sup>299</sup> Consolidated draft: Revised from one per 200 sf to one per 250 sf.

<sup>300</sup> Consolidated draft: Clarified that the vendor space is in addition to the parking requirement.

<sup>301</sup> Consolidated draft: Revised current seating threshold to a square footage threshold to match bars, taverns, lounges.

**Table 5.2  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		area  Restaurant primarily for sale of food and beverages off-premises with 16 seats or less: 1 parking space for each 200 square feet of gross floor area	
	Restaurant with Drive-Through	Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than 16 seats: 1 parking space for each 100 square feet of gross floor area. In addition, 4 spaces before the ordering area shall be required for vehicle stacking space  Restaurant primarily for sale of food and beverages off-premises with 16 seats or less: 1 parking space for each 200 square feet of gross floor area. In addition, 4 spaces before the ordering area shall be required for vehicle stacking space	<b>Restaurants with 16 seats or fewer:</b> 1 space per 250 square feet; <b>All other restaurants:</b> 1 space per 100 square feet; All restaurants with drive-through shall provide 4 vehicle stacking spaces per service window
<b>Office, Business, and Professional Services</b>	Administrative, Professional, or Government Office	Government office: 1 parking space for each 200 square feet of gross floor area  1 parking space for each 250 square feet of gross floor area	1 space per 250 square feet <sup>302</sup>
	Financial Institution	1 parking space for each 200 square feet of gross floor area  Drive through: 1 parking space for each 200 square feet of gross floor area, plus 5 vehicles per drive-through station for vehicle stacking space	1 space per 250 square feet; <sup>303</sup> plus 4 stacking spaces per drive-through station
<b>Lodging</b>	Lodging, Fewer than Seven Units	1 parking space for each guest room or guest	0.5 spaces per room within each lodging unit, but not

<sup>302</sup> Consolidated draft: Revised from 300 square feet.

<sup>303</sup> Consolidated draft: Revised from 300 square feet.

Table 5.2 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		dwelling  Bed and breakfast: 1 parking space for each guest unit in addition to parking requirements for the owner/occupant	less than 1 space per total unit (excluding kitchens, bathrooms, closets, or similar rooms as determined by the Director of Community Development).
	Lodging, Medium-Density	Hotels, motels, timeshares and other similar lodging uses as determined by the Director of Community Development. Total per unit of the following requirements:  a. 0.5 spaces per room within each lodging unit, but not less than 1 space per total unit (excluding kitchens, bathrooms, closets or similar rooms as determined by the Director of Community Development).  b. 0.25 spaces per total unit if the timeshare facility accommodates on-site sales activities (this requirement may be waived by the Director if applicant provides adequate documentation indicating sales customers are also overnight guests at the facility).  c. 0.25 spaces per lock-out suite.  d. For projects under 60 units, an additional 5 parking spaces shall be provided. For projects with 60 or more units, an additional 10 parking spaces shall be added.	In addition: For projects with under 100 units, an additional 10 percent of required parking spaces shall be provided; for projects with 100 or more units, an additional 10 parking spaces shall be added. <sup>304</sup>  Accessory uses to lodging, such as meeting rooms and restaurants, shall be required to provide parking at the rates for those specific use types except that the Director may reduce those requirements for accessory uses that are clearly designed for only hotel guests. <sup>305</sup>
	Lodging, High-Density		

<sup>304</sup> Consolidated draft: New.

<sup>305</sup> Consolidated draft: New paragraph.

Table 5.2 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
Personal Services	Personal Services, General	<p>Barber or beauty shop: 1.5 parking spaces for every 2 work stations</p> <p>Cleaners: 1 parking space for each 300 square feet of gross floor area</p> <p>Cleaners (drive through): 1 parking space for each 300 square feet of gross floor area, plus a minimum of 60 feet of stacking area to accommodate at least 3 vehicles at the window</p> <p>Commercial service uses, repair shops, garages, wholesale uses: 1 parking space for each 200 square feet of gross floor area (including display)</p> <p>Health and spa facility, massage therapy, yoga studio: 1 parking space for each 200 square feet of gross floor area</p> <p>On the same property in conjunction with a Lodging or Resort Commercial establishment, 1 parking space for each 400 square feet of gross floor area</p>	1 space per 250 square feet; <sup>306</sup> plus 3 stacking spaces per service window
	Laundromat, Self-Service	1 parking space for every 2 washing machines	1 space per 250 square feet <sup>307</sup>
Retail Sales	Auction House		Discretionary, see 5.5.C(5)
	Building Materials and Supply Store		1 space per 300 square feet
	General Retail, Less than 10,000 Square Feet	<p>General retail: 1 parking space for each 250 square feet of gross floor area</p> <p>Convenience markets and liquor stores: 1 parking space for each 200 square feet of gross floor area plus a minimum of 60 feet of</p>	1 space per 250 square feet per business; plus 3 stacking spaces per service window

<sup>306</sup> Consolidated draft: Revised from 300 square feet.

<sup>307</sup> Consolidated draft: Revised from 300 square feet.

**Table 5.2  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		stacking area to accommodate at least 3 vehicles at the window  Furniture and/or appliance stores: 1 parking space for each 750 square feet of sales display area  1 space for each 250 square feet for buildings less than or equal to 10,000 square feet of gross floor area	
	General Retail, 10,000 Square Feet to 25,000 Square Feet	1 parking space for each 200 square feet of gross floor area for buildings over 10,000 square feet of gross floor area	1 space per 250 square feet per business; plus 3 stacking spaces per service window <sup>308</sup>
	General Retail, More than 25,000 Square Feet	Planned shopping centers under unified control over 25,000 square feet: a. 1 parking space for each 250 square feet of gross floor area  b. Parking spaces for restaurant space that exceeds 15% of the total square footage of the shopping center shall be calculated as required for restaurant	1 space per 250 square feet per business; plus 3 stacking spaces per service window  Parking spaces for restaurants that exceeds 15 percent of the total square footage of the retail site and/or building shall be calculated as required for restaurant <sup>309</sup>
	Medical Marijuana Dispensary		1 space per 250 square feet
	Medical Marijuana Dispensary, Off-Site Cultivation Location		Discretionary, see 5.5.C(5)
	Nursery or Garden Supply Store	5 parking spaces plus 1 additional parking space for each 2,000 square feet of sales or display area	1 space per 300 square feet of retail space
<b>Transportation, Vehicles, and Equipment</b>	Equipment Sales and Rental	Heavy equipment and machinery sales: 1 parking space per 750 square feet of gross floor area	1 space per 750 square feet
	Fleet Services		1 space per 1,000 square feet; plus 1 space per commercial fleet vehicle
	Parking Facility		No requirement

<sup>308</sup> Consolidated draft: Revised from 200 square feet.

<sup>309</sup> Consolidated draft: Carried forward from current LDC.

<b>Table 5.2 Required Off-Street Parking Spaces</b>			
<b>Use Category</b>	<b>Use Type</b>	<b>Number of Spaces Required (Current)</b>	<b>Number of Spaces Required (Proposed New)</b>
	Transit Terminal or Station	Bus depot: 1 parking space for each 1,000 square feet of waiting room space	1 space per 200 square feet of floor area
	Vehicle Fuel Sales	Convenience markets: 1 parking space for each 200 square feet of gross floor area	1 space per fueling pump; plus 1 stacking space per 2 fueling pumps; plus 1 space per 400 square feet of retail space
	Vehicle Repair, Major		1 space per 500 square feet
	Vehicle Repair, Minor		1 space per 500 square feet, located outside of the service bays
	Vehicle Sales and Leasing	1 parking space for each 1,000 square feet of gross land used for sales and display purposes	1 space per 500 square feet of sales floor area; vehicles for sale or lease shall not be parked in required parking spaces for sales floor area
	Vehicle Service Station	1 stacking space per 2 pumps, plus 2 parking spaces per service bay	1 space per fueling pump; plus 1 stacking space per 2 fueling pumps; plus 2 spaces per repair bay <sup>310</sup>
	Vehicle Wash	Parking spaces or reservoir parking equal to 5 times the capacity of the car wash	4 stacking spaces; plus 1 stacking space per detailing area
<b>Adult Entertainment Establishments</b>	Adult Entertainment		1 space per 250 square feet
<b>Industrial Uses</b>			
<b>Manufacturing and Processing</b>	Food Processing		1 space per 1,000 square feet processing area; plus 1 space per 100 square feet retail area
	Manufacturing, Artisan		1 space per 1,000 square feet
	Manufacturing, Light	1 parking space per 750 square feet of gross floor area	1 space per 1,000 square feet
<b>Storage and Warehousing</b>	Contractor Office or Equipment Storage Yard		1 space per 1,000 square feet
	Outdoor Storage		1 space per 1,000 square feet
	Self-Storage Facility		1 space per 20 storage units; plus 1 space per 300 square feet of office area; plus 1 space per resident caretaker
	Warehousing and Wholesale Facility	Warehouse and distribution industry: 1 parking space for each 2,000 square feet for the first 20,000 square feet;	1 space per 2,000 square feet warehouse/wholesaling area; plus 1 space per 500 square feet office area

<sup>310</sup> Consolidated draft: Revised to match stacking space requirement for fueling stations.

Table 5.2 Required Off-Street Parking Spaces			
Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
		1 parking space for each 4,000 square feet of floor area of the remaining building area  Wholesale: 1 parking space for each 500 square feet of gross floor area	
<b>Public and Semi-Public Utility Uses</b>			
	Flood Control Facility		No requirement
	Public Utility, Major	Public or private utility office: 1 parking space for each 200 square feet of gross floor area	Discretionary, see 5.5.C(5)
	Public Utility, Minor		Discretionary, see 5.5.C(5)
	Water Storage Tank		Discretionary, see 5.5.C(5)
	Wireless Telecommunications Facility		Discretionary, see 5.5.C(5)
<b>Accessory Uses</b>			
	Guest Quarters		Based on number of bedrooms; included in calculation for single-family detached dwelling
	Home Occupation		No requirement
	Outside Sales and Display		If outdoor sales and display area is less than 20 percent of the size of the indoor use, then no additional parking is required. If outdoor sales and display area is 20 percent or more of the size of the indoor use, then the outdoor sales and display areas that exceed 20 percent of the indoor areas shall provide additional parking at a rate of one space per 100 square feet. <sup>311</sup>
	Outdoor Dining <sup>312</sup>		If outdoor dining area is less than 20 percent of the size of the indoor dining area then no additional parking is required. If outdoor dining area is 20 percent or more of the size of the indoor dining

<sup>311</sup> Consolidated draft: New standards to match outdoor dining. Previous draft had "no requirement."

<sup>312</sup> Consolidated draft: New use and new parking standards.

**Table 5.2  
Required Off-Street Parking Spaces**

Use Category	Use Type	Number of Spaces Required (Current)	Number of Spaces Required (Proposed New)
			area, then the outdoor dining areas that exceed 20 percent of the indoor dining areas shall provide additional parking at a rate of one space per 100 square feet.
	Outdoor Storage, Accessory		No requirement
<b>Temporary Uses</b>			
	Christmas Tree Sales		Determined on a case-by-case basis at time of temporary use permit
	Construction Support Activity		
	Filming-Related Activity		
	Model Home		
	Special Event		
	Temporary Housing		

**(2) Accessible Parking<sup>313</sup>**

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

**(3) Bicycle Parking<sup>314</sup>**

**a. Minimum Required Bicycle Parking**

Unless exempted by 5.5.D(3)b, all multifamily and nonresidential development shall provide off-street bicycle parking spaces at a ratio of one bicycle parking space per 10<sup>315</sup> vehicle parking spaces, with no development providing less than two bicycle parking spaces.

**b. Bicycle Parking Reduction<sup>316</sup>**

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

**c. Bicycle Parking Location and Design**

**1. Location<sup>317</sup>**

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

- i.** Located in a visible, well-lit ground-level area;

<sup>313</sup> Replaces 912.05.J(1)(c). Accessible parking standards were previously located in 912.09.

<sup>314</sup> New.

<sup>315</sup> Consolidated draft: Revised from one bicycle space per 20 vehicle spaces.

<sup>316</sup> New.

<sup>317</sup> Replaces 2.5.3 of Article 10.

- ii. Conveniently accessible to the primary entrances of a development’s principal building(s);
- iii. Does not interfere with pedestrian traffic; and
- iv. Is protected from conflicts with vehicular traffic.

**2. Multiple Building Developments**

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

**3. Design**

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

**(4) Bus and Large Vehicle Parking<sup>318</sup>**

- a. For parking lots with a capacity of more than 50 parking spaces, applicants shall demonstrate ability to accommodate parking for buses, recreational vehicles, and other large, oversized vehicles.
- b. If separate oversized parking spaces are provided to accommodate buses and large vehicles, each oversized parking space may be credited as six standard spaces to satisfy the required number of off-street parking spaces.

**E. Parking Alternatives, Credits, and Adjustments**

**(1) Generally**

- a. The Director may approve parking alternatives, credits, and adjustments to the off-street parking spaces required by Table 5.2, *Required Off-Street Parking Spaces*, in accordance with the following standards.
- b. Adjustments to required off-street parking spaces for multifamily dwellings shall not reduce the minimum required amount of parking by more than 20 percent.

**Shared Parking**

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



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

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

**a. Location**

Every shared and/or off-site parking space for nonresidential uses shall be located within 500 feet (measured along a legal pedestrian route) of the property on which the shared parking is provided. The Director may authorize farther distances for shared parking facilities where shuttle services are available.<sup>319</sup>

<sup>318</sup> Previously 912.08.A and 912.08.C. Did not carry forward ability for the Director to waive the requirement.

<sup>319</sup> Current standard requires the property where off-site parking is located be a maximum of 300 feet from the property it serves. We recommend using a standard that limits the distance of each parking space to the distance to the property via a pedestrian

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

1. Shared and/or off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of shared and/or off-site parking through a parking and loading demand study. Such study shall be prepared pursuant to 5.5.C(5), *Discretionary Requirement Based on Demand Study*.
2. For shared parking, separate uses located on the same or adjacent properties which are not operated simultaneously, a shared parking arrangement may be allowed if it is in accordance with the Institute of Transportation Engineers (ITE) Standards for shared parking (current edition) and the Urban Land Institute publication Shared Parking Second Edition (2005, Mary S. Smith et al.) and approved by the Director.<sup>320</sup>

**c. Parking Agreement Required<sup>321</sup>**

**1. Written Agreement**

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

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

**2. Approval**

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

**(3) Structured Parking<sup>322</sup>**

**a. Parking Requirements Reduction**

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

**b. Height of Parking Structure**

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

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route. Did not carry forward language in 912.03.A prohibiting off-site parking that is separated by an arterial or collector roadway; this is mitigated by the proposed distance requirements via a pedestrian route. The shuttle service alternative is new, proposed to increase administrative flexibility.

<sup>320</sup> Previously 912.03.B.

<sup>321</sup> Replaces 912.03.A. Added clarifying language and the process by which an agreement is approved.

<sup>322</sup> New.

**(4) On-Street Parking<sup>323</sup>**

- a. The Director may give credit for on-street parking spaces located on the street adjacent to the entry of the building in which the use is located. Credit may not be given for on-street parking spaces located in a residential zoning district, unless adequate shoulders, surfaces, or road width is available to ensure parking meets City Code requirements.
- b. Areas within required driveway clearance areas to street corners pursuant to 5.4.F, *Visibility Triangles* shall not be counted toward required parking.
- c. On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.
- d. Elimination of on-street parking for any reason may result in a requirement for the applicant to provide additional off-street parking to comply with this Code.

**(5) Compact Vehicle Parking<sup>324</sup>**

- a. Up to 10 percent of the total number of required parking spaces may be used for compact vehicle parking, provided that the total number of required off-street parking spaces is provided on site.
- b. Compact parking spaces shall be eight feet wide by 18 feet long for 90 degree parking or the equivalent dimensions required for an angle space to maintain the eight foot by 18 foot rectangle.
- c. A total of 15 percent compact spaces may be permitted if an additional five percent of the total on-site parking spaces are provided as off-site shared parking, as approved by the Director or City Engineer.
- d. Compact spaces shall be clearly signed and marked "Compact Only." Signs shall be per the Manual on Uniform Traffic Control Devices (MUTCD) and lettering striping shall be a minimum of 12 inches in height stating "Compact Only."

**(6) Motorcycle Parking<sup>325</sup>**

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

**(7) Pedestrian and Transit Access<sup>326</sup>**

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

<sup>323</sup> New. Did not carry forward 912.05.B. prohibiting parking on sidewalks, streets or public rights-of-way.

<sup>324</sup> Previously 912.05.M.

<sup>325</sup> Consolidated draft: Changed long dimension from 16 feet to six feet. Previously 912.05.N.

<sup>326</sup> Previously 912.03.E.

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

## F. Off-Street Parking Layout and Design

### (1) Modifications<sup>327</sup>

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

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

- a. No required off-street parking or loading space shall be used for any purpose other than the parking of vehicles, unless otherwise allowed by this Code. Off-street parking spaces provided in excess of the number required may be used for any legal purpose within the respective zoning district. If a required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this Code.
- b. Parking shall be prohibited in aisle ways, fire lanes or similar areas not officially designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required by the Director.<sup>328</sup>
- c. Required parking spaces and areas shall not be used for the sale, display or repair of motor vehicles or other goods and services unless authorized by a temporary use permit issued in accordance with 8.4.D, *Temporary Use Permit*.<sup>329</sup>
- d. Parking lots shall not be used for overnight occupancy and parking of recreational vehicles, campers, trailers, buses, vans, motor homes, moving vans, refrigerator trucks or similar vehicles, except as authorized by the Director.<sup>330</sup>
- e. Municipal parking areas shall not be used for commercial purposes.<sup>331</sup>

### (3) Location of Parking Areas<sup>332</sup>

- a. For single-family and duplex dwellings in all districts, off-street parking areas shall be located in a garage or on a driveway.
- b. For all other uses in all residential and mixed-use zoning districts, off-street parking areas shall not be located between the front building façade and the adjacent street frontage.
- c. When residential uses are located to the rear of a proposed commercial or office development on a corner site, parking and service areas may be located to the front or side

<sup>327</sup> Previously 912.05.L.

<sup>328</sup> Previously 912.05.G.

<sup>329</sup> Previously 912.02.D.

<sup>330</sup> Previously 912.02.E.

<sup>331</sup> Consolidated draft: New.

<sup>332</sup> New.

of the building provided that they are adequately screened, so that the building acts as a buffer between the parking areas and residential uses.<sup>333</sup>

- d. Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in this subsection or as allowed in 5.5.E, *Parking Alternatives*.

**(4) Parking Area Dimensional Standards<sup>334</sup>**

- a. All parking and maneuvering areas shall be constructed according to the standards set forth in the administrative manual.<sup>335</sup>
- b. If the applicant can provide different acceptable standards based on the Institute of Transportation Engineers (ITE) Standards (current edition), or other professionally recognized sources, the Director may approve alternative standards pursuant to 8.8.B. *Minor Modification*. However, any alternative standards must also meet the intent and purpose of this Code.<sup>336</sup>

**(5) General Parking Standards**

The following standards illustrated in Figure 5-3<sup>337</sup>, shall apply to all parking areas in the city unless otherwise exempted by this Code. Letters referenced in Figure 5-3 correspond to the list-level for the following standards:

- a. Aisle widths shall comply with the minimum widths listed in conventional and interlocked parking design standards and general parking standards. When stall sizes utilized are greater than minimum size, the City Engineer may, at his discretion, increase the required aisle width.
- b. Length of aisle or island separating adjacent parking spaces shall have a maximum length of 300 feet.
- c. Curbs shall be installed at a minimum of three feet from the face of walls, fences, buildings and other structures adjacent to the exterior boundaries of the property. These areas shall be landscaped except for required pedestrian walkways.<sup>338</sup>
- d. The curb radius for landscape islands shall be a two foot minimum.
- e. Individual ingress/egress access drives shall be in accordance with the provisions set forth in 5.4, *Access, Connectivity, and Circulation*, and constructed to the specifications of the City Engineer.
- f. Walkway openings four feet in width shall be provided in islands separating adjacent parking spaces at seven space intervals.
- g. A 12 foot deep backup-turnaround shall be required on all dead-end parking lanes.

<sup>333</sup> From Article 10 related to corner site development.

<sup>334</sup> These specific parking design standards (as illustrated in the graphics and tables below) will likely be relocated to the Engineering Standards Manual.

<sup>335</sup> Replaces 912.05.A.

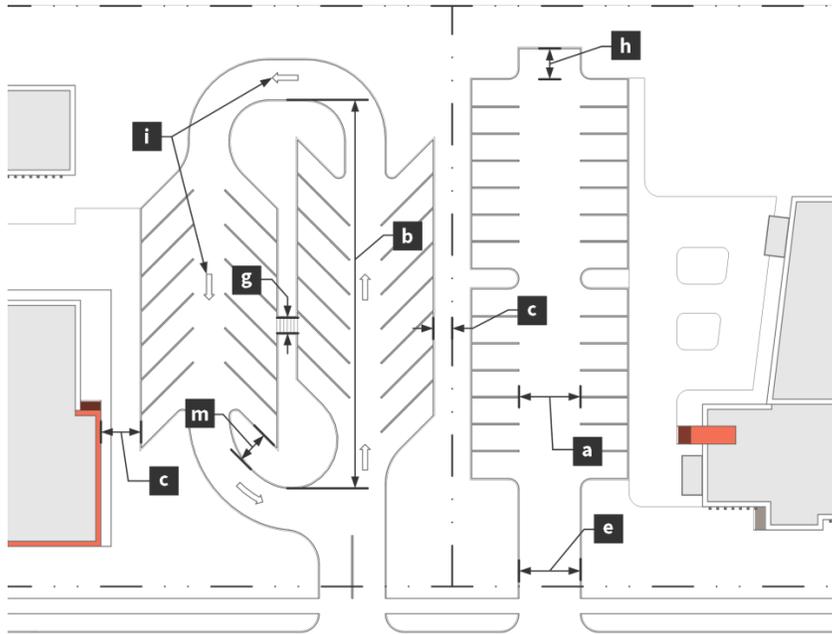
<sup>336</sup> Previously 912.05.A.

<sup>337</sup> *Consolidated draft: Graphic updated.*

<sup>338</sup> Changed "should" to "shall."

- h. Traffic circulation on one-way angle parking shall be designed for counter-clockwise traffic flow and directional arrows shall be painted on the pavement to help assure the correct flow.
- i. No inside turning radius at the curb shall be less than 15 feet.
- j. No outside turning radius at the curb shall be less than 35 feet.
- k. Parking stalls shall be striped according to the specifications of the City Engineer, with the center of the stripe as the point of measurement.<sup>339</sup>
- l. Ends of island parking nodes where angled parking is provided shall be a minimum of 10 feet average width.
- m. The inside radius to a parking stall on a curve approach shall not be less than 15 feet.

Figure 5-3: General Parking Standards



**(6) Surface Materials<sup>340</sup>**

- a. All required parking areas, aisles, turn-arounds and driveways shall be paved with colored concrete, asphalt or other approved surface, constructed to standards on file in the Public Works Department.
- b. Permanent surfacing shall be installed prior to receiving a certificate of occupancy.
- c. Parking areas may be surfaced with a dust-free permeable material such as gravel, permeable pavers, or other porous materials, with approval by the City Engineer.

<sup>339</sup> Did not carry forward double-stripe requirement for parking stalls.

<sup>340</sup> Replaces 912.05.I.

- d. Bumpers, wheelstops, stall markings and/or other vehicular control devices shall be provided to the specifications of the City Engineer.<sup>341</sup>

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

- a. Traffic control signs and/or striping shall be provided within all parking areas as necessary to minimize vehicular and pedestrian conflicts.<sup>342</sup>
- b. If vehicular and pedestrian conflicts are apparent, the Director may require an alternative design of parking areas to resolve potential conflicts.<sup>343</sup>

**(8) Covered Parking<sup>344</sup>**

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

**(9) Pollution Control<sup>345</sup>**

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

**(10) Surfacing in Floodplains<sup>346</sup>**

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

**(11) Parking Area Grading<sup>347</sup>**

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

**(12) Parking Area Landscaping<sup>348</sup>**

All parking lot landscaping shall be provided in accordance with 5.6.C(3), *Parking Lot Landscaping*.

**(13) Parking Area Lighting**

All parking lot lighting shall be provided in accordance with 5.8, *Exterior Lighting*.

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**G. Loading and Stacking Areas<sup>349</sup>**

**(1) Number and Size of Loading Berths Required<sup>350</sup>**

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

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<sup>341</sup> Revised from Director to City Engineer.

<sup>342</sup> Previously 912.05.H.

<sup>343</sup> Previously 912.05.K. Reworded for grammatical consistency and clarity.

<sup>344</sup> Previously 2.4.6 from Article 10.

<sup>345</sup> Previously 912.02.G.

<sup>346</sup> Previously 912.02.H, revised from Director to City Engineer.

<sup>347</sup> Previously 912.02.I.

<sup>348</sup> Previously 912.06.

<sup>349</sup> Some or all of these standards may be relocated to the Engineering Standards Manual.

<sup>350</sup> Previously 912.07.B.

- c. A minimum stacking distance of 40 feet shall be provided at all ingress/egress access drives intersecting with a street. Other distances may be approved by the Director if warranted by lot size and configuration.<sup>351</sup>

**Table 5.3**  
**Required Off-Street Loading Berths**

Gross Floor Area (square feet)	Number of Loading Berths	Size of Each Loading Berth
Less than 10,000 <sup>352</sup>	None	N/A
10,000 to 29,999 <sup>353</sup>	1	10 feet x 25 feet <sup>354</sup>
30,000 to 100,000 <sup>355</sup>	2	12 feet x 50 feet
More than 100,000	2, plus 1 additional loading berth for every 100,000 square feet beyond the first 100,000 square feet	14 feet wide x 50 feet long x 14 feet high

**(2) Location of Loading Areas<sup>356</sup>**

- a. Required off-street loading spaces shall not be permitted in any front yard or in any required street side yard.
- b. Off-street loading spaces may occupy all or any part of a required rear yard where visibility from public streets and windows of neighboring buildings will be minimized.
- c. Loading areas shall not interfere with parking lot maneuvering areas.
- d. State and City streets or rights-of-way shall not be used for loading and unloading purposes.<sup>357</sup>

**(3) Vehicle Stacking Areas<sup>358</sup>**

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

**H. Parking and Loading Area Maintenance**

- (1) All required parking improvements, including but not limited to, parking spaces, aisles, driveways, and curb and gutter shall be maintained in good repair as long as the buildings and uses remain.<sup>359</sup>

<sup>351</sup> Consolidated draft: Relocated from general parking standards.

<sup>352</sup> New. Some communities exempt buildings with less than 25,000 square feet from required loading areas. It is more common that businesses are served more frequently and by smaller vehicles than in the past.

<sup>353</sup> Modified from less than 30,000 square feet to reflect the new 10,000 square foot threshold.

<sup>354</sup> Modified from 12 feet wide x 50 feet long x 14 feet high. Loading for smaller facilities is typically via smaller more frequent deliveries.

<sup>355</sup> Modified from 30,000 to 50,000 square feet to 30,000 square feet to 100,000 square feet.

<sup>356</sup> Previously 912.07.C.

<sup>357</sup> Consolidated draft: Added "State and" before "City."

<sup>358</sup> New.

<sup>359</sup> Replaces 912.02.B.

- (2) The minimum required number of parking spaces shall be maintained and not reduced in number, unless there is an approved change of use or amendment to these regulations which allows for such reduction.

## 5.6. Landscaping, Buffering, and Screening

### Commentary:

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

*Consolidated draft: Wildfire mitigation standards removed.*

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### A. Purpose<sup>360</sup>

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

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

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### B. Applicability<sup>361</sup>

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

#### (1) New Development

- a. A new primary structure is constructed; or

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<sup>360</sup> Replaces 910.01. Revised to reflect staff recommendations.

<sup>361</sup> Replaces 910.03. The current LDC requires all public, quasi-public, office, commercial, duplex, multifamily, conditional uses, conditional rezonings, and mobile home parks to comply with landscaping standards. We recommend limiting the applicability of this section to developments subject to the standards in this subsection.

- b. An existing primary structure is relocated on the lot or parcel.

**(2) Expansions and Enlargements**<sup>362</sup>

- a. The gross floor area of an existing structure is expanded or enlarged by 25 percent or more; or
- b. There is a change of use of the existing building that requires an increase of off-street parking by 25 percent or more; or
- c. Any expansion or enlargement of a structure or land use that requires a Conditional Use Permit, as determined by the Director.<sup>363</sup>

**(3) Self-Initiated Improvements**<sup>364</sup>

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

**(4) Exemptions in the OS District**<sup>365</sup>

Property in the Open Space (OS) zoning district shall be exempt from 5.6.C, *Minimum Landscaping Required*; 5.6.D, *Minimum Rear and Side Lot Buffers*; 5.6.B(7), *Alternative Landscaping*; and 5.6.F, *Landscape Area Use and Maintenance*, but all other standards shall apply.

**(5) Overlapping Requirements**<sup>366</sup>

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

**(6) Landscape Plan Required**<sup>367</sup>

- a. A landscape plan with designed landscaped areas shall be submitted with all development applications where landscaping, buffering, or screening is required pursuant to Section 5.6.B, unless the relevant decision-making authority determines that compliance with the provisions of this Section 5.6 can be demonstrated without the use of a landscape plan.
- b. A landscape plan may be combined with other required application materials if compliance with this Section 5.6 can be demonstrated in the combined materials.
- c. The landscape plan shall show existing trees drawn to scale and proposed trees after ten years of growth.
- d. The landscape plan shall incorporate the tree removal plan as described in 5.6.G(1), *Plan Required*.

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<sup>362</sup> Carried forward from 910.03.B. New standard in (c) would give the Director the authority to require projects requiring a Conditional Use Permit to comply with this Section.

<sup>363</sup> New.

<sup>364</sup> New.

<sup>365</sup> Previously 910.03.B. Did not carry forward exemption for single-family residential uses as new standards for single-family residential are proposed in this section.

<sup>366</sup> New.

<sup>367</sup> Standards in 910.04, *Landscape Plan Submittal and Review*, will be relocated to the Administrative Manual.

**(7) Alternative Landscaping<sup>368</sup>**

**a. Alternatives Authorized**

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. The applicant shall provide justification for the use of alternatives and shall demonstrate how compliance with the standard(s) from which a deviation is sought will be achieved to the maximum extent practicable. Conditions that may justify approval of an alternative landscape plan include:

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

**b. Alternative Landscape Plan Approval Criteria<sup>369</sup>**

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

1. Are consistent with the purposes of this Section 5.6;
2. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;<sup>370</sup>
3. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
4. Provide equal or superior visual appearance of the property when viewed from a public right of way.

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<sup>368</sup> New.

<sup>369</sup> Replaces 910.05.O. Added specific qualifying criteria for when alternative landscaping may be considered.

<sup>370</sup> City staff is preparing a list of plant species that are allowed and prohibited in Sedona, including invasive species.

## C. Minimum Landscaping Required<sup>371</sup>

### (1) Site Area Landscaping<sup>372</sup>

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

### (2) Street Frontage Landscaping

#### a. Frontage Landscaping<sup>373</sup>

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

1. Any area within a required front and street side yard that is not occupied by improvements associated with the primary use shall be landscaped;<sup>374</sup>
2. The required landscape area shall be planted at a minimum rate of one tree and three shrubs per 400 square feet.<sup>375</sup>

#### b. Parking Lot Screening Adjacent to a Street Frontage<sup>376</sup>

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

1. A landscape buffer a minimum of five feet in width planted at a minimum rate of one tree and three shrubs per 400 square feet; or<sup>377</sup>
2. A landscaped earthen berm a minimum of three feet in height with a slope no greater than 3:1 (See Figure 5-4); or<sup>378</sup>

<sup>371</sup> Did not carry forward 910.05.N requiring building perimeter landscaping.

<sup>372</sup> Previously 910.05.A. and 910.08. Replaces 910.06.B which requires all areas of commercial and multifamily developments exclusive of vehicular use area or building footprints to be landscaped. Did not carry forward 910.05.I requiring undeveloped landscape area in multi-family districts to be landscaped.

<sup>373</sup> Replaces 910.05.G and 910.05.H. and 910.05.L.

<sup>374</sup> Current standard requires the OP, CN, C-1, and C-2 zoning districts to provide a minimum 10 foot landscape area, the remaining required front setback area can then be used for parking or other site improvements. The largest front setback found in the new zoning district line-up is 15 feet. Section 910.05.L requires that all non-developed areas between the street frontage and either the building or vehicular use area must be landscaped.

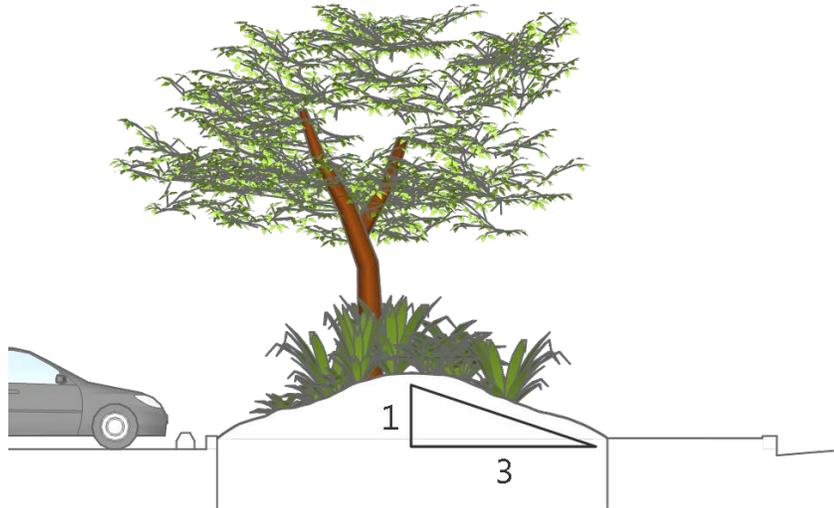
<sup>375</sup> Previously 910.05.L(1). Replaced current ratio (200 square feet) with 400 square feet per staff's request.

<sup>376</sup> Replaces 910.08.A and 910.05.M(1) and 910.05.L. We recommend providing the applicant with several options for parking lot screening. The current LDC has conflicting standards. Section 910.05.M(1) requires a 4-foot landscape buffer. Section 910.08 allows for a combination of a berm, landscape buffer, or a decorative wall. Section 910.05.L requires a landscape berm or decorative wall. We also added an opaque continuous evergreen hedge as an additional screening option.

<sup>377</sup> Reduced plant density requirement from two trees and five shrubs per four parking spaces to one tree and 3 shrubs.

<sup>378</sup> We recommend limiting the slope of a landscaped berm to 3:1 rather than the current standard of 2:1. This would allow for easier maintenance of the area and result in less water waste.

Figure 5-4: Landscaped Berm used for Parking Area Screening



3. An opaque decorative wall a minimum of three feet in height with openings six to eight feet wide to allow passage of bicycles and pedestrians from the street into the parking area (See Figure 5-5); or

Figure 5-5: Wall used for Parking Area Screening



4. Any combination of the above screening treatments.

**c. Landscaping in a Public Right-of-Way<sup>379</sup>**

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

**(3) Parking Lot Landscaping**

Landscaping is required to reduce the visual impacts created by parking areas in multi-family residential, mixed-use, and commercial development projects.<sup>380</sup>

**a. Parking Lot Screening Adjacent to a Residential Zoning District<sup>381</sup>**

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

1. A landscape buffer a minimum of 10 feet in width, measured inward from the property line on all sides of the property abutting the single-family or duplex dwelling use, planted at a minimum rate of one evergreen tree and three shrubs per 400 square feet; or<sup>382</sup>
2. A solid wall or fence no less than six feet in height.

**b. Parking Lot Landscape Islands**

Landscaped islands shall be included to break up parking rows. The interior area of parking lots shall be landscaped according to the following standards:

1. **Number of Landscape Islands Required<sup>383</sup>**  
A minimum of ten percent of the site area devoted to parking shall consist of landscaped islands; provided, however, that if permeable paving is used in all parking spaces, the minimum landscaped islands percentage may be reduced to five percent.
2. **Landscape Island Size and Location Requirements<sup>384</sup>**
  - i. Landscape islands shall be sufficient size to accommodate required landscaping. No landscaped island shall be less than five feet in length or width and a minimum of 50 square feet.

<sup>379</sup> Previously 910.05.J. Reworded for clarity and grammatical consistency. Did not carry forward standard allowing landscaping in the right-of-way to be credited toward minimum landscape requirements.

<sup>380</sup> New.

<sup>381</sup> Consolidated draft: Updated planting requirement. New.

<sup>382</sup> The proposed standard carries forward the current planting density requirement; however, rather than requiring two evergreen trees and three shrubs per 25 lineal feet, we have used the "per square foot" methodology (10 foot wide buffer x 25 lineal feet = 250 square feet).

<sup>383</sup> Consolidated draft: This changes the prior 1-island-per-7 parking spaces requirement to a new percentage-based standard.

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

<sup>384</sup> Consolidated draft: Reduced minimum dimension from eight to five feet and added 50 square feet minimum. Replaces 910.05.M(2). Did not carry forward minimum landscape island size requirements (five feet by 14 feet). Instead, staff proposed the landscape islands be sufficient size to accommodate required landscaping.

- ii. Landscape islands shall be provided in parking areas along the ends of parking rows, adjacent to lot lines, and used to define the location and pattern of primary internal access drives.<sup>385</sup>

**3. Landscape Island Planting and Tree Requirements**

- i. Exclusive of perimeter landscaping and street trees, landscape islands shall each contain a minimum of one tree and three shrubs per 400 square feet.
- ii. A minimum of 75 percent of the required parking area trees shall be deciduous canopy-type shade trees.<sup>386</sup>

**4. Exemptions<sup>387</sup>**

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

- i. The parking lot is located in a rear yard and contains 20 or fewer spaces, and is located behind or otherwise screened by a building from view from the public right-of-way; or
- ii. The parking lot is located in the Uptown Entertainment Overlay District.

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

**(1) Where Required<sup>388</sup>**

To mitigate the impacts of significant differences in property use, size, or scale, landscaped buffers shall be provided along rear and side lot lines on multifamily or nonresidential properties where such uses abut:

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

**(2) Exemptions**

- a. Rear and side lot buffers are not required between properties that are separated by a street or drainageway.
- b. Areas with sidewalks, walkways, multi-use paths, vehicle access, or other improvements allowing access from one property to another are exempt from buffering requirements.<sup>389</sup>
- c. Rear and side lot buffers are not required along any portion of the lot line covered by an access easement (e.g., vehicular connections, pedestrian walkways, etc.). In these cases, an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot lines, as applicable.<sup>390</sup>

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<sup>385</sup> New.

<sup>386</sup> Replaces 910.05.M(2). This revised standard strengthens existing language requiring that 75 percent of parking area trees be deciduous shade trees. Did not carry forward standard requiring shade trees to provide a mature canopy diameter of 25 feet.

<sup>387</sup> We propose increasing flexibility to encourage infill and redevelopment and to maximizes the amount of available on-site parking.

<sup>388</sup> Replaces 907.02.A, 907.02.B, and 907.02.C. Current standards require screening when adjacent to a "single-family district." We propose changing this to a single-family residential dwelling and duplex dwellings.

<sup>389</sup> New.

<sup>390</sup> New.

**(3) Buffer Options<sup>391</sup>**

Required side and rear buffers shall conform to one or a combination of the following options:<sup>392</sup>

- a. A landscape buffer planted at a minimum rate of one evergreen tree and three shrubs per 400 square feet with spacing designed to minimize sound, light, and noise impacts on adjacent properties; or<sup>393</sup>
- b. A solid wall or fence no less than six feet in height, with the side of the fence or wall facing the residential development being at least as finished in appearance as the side facing the non-residential use, and with both sides complying with Code requirements; or
- c. The Director may approve alternative screening methods if the intent of this section is met.

**E. General Landscaping Standards**

**(1) Landscape Materials<sup>394</sup>**

**a. Native Plant Species**

A minimum of 50 percent of the plant species on a development site shall be native species identified in the Administrative Manual.

**b. Adaptive Plant Species**

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

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

The Director may approve the use of plant species that are not identified in the Administrative Manual after the applicant demonstrates such plant species have low water usage, are drought tolerant, and freeze resistant. These plant species shall not be substituted for the required native plant species required in 5.6.E(1)a.<sup>395</sup>

**d. Artificial Plant Materials**

Artificial trees, shrubs, or plants (not including artificial turf) are prohibited.<sup>396</sup>

**Sedona Community Plan says...**  
 While preserving the landscape in its natural state is preferred, landscaping with native plants can reduce water consumption while providing wildlife habitat (p.77)

<sup>391</sup> Replaces 907.02.A, 907.02.B, and 907.02.C. The current standards require a masonry wall, solid wood fence or other suitable screening and/or screen landscaping six feet in height established between these uses and the single-family district, as determined by the Director. The proposed buffer options provide more detail related to the minimum number of plants required and wall/fencing quality.

<sup>392</sup> New.

<sup>393</sup> Consolidated draft: Changed to reflect staff recommendation. Current standard is two evergreen trees and three shrubs per 25 lineal feet.

<sup>394</sup> Replaces 4.2.2 and 910.05.C. Current standards encourage up to 50 percent of plant material to be native, we recommend stronger language requiring 100 percent of required landscaping to be native or adaptive plant species identified in the Administrative Manual.

<sup>395</sup> Replaces 910.05.C. Modified language allowing the Director to approve alternative plant species not listed in the Administrative Manual. Plant species authorized by the Director would not be credited toward the percentage of native plant species required.

<sup>396</sup> Replaces 910.05.B and 910.06. Section 910.06 prohibits any artificial plant material and Section 910.05.B on prohibits artificial plant material from counting toward minimum landscaping requirements. Proposed standard does not allow artificial trees, shrubs, or plants.

**e. Ground Cover**

Loose ground covers shall be contained by a curb, depressed construction, or other suitable alternative to contain the materials within the landscape area.<sup>397</sup>

**(2) Landscape Variety<sup>398</sup>**

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

- a. For development sites 5,000 square feet or larger, a minimum of five different plant species shall be used in the overall development site landscape plan; and<sup>399</sup>
- b. No one plant species shall comprise more than 50 percent of the quantity of required landscape materials.

**(3) Minimum Plant Specifications<sup>400</sup>**

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

Table 5.4 Minimum Plant Specifications	
Plant Type	Minimum size
Evergreen trees	8 feet tall <sup>401</sup>
Deciduous trees	2-inch caliper <sup>402</sup>
Shrubs	2 feet tall <sup>403</sup>

**(4) Protecting Visibility Triangles<sup>404</sup>**

Landscaping shall meet all required standards in 5.4.F, *Visibility Triangles*.<sup>405</sup>

**(5) Protection from Vehicles**

All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops, or other barriers located two feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff.<sup>406</sup>

<sup>397</sup> Previously 910.05.M(3)

<sup>398</sup> Previously 910.05.D. Reworded for clarity and grammatical consistency. Did not carry forward 910.05.D(2) requiring 50 percent of all required trees and shrubs to be evergreen species and the associated native requirements for those species. Firewise principles discourage the use of evergreen species due to their burning properties.

<sup>399</sup> New. The 5,000 square foot threshold is proposed to be consistent with other small lot standards.

<sup>400</sup> Did not carry forward 910.06.A(3) regarding ground cover sizing.

<sup>401</sup> Previously 910.05.D(4). Added clarifying language that "evergreen" trees shall meet this height requirement.

<sup>402</sup> Replaces 910.06.A(1). Added clarifying language that standard applies to "deciduous species." Did not carry forward height requirement, or branch spread requirement. Increased the minimum trunk caliper from 1 ½ inch to 2 inches. Removed language allowing the Director to make modifications to plant sizing requirements. The current standard in section 909.F(3) requires two inch caliper trees.

<sup>403</sup> Consolidated draft: Staff prefers maintaining the current two-foot minimum height requirement, rather than switching to a minimum five-gallon requirement as shown in the earlier draft. Previously 910.05.D(5) and 910.06.A(2).

<sup>404</sup> Previously 910.09.

<sup>405</sup> Replaces 910.09 and 910.05.L(4).

<sup>406</sup> Replaces 910.05.M(3).

**(6) Coordinated Development**

Where development is coordinated on two or more abutting sites, or where multiple parking areas are located on a single lot, or on planned development areas controlled by Site Plans, landscaping requirements shall be based on the entire development site, unless otherwise approved by the decision-making body.<sup>407</sup>

**(7) Existing Vegetation Credit and Bonus<sup>408</sup>**

- a. If existing native and/or adaptive species of vegetation identified in the Administrative Manual meet the location requirements and intent of landscaping, buffering, or screening required in this Section 5.6, the preservation of that existing vegetation may be credited toward the landscaping, buffering, or screening materials required by this Section 5.6.<sup>409</sup>
- b. All existing vegetation preserved and used for credit against the requirements for new vegetation shall be protected during construction by a fence erected one foot beyond the drip line of the vegetation or pursuant to the standards in 5.6.G(3).
- c. Preserved vegetation may be credited only one time toward any one buffer, screen, or other landscape requirement.
- d. Shrubs and other vegetation that meet the minimum size requirements in 5.6.E(3) shall be credited on a one-to-one basis.
- e. Trees shall be credited according to the following criteria in the quantities shown in Table 5.5.

<b>Table 5.5 Credits for Preserving Trees</b>	
<b>Diameter at Breast Height (inches)</b>	<b>Number of Trees Credited</b>
<b>25 inches or greater</b>	6
<b>13 to 24.5 inches</b>	4
<b>8 to 12.5 inches</b>	3
<b>4 to 7.5 inches</b>	2
<b>2 to 3.5 inches</b>	1

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

**(8) Planting Near Utilities<sup>410</sup>**

- a. Trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose.

<sup>407</sup> New.

<sup>408</sup> Replaces 909.F. Simplified standards. The new table allows tree credits based on DBH size.

<sup>409</sup> Replaces 910.05.E. and 910.05.K. Added clarifying language explaining which circumstances allow for existing vegetation to be credited toward minimum landscape requirements.

<sup>410</sup> New standards. There are several references in Article 10 regarding best practices and recommendations for planting near and under utilities.

The Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.

- b. Trees shall not be planted within 10 feet of the centerline of a sewer or water line.
- c. Trees or shrubs planted within utility easements shall comply with the standards of the utility provider to minimize effects on facility’s maintenance and repair.
- d. To avoid conflicts, new trees planted near Arizona Public Service (APS) overhead facilities shall be no taller than 25 feet in height at maturity.
- e. All screening and vegetation surrounding ground-mounted transformers and utility pads shall provide 10 feet of clearance in front of access doors, and two feet on all other sides to ensure the safety of the work crews and public during maintenance and repair.<sup>411</sup>

**(9) Stormwater Management Features<sup>412</sup>**

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

**(10) Water Conservation**

- a. Lawn or turf area shall not exceed 10 percent of the overall landscape area of a project site, except within the 500-year floodplain of Oak Creek as designated by FEMA.
- b. The Director may allow greater areas of lawn or turf if it can be demonstrated that the grass species and irrigation methods will not demand high water usage.<sup>413</sup>

**Water Conservation**  
 In addition to requiring native vegetation, maximums on lawn and turf area substantially reduce the amount of irrigated landscaping and help to conserve scarce water resources.



**(11) Water Features<sup>414</sup>**

Water features used for landscaping and design amenities, except for misting devices, shall recirculate water.

<sup>411</sup> Distance requirements taken from <https://www.aps.com/en/globalservices/safety/Pages/vegetation-and-electrical-equipment.aspx>.

<sup>412</sup> New.

<sup>413</sup> Previously 4.3.1.G of Article 10. Current standards recommend limiting the use of turf grass/sod to 10 percent of the project site area. As proposed, all development would be limited to 10 percent turf area. The Director could approve larger areas of turf grass/sod in the Oak Creek floodplain area if the applicant demonstrates that the grass species used and/or sprinkler head design will minimize water consumption.

<sup>414</sup> Consolidated draft: New.

## F. Landscape Area Use and Maintenance

### (1) Landscape Area Use

#### a. Parking

Parking of automobiles, trucks, trailers, boats, recreational vehicles, or other motor vehicles is not allowed on any required landscape or buffer area.<sup>415</sup>

#### b. Structures and Fixtures Features Allowed in Landscaped Area<sup>416</sup>

The following structures and fixtures may be included in a required landscape or buffer area, in addition to the required landscaping:

1. Street furniture (e.g., benches);
2. Hardscape (e.g., brick pavers, scored concrete); and
3. Structures to protect trees (e.g., tree grates and curbs).

### (2) Installation<sup>417</sup>

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

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

### (3) Landscape Irrigation<sup>418</sup>

All required landscaped areas shall be provided with a permanent and adequate means of underground irrigation.

### (4) Landscape Maintenance<sup>419</sup>

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

- a. Required maintenance shall include regular watering, pruning, mowing, fertilizing, clearing of debris and weeds, removal and replacement of dead plants and repair and replacement of irrigation systems and architectural features.
- b. Any required plant materials not surviving shall be replaced with plants of the same size, variety, and quality as those removed within 30 days of their demise or in the next planting period. This requirement may be waived by the Director if the remaining landscaping on site satisfies the minimum landscaping requirements.

<sup>415</sup> New.

<sup>416</sup> Consolidated draft: New.

<sup>417</sup> Previously 910.10. Did not carry forward 910.10.A and 910.10.B related to landscaping installation and issuance of a Certificate of Occupancy.

<sup>418</sup> Consolidated draft: Details moved to admin manual bin. Previously 910.11 and 910.05.F.

<sup>419</sup> Previously 910.12.

- c. Failure to maintain approved landscaping shall constitute a violation of this LDC.
- d. Maintenance of landscaping within the public right-of-way shall be included, in accordance with the terms of encroachment permits authorizing such landscaping.
- e. All plants shall be allowed to grow in natural patterns. Over-pruning or pruning plants into unnatural shapes is prohibited.
- f. Vegetation shall be selected, placed, and maintained, so that at maturity it does not interfere with utility lines, buildings, traffic sight lines, vehicular parking, pedestrian circulation, and property rights of adjacent owners, and would not significantly damage or create upheaval of sidewalks and pavement.<sup>420</sup>

**G. Tree Preservation and Protection**

**(1) Plan Required<sup>421</sup>**

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

**(2) Tree Removal Plan Requirements<sup>422</sup>**

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

- a. The tree is located in an area where structures or improvements will be placed and non-removal would unreasonably restrict the economically beneficial use of the lot or parcel; or
- b. The tree must be removed because it is dead, diseased, injured, in danger of damaging existing or proposed structures, or abuts or overhangs a building so as to interfere with the growth of other trees or existing utilities, create unsafe vision clearance, or conflicts with other ordinances or regulations;
- c. The tree is identified on an adopted city, county, or state list of trees that are invasive species, exotic, noxious, or discouraged tree species for the Sedona area; or<sup>423</sup>
- d. The tree is a potential fire hazard.

**(3) Tree Protection During Construction Activities<sup>424</sup>**

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

<sup>420</sup> Previously 910.06.B.

<sup>421</sup> Previously 910.07 and 909. The current standard requires submittal of a site development plan, a tree removal plan, grading plan, and a landscape plan. These plan submittal requirements will be replaced with the new site plan submittal requirements.

<sup>422</sup> Previously 909.A.

<sup>423</sup> New. City staff is preparing a list of plant species that are allowed and prohibited in Sedona.

<sup>424</sup> Previously 909 and 910.07.C.

**a. Generally**

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

**b. Exemptions**

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

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

**c. Alternative Protection Procedures**

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

**(4) Tree Replacement Required<sup>425</sup>**

- a. If any existing trees are removed that do not meet the criteria in 5.6.G(2): *Tree Removal Plan Requirements*, new or transplanted trees shall be planted on the property in the same quantity as those removed and shall meet the minimum plant size requirements in 5.6.E(3).
- b. This requirement may be waived by the Director if the remaining trees on-site satisfy the minimum tree planting requirements.

**(5) Disposal of Removed Trees<sup>426</sup>**

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

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## **H. Screening**

**(1) Roof-Mounted Mechanical Equipment<sup>427</sup>**

- a. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.
- b. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.

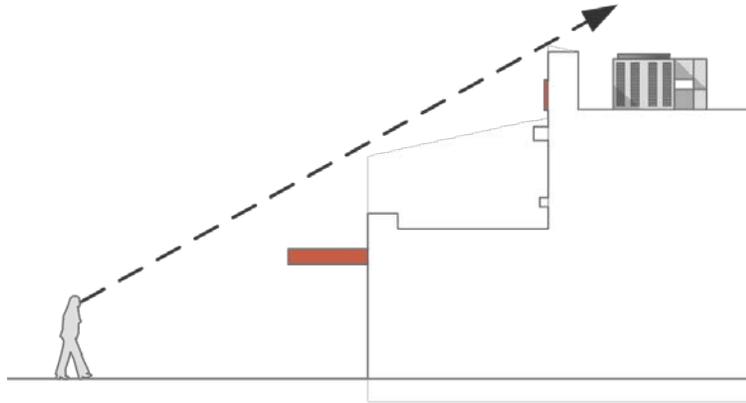
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<sup>425</sup> Did not carry forward the distance standard of 30 feet from structure's walls (909.E). This standard has been replaced by the minimum planting requirements along building facades. Did not carry forward the requirement of a transplant report from a licensed tree transplant company (910.07.E).

<sup>426</sup> Previously 909.

<sup>427</sup> New unless otherwise noted.

Figure 5-6: Screening Roof-Mounted Mechanical Equipment



- c. The color of roof-mounted equipment and vents shall comply with exterior color standards in 5.7.I, *Building Color*, and compatible with the roof or adjacent wall color, screened, or integrated into the design of the structure.
- d. Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements when it can be clearly demonstrated that required screening will clearly restrict their efficient operation.<sup>428</sup>

**(2) Ground-Mounted Mechanical Equipment<sup>429</sup>**

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

<sup>428</sup> Previously 907.01.A.

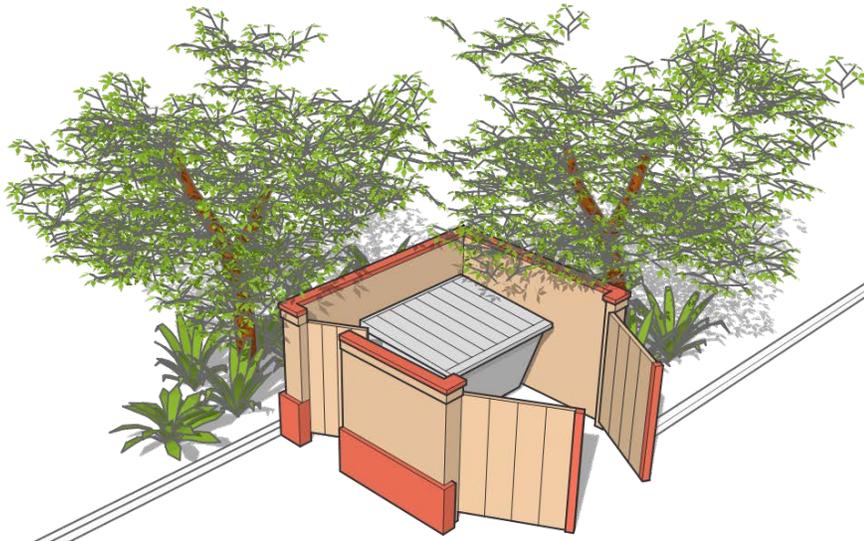
<sup>429</sup> Replaces 907.01.A and 907.01.B. Current standard requires equipment to be painted to be compatible with the surrounding wall color, screened from surrounding properties and streets, or enclosed within a building. We propose replacing those standards with more specific screening options.

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

**(3) Loading, Service, and Refuse Areas<sup>430</sup>**

- a. Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
- b. In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by a solid wall or fence a minimum of eight feet in height that incorporates at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block) or a vegetative screen planted along the full length of the area to be screened and a minimum of eight feet in height at the time of planting. (See Figure 5-7.)

**Figure 5-7: Screened Refuse Area**



**(4) Outdoor Storage Areas**

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

<sup>430</sup> New.

## **I. Fences and Walls**

### **(1) Purpose<sup>431</sup>**

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

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

### **(2) Applicability<sup>432</sup>**

- a. The provisions of this section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any state or federal agency.
- b. Fences are not considered an accessory use for purposes of the use regulations of this Code, and may be erected prior to establishment of a primary use.<sup>433</sup>

### **(3) Height and Location<sup>434</sup>**

#### **a. Front Yard**

Walls and fences within a required front yard shall not exceed four feet in height, except properties in the RS-70 and RS-35 zoning districts may install a fence that is a minimum 50 percent transparent up to six feet in height within a required front yard.<sup>435</sup>

#### **b. Side and Rear Yards<sup>436</sup>**

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

#### **c. Corner Lots<sup>437</sup>**

In single-family residential districts, walls and fences located in exterior (street) side yards between a primary structure and a public or private street shall not exceed six feet in height. In all other districts, walls and fences located in exterior (street) side yards between a primary structure and a public or private street shall comply with the height limitations applicable to front-yard walls.

#### **d. Fences and Walls Outside of Required Setbacks**

Any fence or wall that is not located within a required setback shall comply with the maximum height requirements for primary structures and buildings.

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<sup>431</sup> New.

<sup>432</sup> Previously 903.07.H.

<sup>433</sup> Consolidated draft: New.

<sup>434</sup> Did not carry forward 903.07.E allowing half of the fence height to be added if the addition is non-opaque.

<sup>435</sup> Consolidated draft: Changed max three to four feet. Previously 903.07.B and 903.07.C. Did not carry forward standard allowing a six-foot high wall or fence in the front yard area in the RS-6, RS-10a, RS-10b, RS-12, RMH-6, RMH-10, or RMH-12 zoning districts.

<sup>436</sup> Previously 903.07.D.

<sup>437</sup> Consolidated draft: New text distinguishes between different types of districts.

**(4) Alternative Fence Height Standards<sup>438</sup>**

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

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

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

**b. Conditional Use Permit Required**

1. A fence or wall that is located within a required setback and that exceeds six feet in height, as permitted in 5.6.I(2), or exceeds eight feet in height as permitted in 5.6.I(4)a, shall require conditional use approval.
2. Fencing and walls exceeding permitted height requirements that are associated with recreational activities, public works facilities, or other similar uses as determined by the Director shall require conditional use approval.<sup>439</sup>

**(5) Fencing in Drainage Ways**

Fences and walls shall not impede or divert the flow of water in drainage ways.<sup>440</sup>

**(6) Visibility Triangles**

The standards of 5.4.F, *Visibility Triangles*, shall apply.<sup>441</sup>

**(7) Materials and Design**

**a. Compatible Design<sup>442</sup>**

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

**b. Materials and Texture**

**1. Prohibited Finish Materials<sup>443</sup>**

The following are prohibited as fence materials:

- i. Chain link or open wire fences, except as provided in 5.6.I(7)b.2;<sup>444</sup>

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<sup>438</sup> New.

<sup>439</sup> New.

<sup>440</sup> Previously 2.10.

<sup>441</sup> Previously 903.07.C(4) and 903.07.F.

<sup>442</sup> Previously 2.5.3 and 2.10 of Article 10. Strengthened language by replacing "should" with "shall."

<sup>443</sup> Previously 2.5.3 and 2.10 of Article 10, and 903.07.C(3). Replaced word "unacceptable" with "prohibited." Did not carry forward standard in 903.07.D allowing chain-link fencing in the C-3 zoning district (now IN zoning district) or painting standards for chain-link fencing.

<sup>444</sup> Did not carry forward exception for landscape screened service and security areas, redwood slat inserts.

- ii. Razor wire;
- iii. Highly reflective corrugated metal; or
- iv. Nontextured or unfinished concrete or block (CMU) walls.

**2. Chain-Link Fencing in Single-Family Residential Zoning Districts<sup>445</sup>**

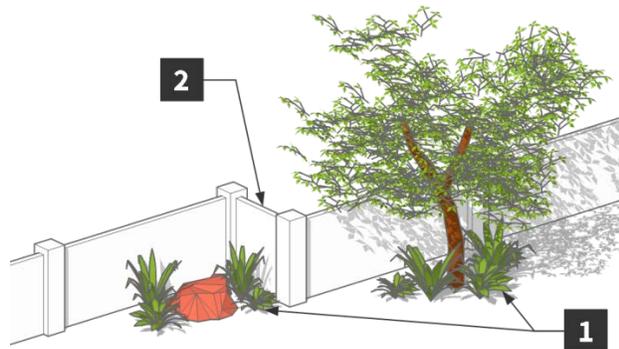
Vinyl-coated or painted chain-link fencing is permitted for fencing located in interior side yards and rear yards in the RS-70, RS-35, RS-18, RS-10, RS-6, and RMH zoning districts.

**c. Articulation and Alignment<sup>446</sup>**

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

- 1. If the wall or fence exceeds 20 feet in length, a landscape area a minimum of three feet in width shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall; and
- 2. In addition to the requirements of paragraph 1 above, if the wall exceeds 40 feet in length, architectural features that provide visual breaks, such as columns or vertical pilasters, changes in wall alignment, or terracing of walls shall be provided a minimum of every 40 feet. To be considered a change in wall alignment, the change in directions shall be a minimum of 30 degrees. (See Figure 5-8 – keyed to these standards 1 and 2.)

**Figure 5-8: Wall Articulation**



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<sup>445</sup> New.

<sup>446</sup> Replaces 903.07.C.(1) and 903.07.C.(2) and 903.07.G. Added language clarifying when requirements apply. Currently only required for walls and fences in the RS-6, RS-10a, RS-10b, RS-12, RMH-6, RMH-10 and RMH-12 zoning districts. We propose these standards apply to all properties.

**(8) Retaining Walls**

**a. Maximum Height<sup>447</sup>**

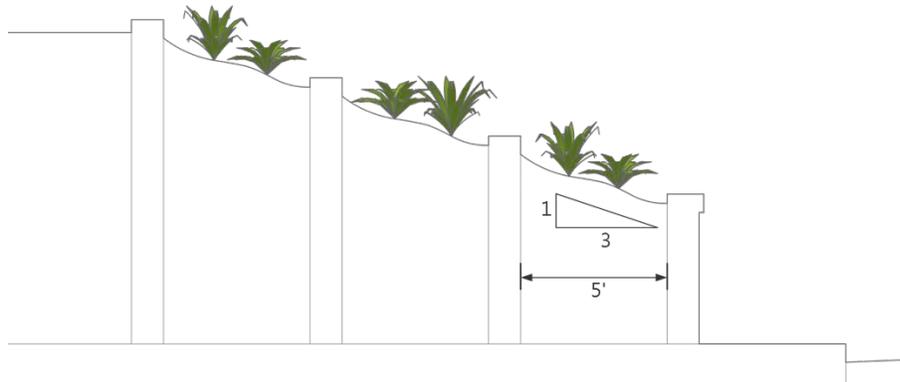
The height of retaining walls supporting either cut or fill conditions shall not exceed 16 feet in height measured vertically from the lowest point at natural grade to the highest point of the wall.

**b. Terracing Required**

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

1. Limiting terracing to three tiers, with each tier no greater than eight feet in height (See Figure 5-9);<sup>448</sup>
2. Providing a minimum terrace width of five feet between any two retaining walls with a maximum slope of 3:1 and planted with a minimum of four shrubs per 100 square feet of terrace area (See Figure 5-9); and/or

**Figure 5-9: Three-Tiered Retaining Wall**



3. The Director may approve reduced terrace depths and alternative landscaping treatments where site constraints limit the amount of space available to accommodate the minimum width and planting densities.<sup>449</sup>

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

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

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

If a freestanding wall or fence is required or proposed on top of a retaining wall that is six feet or more in height, then the following shall apply:<sup>450</sup>

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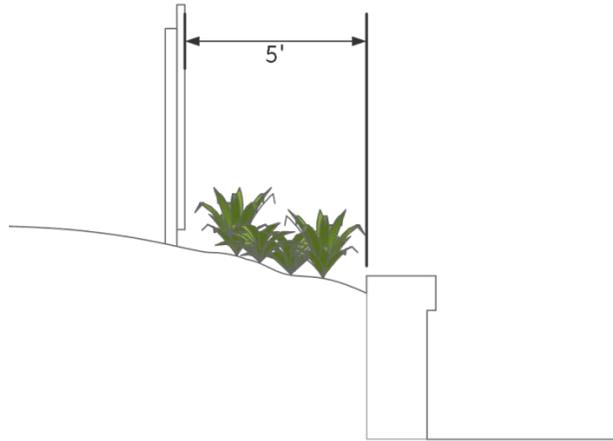
<sup>447</sup> Previously 903.07.I and 903.05.A and 903.05.B.

<sup>448</sup> New.

<sup>449</sup> Reworded for clarity and consistency. Included language requiring a minimum of four shrubs to be planted for each 100 square feet of terrace area. Updated maximum overall height from 14 feet to 16 feet.

1. A solid freestanding wall or fence shall be no more than three feet six inches in height.
2. If greater height is required as permitted in 5.6.I(4), then the freestanding wall or fence shall be moved back from the top of the retaining wall a minimum of five feet to create a planter area between the walls. (See Figure 5-10.)<sup>451</sup>
  - i. A minimum of four shrubs for each 20 linear feet of planting area shall be planted.
  - ii. The Director may authorize the substitution of one-gallon vines or cascading plants (such as rosemary) for shrubs at a 3:1 ratio, such as three vines or cascading plants for one shrub.
  - iii. The Director may waive or reduce the width of the planter area if the proposed fence is made of wrought iron or similar materials and landscaped in such a manner that its potential visual impact is reduced.

**Figure 5-10: Wall on Top of a Wall**



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<sup>450</sup> Currently 903.07.J.

<sup>451</sup> Changed standard from three feet to five feet to allow sufficient space for landscaping.

## 5.7. Site and Building Design

### Commentary

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

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

**Photographs and Other Graphics.** There are dozens of photos and drawings in the current Articles 9 and 10 of widely varying quality. In this draft we have reintroduced some of the existing graphics that should be reused, and updated or replaced several others. We also created several new graphics.

### A. Purpose<sup>452</sup>

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

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

### B. Applicability

#### Commentary

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

<sup>452</sup> Suggested new purpose statement. It consolidates ideas from several scattered and more limited statements in the current articles 9 and 10.

**(1) General Applicability**

The requirements of this Section 5.7 shall apply to all development subject to this Code under 1.3, *Authority, Applicability, and Jurisdiction*, except as provided in subsection (2) below.

**(2) Uptown Area<sup>453</sup>**

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

**(3) Existing Structures**

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

**a. Exterior Renovation**

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

**b. External Additions**

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

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

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

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

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

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

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

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

- i.** 5.7.E, *Building Placement and Orientation*;

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<sup>453</sup> New statement authorizing uptown-specific design standards to take precedent over general building and design standards. The Uptown area will have to be mapped prior to adoption of these standards.

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

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

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

**c. External Damage**

Structures damaged to the extent of 50 percent or more of their assessed value shall have all reconstruction or new construction fully comply with the site and building design standards of this Section 5.7. Structures damaged by an act of God shall comply with the reconstruction requirements in 1.6, *Nonconformities*.

**d. Timeframe for Expansions**

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

**e. Removal of Square Footage**

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

**C. Review of Site and Building Design Compliance**

**(1) Coordination with Site Plan Review Process<sup>454</sup>**

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

**(2) Site Analysis<sup>455</sup>**

All projects that require Major Site Plan review shall prepare and submit a site analysis pursuant to this subsection 5.7.C(2) and the specifications in the Administrative Manual. The site analysis shall examine a site’s physical properties, amenities, unique attribute, character, and neighboring environment.

<sup>454</sup> New, to reference the new site plan procedure.

<sup>455</sup> Based on Article 10, Section 2.0. Converted from guidelines to a requirement. Outdated graphics removed. Since this is being transitioned from guidelines into a mandatory submittal, we established a threshold for projects required to comply (Major Site Plan).

## D. Site Design<sup>456</sup>

### (1) Intent<sup>457</sup>

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

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

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

Site design shall respond to the following standards:

#### a. General

1. Building envelopes and areas of disturbance shall be selected on the basis of natural landforms, native vegetation and native mature trees, underlying geology, floodways and floodplains, drainageways, and required setbacks.
2. Structures and access shall be designed and located to fit into the topographic contours of the site, minimize disturbance of sensitive areas, and preserve geologic and natural vegetative features. Natural vegetation, significant rock outcroppings, and existing landforms shall be retained to the maximum extent practicable. Flexibility and creativity are encouraged in designing development around existing features.
3. Site design shall maximize the use of disturbed land for roads, parking areas, or structures in order to preserve natural, undisturbed areas.

#### Sedona Community Plan says...

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

#### b. Retaining Walls

Where retaining walls are required, they should be faced with natural rock and/or constructed to blend with adjacent surroundings. If retaining walls are constructed of block

<sup>456</sup> This section is based mostly on the site planning and design section from the Design Review Manual, Section 2.0.

<sup>457</sup> Suggested new purpose statement. It consolidates ideas from several scattered and more limited statements in the current articles 9 and 10.

and finished with stucco, they shall be painted a dark earth-tone color. The use of dry stack rock walls, where structurally appropriate, is strongly encouraged.

**c. Trees and Vegetation**

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

**(3) Protection from Potential Hazards**

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

**(4) Relationship to the Public Realm and Adjacent Developments<sup>458</sup>**

a. Development shall respect local development patterns and site features to the maximum extent practicable when such development patterns contribute to a unified visual appearance. Site designs shall respond to local contextual influences and to the design and layout of adjoining developments.

b. Elements that shall be coordinated between adjacent sites to the maximum extent practicable include:

1. Shared driveways for accessing adjoining streets;
2. Linkages of internal vehicular circulation systems;
3. Linkages of interior pedestrian systems;
4. Linkages/continuation of open space systems;
5. Perimeter open space and landscape buffer zones;
6. Areas and access for refuse collection;
7. Drainage and detention facilities; and
8. Linkages of any other networks and/or functional areas where a coordinated site design approach will benefit the cohesiveness of a larger area, such as shared utility easements.

**Preserving Sedona's Landscape**

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



**(5) Utilities<sup>459</sup>**

a. All water, sewer, telephone, cable television, electric lines (12 KV or less), and other utilities shall be underground unless an administrative determination is made that physical barriers render undergrounding utilities infeasible.<sup>460</sup> Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.

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<sup>458</sup> Based on broad suggested guidelines in Art 10.

<sup>459</sup> Article 9, Section 908

<sup>460</sup> We did not carry forward the current exception for developing lots in areas of the city that are currently served by above-ground utilities.

- b.** Temporary emergency facilities may be erected and maintained above the surface of the ground for a period of four months. Other temporary aboveground utilities expected to be utilized for a longer period of time may be erected and maintained only after obtaining a temporary use permit for the use being served in accordance with the provisions of [SLDC 407].
- c.** Wherever possible, underground utilities shall be located within or immediately adjacent to the disturbed areas of a lot or parcel (such as driveways and roadways). In any event, all areas disturbed by the installation of the underground utilities shall be revegetated and/or landscaped.
- d.** Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping, may be permitted by the Director for any use subject to the specifications set forth by the Director.

**E. Building Placement and Orientation**<sup>461</sup>

**(1) Intent**<sup>462</sup>

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

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

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

- a.** Frame the corner of an adjacent street intersection or entry point to the development;
- b.** Frame and enclose parking areas on at least two sides; or
- c.** On sites of five acres or more, frame and enclose a “main street” pedestrian and/or vehicle access corridor within the development.

**Sedona Community Plan says...**

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

**(3) Building Separation (Commercial and Public/Semi-Public Buildings)**<sup>463</sup>

The minimum building separation between adjacent commercial and public/semi-public buildings in multi-building developments shall increase from a minimum of 10 feet to 20 feet, in proportion to the length of the walls adjacent to each other as depicted in Figure 5-11 and in Table 5.6 as follows:

<sup>461</sup> This section includes a combination of existing guidelines rewritten as standards, as well as entirely new standards that are intended to implement the substance of the broad ideas in Article 10.

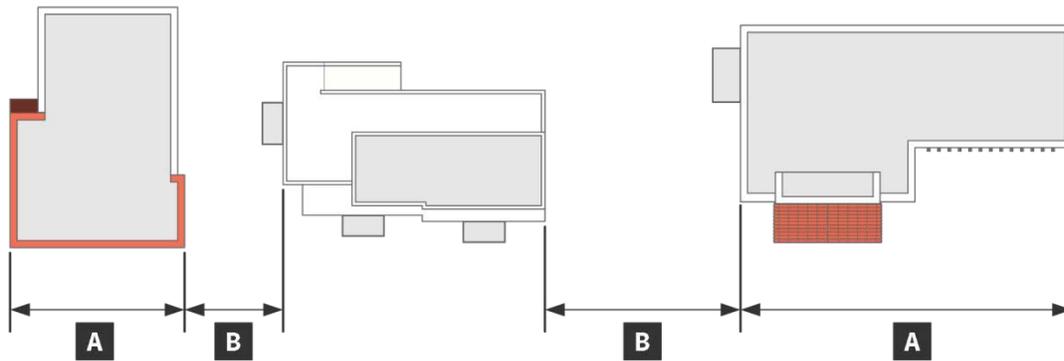
<sup>462</sup> New.

<sup>463</sup> From current Article 9. Did not carry forward statement about adequate view corridors. Did not carry forward requirements for offset buildings as they relate to property line or the 10-degree building orientation difference from other buildings.

**Table 5.6**  
**Building Separation for Multi-Building Developments**

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

**Figure 5-11: Building Separation**



## F. Building Form<sup>464</sup>

### (1) Intent<sup>465</sup>

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

### (2) Building Massing<sup>466</sup>

#### a. Single-Family Residential<sup>467</sup>

1. All single-family residential buildings and structures shall be composed of multiple visual building masses based on the following requirements:
  - i. All single-family residential buildings or structures over 1,000 square feet but under 2,000 square feet in gross floor area shall be composed of at least two

<sup>464</sup> Based generally on Article 10, Section 3.0. There is more potential for consolidation and simplification in this section, but first we want to solicit additional initial feedback on this draft.

<sup>465</sup> New.

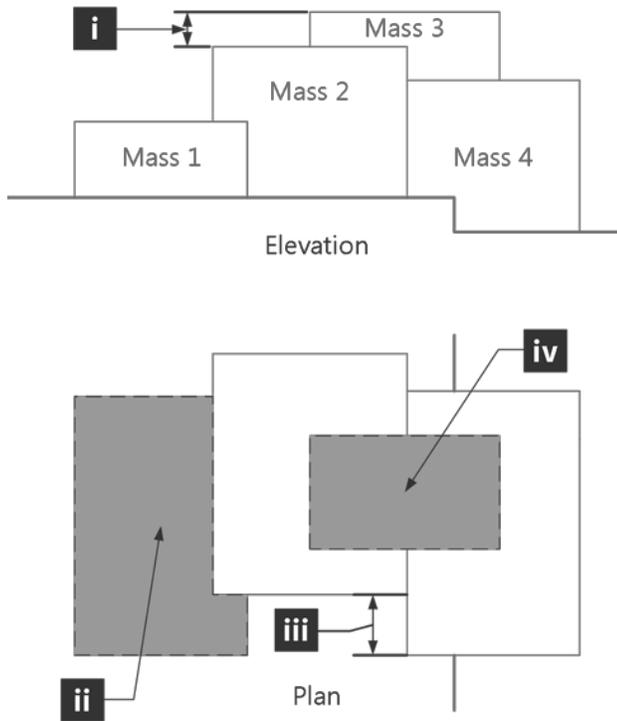
<sup>466</sup> This is one of the few areas in the current design standards that tailors regulations to different development types. As noted in the commentary to the section, many codes use development categories to distinguish between a wide range of standards.

<sup>467</sup> 903.01.B, revised to clarify that both different heights and planes are required, and that a recessed upper story would count as a visual building mass.

visual building masses of differing heights and at least two visual building masses of differing planes.

- ii. All single-family residential buildings or structures 2,000 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and at least three visual building masses of differing planes.
2. Such visual building masses shall (keyed to Figure 5-12):
- i. Vary in height vertically by a minimum of two feet from any adjacent mass or masses;
  - ii. Be 100 square feet minimum; and
  - iii. Have a minimum depth of six feet.
  - iv. An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass.
  - v. Depth and width dimensions shall be measured perpendicular to each other.

**Figure 5-12: Visual Building Mass**



**b. Multifamily Residential<sup>468</sup>**

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

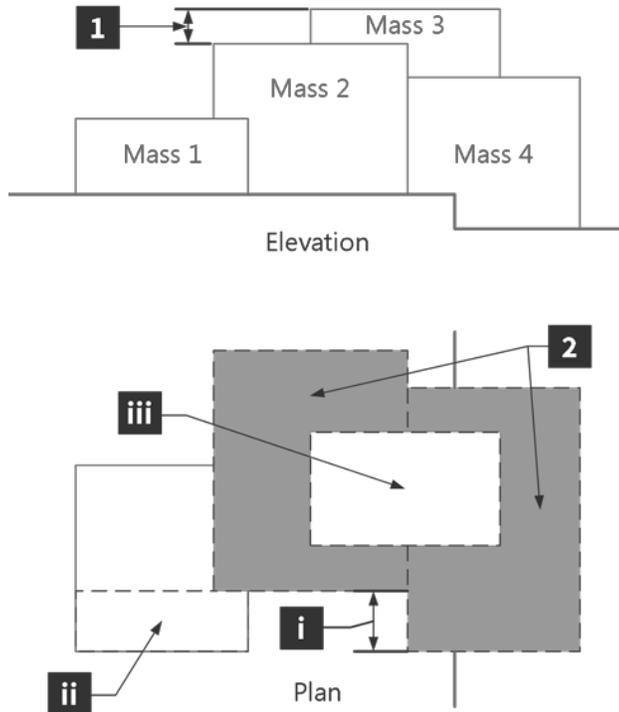
<sup>468</sup> 903.02.B

2. Such visual building masses shall (keyed to Figure 5-12):
    - i. Vary in height vertically by a minimum of two feet from any adjacent mass or masses;
    - ii. Be 100 square feet minimum; and
    - iii. Have a minimum depth of six feet.
    - iv. An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass.
    - v. Depth and width dimensions shall be measured perpendicular to each other.
  3. The structures permitted in 2.24.C(4), *Exceptions to Setback Requirements*, shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection.
- c. Commercial and Public/Semi-Public<sup>469</sup>**
- All commercial and public/semi-public buildings or structures 2,500 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and planes. (See Figure 5-13.)
1. Such visual building masses shall vary in height vertically by a minimum of three feet from any adjacent mass or masses.
  2. In plan and elevation view, the largest single building mass shall contain no more than 60 percent of the total building footprint, and the largest two building masses together shall contain no more than 80 percent of the total building footprint.
  3. In plan view, each mass shall be offset from adjacent masses with a minimum depth of six feet.
  4. An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass. Depth and width dimensions shall be measured perpendicular to each other.
  5. The structures permitted in 2.24.C(4), *Exceptions to Setback Requirements*, shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection.

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<sup>469</sup> 903.03.B. Did not carry forward standard stating "each of the largest three masses shall have a footprint of at least 150 square feet."

Figure 5-13: Commercial and Public/Semi-Public Visual Building Mass



**(3) Building Proportions and Scale**

**a. Vertical Elements**

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

**b. Height Transitions**

1. A new building that applies alternate standards in the area adjacent to an existing residence (0, Alternate Height Standards) and has a height that exceeds that of an adjacent existing residential building by 10 feet or more shall provide a transition using at least two of the following techniques:<sup>470</sup>
  - i. "Stepping down" building height and mass along the shared property line to meet the height of the existing neighboring building along a minimum of 50 percent of the new building's length. The "stepped-down" portion of the new building shall be a minimum of 10 feet in width and depth. This option is available only where the existing building is located along the property line adjacent to the new building;

**Sedona Community Plan says...**  
 Design standards will continue to limit building height, lighting, signs, and colors. (p.15)

<sup>470</sup> This is a proposed new standard to take the place of the existing "Sensitivity to Adjacent Buildings."

- ii. Increasing the side yard setback a minimum of five feet beyond that which is required and providing a landscape buffer along the shared property line;
  - iii. Providing variations in the side building wall and/or roof form so that new structures have a comparable scale as neighboring buildings along the shared property line;
  - iv. Utilizing a roof pitch and overhang similar to that of the neighboring structures; and
  - v. Utilizing dormers and sloping roofs to accommodate upper stories.
3. In the Uptown area<sup>471</sup>, where one building abuts another, the new development shall incorporate a minimum of three design elements to show elements of “continuous connection” to neighboring buildings. Elements shall include, but are not limited to, common parapet heights, covered walkway fascias, similar building materials, and similar building forms.

#### **(4) Building Articulation**

##### **a. Horizontal Articulation<sup>472</sup>**

1. Buildings shall be designed to reduce unrelieved planes by dividing facades into a series of smaller components. Each building elevation, regardless of exterior wall plane setback or the location of interior, shall incorporate one or more of the following elements for every 30 feet of elevation:
- i. **Menu of Articulation Elements**
    - a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 24 inches in depth and that has the effect of casting shadows;
    - b. Glazed windows and doors, if used to comply with this standard shall comprise not less than 30 percent of the elevation of which they are a part;
    - c. Change in texture and/or masonry pattern; and/or
    - d. Awnings or canopies extending at least four feet beyond the building face.
  - ii. **Number of Articulation Elements Required**

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

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

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<sup>471</sup> Requires future mapping prior to adoption of these standards.

<sup>472</sup> New. The current Code addresses this issue in at least two ways: 1) any building greater than 50 feet in width must be broken into smaller areas, but does not specify acceptable techniques; (“Continuous Building Wall Surfaces” in Article 10 ); and 2) no unrelieved building plane of 800 sq ft or more (commercial and public/semi-public only) (Article 9).

**b. Vertical Articulation<sup>473</sup>**

Mixed-use and commercial buildings shall be designed to include a clearly identifiable base, body, and top, with horizontal elements separating these components.

**1. Base<sup>474</sup>**

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

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

**2. Upper Stories<sup>475</sup>**

- i.** For multiple-story buildings, each upper floor shall have a reduction in floor area of at least 10 percent from the immediately lower floor.
- ii.** This section does not apply to levels below the ground floor. For purposes of this provision, the "ground floor" shall be the floor with the nearest elevation to the adjoining street.

**c. Unrelieved Building Plane (Commercial and Public/Semi-Public Buildings)<sup>476</sup>**

- 1.** No exterior wall of a building or structure shall have an unrelieved building plane that exceeds 800 square feet in area.
- 2.** An unrelieved building plane that exceeds 800 square feet may be approved by the Director or Commission if the wall is located on an interior side or rear property line adjacent to an existing building, or if the wall is being used for a mural or artwork.<sup>477</sup>
- 3.** A break or separation between unrelieved building planes is defined as an interruption of the building wall plane with:
  - i.** A recess or an offset measuring at least three feet in depth and ten feet in width. The offset angle determining the "break" shall be between 45 degrees and 90 degrees to the wall;
  - ii.** A change of building materials; or
  - iii.** A balcony.

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<sup>473</sup> Consolidated draft: Limited applicability of this section to mixed-use and commercial buildings. From Article 10.

<sup>474</sup> Did not carry forward standard for base planting of trees and shrubs to provide large vegetative masses, which is at odds with wildfire mitigation best practices. The enhanced articulation standards proposed will result in improved building design in the absence of the base planting requirements.

<sup>475</sup> Consolidated draft: Added additional information on upper stories. New. Replaces current design standards that simply suggest a reduced floor area and building mass to provide opportunities for roof terraces and outdoor spaces as scenic vista points.

<sup>476</sup> Consolidated draft: Added additional options to count as a break or separation. This is the existing standard from Article 9.

<sup>477</sup> Added authority to grant exception for artwork and murals.

**d. Varied Facades**

1. The spacing of elements in facades shall be varied rather than repetitive, with a high priority placed on the three-dimensional interplay of light and shadow.
2. Topographical changes shall be reflected by vertical offsets in the facades of buildings.

**e. Transparency (Windows, Doors, and Openings)<sup>478</sup>**

1. The ground-floor level of each façade facing a public street or other public area such as a plaza, park, or sidewalk shall contain a minimum of 30 percent windows or doorways. Upper floors of each façade facing a public street shall contain a minimum of 15 percent windows. For these requirements, a lesser amount may be allowed if limited by state and/or local energy codes, up to the maximum percentage possible.
2. The proportion of solid area to window and door area shall be noted on the elevations.
3. "Storefront"-type glass walls shall not extend in a continuous unbroken facade longer than 20 feet.
4. Windows shall not be obstructed with permanent or temporary signage except as allowed in [sign ordinance].

**f. Roofline Variation**

The roofline silhouette of buildings shall be varied in order to reduce the visual impact of line and form contrast with the natural environment. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 50<sup>479</sup> feet in length without a visual variation that incorporates:

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

**(5) Building Length (Multifamily Residential and Lodging Uses)<sup>480</sup>**

- a. Any multifamily residential or lodging building that exceeds 150 feet in length shall be limited in height such that a minimum of 25 percent of the building footprint is no more than 16 feet in height. The portion of the building subject to this regulation shall be unbroken and not separated into smaller areas, and shall be visible from both sides of the elevation longer than 150 feet in length.
- b. The maximum length of any multifamily residential or lodging building, regardless of its height, shall be 200 feet measured from one end of the building along its longest elevation to the opposite end inclusive of elevator shafts, interior and exterior stairs, balconies and covered patios, and covered walkways.

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<sup>478</sup> Consolidated draft: New subsection; relocated some provisions here from the "varied facades" section and added in the new transparency requirement.

<sup>479</sup> Consolidated draft: Changed from 30 to 50 feet per staff request.

<sup>480</sup> 903.02.C, added requirement to lodging uses.

## **G. Architectural Style and Character**<sup>481</sup>

### **(1) Intent**<sup>482</sup>

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

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

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

#### **a. Building Design as Signage**<sup>483</sup>

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

#### **b. Comprehensive and Unified Design**<sup>484</sup>

- 1.** If a building or center has a primary architectural theme, that theme should be used around the entire building. This can include, but is not limited to, the use of tile accents, stucco designs, awnings, cornice treatments, stepped parapets, trellises or arbors with live plant material, textured materials such as stone or brick, planters, or colored panels.
- 2.** All building facades facing public streets shall be designed with a similar level of design detail, patterning, and finish. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted for those areas that the applicant can demonstrate are not visible from adjacent development or public rights-of-way.
- 3.** Accessory structures shall be designed and finished to complement the principal structure through the use of the same colors, materials, textures, shape, and architectural style.
- 4.** In a multi-building development:

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<sup>481</sup> From Article 10. We did not carry forward “visual patterns,” which deals with the nature of light and shadow and would be more easily addressed in the design review manual.

<sup>482</sup> New.

<sup>483</sup> New, this is a suggested new standard that gets at the issue of corporate identity mentioned above.

<sup>484</sup> *Consolidated draft: Integrates the “unified” and “comprehensive” sections from the prior draft.* New, proposed to replace the current: “Buildings on Separate Pads.”

- i. The architectural design of all buildings (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings.
- ii. All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:
  - a. Overhangs,
  - b. Canopies or porticos,
  - c. Recesses or projections,
  - d. Arcades,
  - e. Raised corniced parapets over the entrance,
  - f. Roof style and materials,
  - g. Arches,
  - h. Outdoor patios,
  - i. Tower elements (at strategic locations),
  - j. Display windows,
  - k. Integral planters that incorporate landscaped areas or seating areas, and
  - l. Water features.

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## **H. Building Materials<sup>485</sup>**

### **(1) Exterior Materials Generally**

With respect to all materials that are used on the exterior of a structure, the following apply:

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

### **(2) Prohibited Exterior Finishes<sup>486</sup>**

- a. Unless allowed under paragraph b below, the following materials are prohibited as exterior finishes:
  - 1. Cedar or other wood shakes,
  - 2. Faux rock – simulated cement or similar rock products, i.e. “cultured stones”,
  - 3. Highly reflective, shiny, or mirror-like materials,
  - 4. Exposed unfinished foundation walls,
  - 5. Exposed plywood or particleboard,

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<sup>485</sup> Based on Article 9, Section 906, as well as related materials from Article 10. Removed the “Encouraged Materials and Methods of Use: Walls,” and “Encouraged Materials and Methods of Use for Roofs,” “Indigenous Materials,” “Materials Compatible with Context Area,” “Building Highlights,” and “List of Encouraged Surface Materials” which will be relocated to the design manual.

<sup>486</sup> Changed from “discouraged” to prohibited.

6. Glass curtain walls,
  7. White, brightly colored, or reflective roofs,
  8. Unfinished, exposed standard CMU's,
  9. White exterior surfaces on skylights,
  10. Shiny acrylic or similar paint finishes on stucco.
- b.** The use of a building material otherwise prohibited by this subsection may be allowed by the Director on a case-by-case basis if the Director finds that:
1. The use of the proposed material complies with the intent of this Code and other applicable City codes; and
  2. The proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture; and
  3. The material aids in the prevention of fires or provides some other community benefit.

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## **I. Building Color**<sup>487</sup>

### **(1) Intent**<sup>488</sup>

The color contrast of structures with the natural dark green of the vegetation, and rust reds of the red rocks and soils, is a concern with respect to reducing visual impacts of the built environment and trying to blend it with the natural environment. The purpose of this subsection is to ensure that structures, walls, garage doors, roofs, fences, or other large exposed surface areas blend with the surrounding natural environment without calling undue attention to the development.

### **(2) Requirements**

#### **a. Hue**<sup>489</sup>

1. Exterior building materials and colors shall match or enhance the tone of the surrounding landscape to the maximum extent practicable.
2. Exceptions may be allowed by the Director on a case-by-case basis for railings and other building appurtenances.<sup>490</sup>

#### **b. Light Reflectance Value and Chroma**<sup>491</sup>

1. Materials and colors used shall not exceed the following light reflectance values (LRV) and Munsell values:<sup>492</sup>

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<sup>487</sup> From Section 904 and from Article 10, Section 3.5.

<sup>488</sup> Revised from current 904.01.A to read as a purpose statement.

<sup>489</sup> From 3.5.2, rewritten as a requirement "to the maximum extent practicable" instead of the current "encouraged."

<sup>490</sup> Added administrative authority to approve alternative colors and materials on minor supporting building elements required by building code, public safety, and/or other minor appurtenances.

<sup>491</sup> Consolidated draft: Combined chroma and LRV values in Table 5.11 and did not carry forward separate maximum chroma table. Staff provided additional suggested edits.

<sup>492</sup> This table is new. The LDC Analysis suggested establishing darker colors as the minimum standard rather than only applying those darker color requirements as the incentive for additional height (as drafted in Part 1 of the LDC update). The current baseline for single-family is 30 percent, and then 38 percent for all other uses.

**Table 5.7**  
**Maximum Light Reflectance (LRV) and Munsell Values**

Building Size	Maximum LRV / (Maximum Munsell Value)
Less than 5,000 square feet	38 percent / (7)
Between 5,000 square feet and 20,000 square feet	28 percent / (6)
Greater than 20,000 square feet	20 percent / (5)

2. For all colors, the maximum chroma permitted is 2, with the following exceptions:
  - i. If a color with a Munsell value of 6 (LRV 28%) is proposed, the chroma may be increased to 4.
  - ii. If a color with a Munsell value of 5 (LRV 20%) is proposed, the chroma may be increased to 6.
3. Gutters, downspouts, railings, posts and poles, and garage doors shall meet the color requirements for the primary structure.
4. Window and door trim and other similar trim may exceed the allowable LRV for the primary structure by ten percent (for example, if the primary structure is allowed an LRV of 38%, trim would be allowed an LRV of 48%) and the allowable chroma for the primary structure by 2.
5. Unpainted shiny metallic surfaces are prohibited.

**(3) Evaluation of Color<sup>493</sup>**

The applicant shall submit with any development application a color sample with an assigned LRV and chroma value for every color used on the subject buildings or structures. Materials without assigned LRV and/or chroma values may be accepted by the Director if such materials can be adequately compared to the Munsell templates available in the office of the Director.

**(4) Alternate Standards**

Alternate standards may be approved pursuant to 2.24.D(4), *Alternate Height Standards*.<sup>494</sup>

<sup>493</sup> New, based on a recommendation in the LDC Analysis.

<sup>494</sup> Cross-reference is to the measurements and exceptions section, which offers additional height incentive for lower LRV values and smaller unrelieved building planes.

## 5.8. Exterior Lighting<sup>495</sup>

### Commentary

This section is based on the standards from the current LDC Article 9, Section 911 and Article 10, Section 2.7. This section was substantially reorganized for clarity, and reflects recent staff research on “dark sky”-compliant lighting standards. Updating the dark sky ordinance is noted as a priority in the Sedona Community Plan, as discussed in the LDC Analysis and Annotated Outline.

This section begins with the purpose and applicability of the exterior lighting standards, followed by the procedures for evaluating compliance with the lighting standards, then standards that apply to exterior lighting broadly, ending with lighting standards that apply to specific geographic areas and/or land uses.

The lighting classes (Class 1 through Class 3) are carried forward in this draft. Standards that were carried forward from Article 10 are footnoted as to whether or not they were currently a guideline (“should”) or a mandate (“shall”). Any remaining guidelines in Article 10 that are not carried forward were relocated to the design standards bin for inclusion in a separate design standards manual.

### A. Purpose<sup>496</sup>

The purpose of this Section 5.8 is to protect and promote the public health, safety, and welfare by permitting reasonable uses of exterior lighting for nighttime safety, utility, security, and enjoyment while minimizing light pollution and the adverse impact of exterior lighting on stargazing, wildlife habitat, and human health.

#### Sedona Community Plan says...

Support community efforts to be dark sky compliant. (p.78)

### B. Definitions

Definitions specific to the administration, interpretation, and enforcement of this section are in 9.6, *Outdoor Lighting Definitions*.

### C. Applicability<sup>497</sup>

#### (1) New Lighting

New lighting shall meet the requirements of this Code with regard to shielding and lamp type. The total outdoor light output after the new lighting is installed shall not exceed that on the site before the new lighting was installed, or that is permitted by this Code, whichever is larger.

#### (2) Additions or Modifications

- a. If the total cumulative increase in floor area is greater than 50 percent for single-family residential or greater than 25 percent for all other uses, or if the total cumulative cost of any exterior modification, alteration, or repair is greater than 25 percent of the valuation of the building as determined by the Director, then all exterior lighting fixtures shall comply with this Code.

<sup>495</sup> Currently “Outdoor Lighting” Section 911.

<sup>496</sup> Replaces the current 911.01. Did not carry forward the introductory purpose language from Article 10, Section 2.7.

<sup>497</sup> From 911.04. Did not carry forward 911.04.D, resumption of use after abandonment, which will be addressed in the nonconformities section with the administration and procedures in a subsequent draft. Did not carry forward 911.04.B, minor additions, which do not require compliance and are adequately addressed by the new lighting and additions or modifications paragraphs.

- b. Cumulative modification or replacement of outdoor lighting constituting 25 percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting fixtures to comply with this Code.

**(3) Exemptions**

**a. Emergency Lighting<sup>498</sup>**

Lighting used only under emergency conditions shall not be subject to this Section 5.8.

**b. Seasonal Lighting<sup>499</sup>**

Temporary seasonal lighting between Thanksgiving and January 15 shall not be subject to this Section 5.8, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

**c. Lighting Required by FAA or FCC<sup>500</sup>**

Lighting required by the Federal Aviation Administration or the Federal Communications Commission shall not be subject to this Section 5.8.

**d. Special Events<sup>501</sup>**

Special events that have been issued a temporary use permit pursuant to 8.4.D, *Temporary Use Permit*, shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

**e. Street Lighting<sup>502</sup>**

With the exception of shielding requirements, this Code does not apply to street lighting within city and state rights-of-way.

**f. Underwater Lighting<sup>503</sup>**

Underwater lighting used for the illumination of swimming pools and decorative water fountains shall not be subject to this Section 5.8, though they must conform to all other provisions of this Code.

**g. Lighting Required by Building Code<sup>504</sup>**

Any lighting that is required by the building code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this Section 5.8 but shall be subject to the lighting standards.

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<sup>498</sup> From 911.09.C, simplified.

<sup>499</sup> *Consolidated draft: Removed "this exemption shall not apply to permanent exposed string lighting typically used for patio ambiance lighting."* From 911.05.D.2, revised to prevent light trespass and to clarify that permanent string lighting is not exempt.

<sup>500</sup> New.

<sup>501</sup> New.

<sup>502</sup> From 911.04.E.

<sup>503</sup> From 911.09.D. Did not carry forward 911.09.A or B, which will be addressed in the nonconformities section with the administration and procedures in a subsequent draft.

<sup>504</sup> New standard to allow lighting that is required by code, but to ensure they are shielded appropriately.

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## D. Administration

### (1) Lighting Classes Established<sup>505</sup>

#### a. Class 1 Lighting

Lighting used for outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity.

#### b. Class 2 Lighting

Lighting used for illumination of walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose.

#### c. Class 3 Lighting

Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements.

#### d. Multi-Class Lighting

Lighting used for more than one purpose such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.<sup>506</sup>

### (2) Evaluation of Compliance<sup>507</sup>

#### a. Lighting Plan Submittal Required

1. Whenever new exterior lighting is proposed, the applicant shall submit an application, and as part of the application, shall submit sufficient information to enable the Director to determine whether proposed lighting complies with this Code. All applications may be subject to review and action by the Planning and Zoning Commission at the discretion of the Director.<sup>508</sup>
2. The lighting plan shall include information as determined by the Director.<sup>509</sup>

#### b. Plan Approval

If the Director determines that any proposed lighting does not comply with this Code, the associated permit shall not be issued or the application approved unless an alternative is approved pursuant to 5.8.D(2)c, below.

#### c. Discretionary Approval of Lighting Alternatives<sup>510</sup>

The Director may approve alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this Code provided the proposed alternative:

1. Results in approximate equivalence to the applicable specific requirement of this Code; and

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<sup>505</sup> New section carries forward (with minimal revisions) the definitions from "outdoor lighting" definition in current Article 2.

<sup>506</sup> The second sentence was carried forward from 911.05.H (which addresses shielding and timing) to broaden the standard.

<sup>507</sup> Based on current 911.07, reorganized and revised for clarity.

<sup>508</sup> Consolidated draft: Clarified language to apply only when new lighting is proposed.

<sup>509</sup> This standard replaces the "applications" section 911.07.B.

<sup>510</sup> From 911.08, simplified.

2. Complies with the intent of this Code.

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## **E. General Lighting Standards**

### **(1) Warm Lighting Requirements and Alternatives<sup>511</sup>**

- a. All Class 2 lighting shall be either low-pressure sodium (LPS) lamps, narrow spectrum amber LEDs, or warm lighting alternatives not to exceed 3,000 Kelvin.
- b. For Class 1 lighting, a development may be eligible for an additional 10 percent increase in the total lumens allowed pursuant to Table 5.8 if the primary lighting source complies with paragraph a above.

### **(2) Prohibited Lighting Types**

#### **a. Unshielded Lights**

Unshielded lights or any other light that produces glare and light trespass in excess of that allowed in Table 5.8.<sup>512</sup>

#### **b. Prohibited Fixtures**

1. Mercury vapor light bulbs and fixtures.<sup>513</sup>
2. Lamps emitting a color temperature in excess of 4,000 Kelvin.<sup>514</sup>
3. Searchlights, floodlights, laser source lights, strobe or flashing lights, illusion lights, or any similar high intensity light.<sup>515</sup>

#### **c. Outdoor String Lighting (Ambience Lighting)**

1. Permanent exposed string lighting for mixed-use and nonresidential uses is prohibited, except as allowed in paragraph 2 below.
2. Ambience lighting for outdoor dining/bar areas, interior courtyards, and/or event venues, may be allowed subject to compliance with all other provisions of this Code and with approval by the Director on a case-by-case basis. In reviewing proposals for such lighting, the Director shall consider lighting types, locations, and time of use. Permanent outdoor string lighting shall not flash, blink, fade, or strobe and shall be included in the total partially shielded lumen count for the property. Such lighting, if allowed by the Director, shall be extinguished immediately after outdoor hours of operation.<sup>516</sup>

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<sup>511</sup> Based on 911.05.A, revised for clarity and to offer other warm lighting alternatives on a case-by-case basis.

<sup>512</sup> New.

<sup>513</sup> From 911.05.K. Did not carry forward "in use for outdoor lighting on the effective date of the ordinance codified in this Code shall not be used after July 1, 2006."

<sup>514</sup> From Article 10, Section 2.7.1 - color, revised from "strongly discouraged" to prohibited.

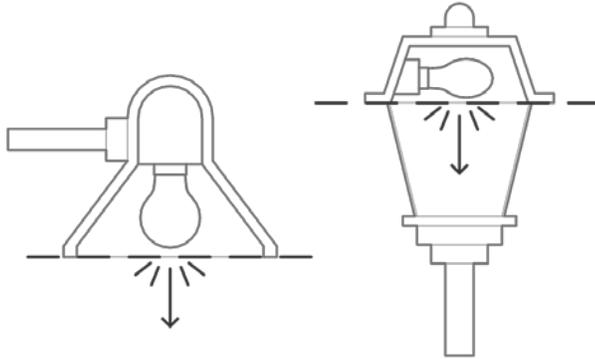
<sup>515</sup> From 911.05.L. Did not carry forward "except in emergencies by police and fire personnel at their discretion. Spot lights are permitted and must be directed downward 45 degrees from any neighboring property." Emergency lighting is exempt from the lighting regulations earlier in this Section.

<sup>516</sup> *Consolidated draft: Revised language for clarity and to add timing standard.* New standards. Permanent exposed string lighting currently prohibited in 911.05.I.2.

**(3) Shielding and Light Trespass**

- a. All light fixtures are required to be fully shielded, unless approved by the Director pursuant to 5.8.D(2)c. (See Figure 5-14.)<sup>517</sup>

**Figure 5-14: Fully Shielded Fixtures**



- b. Partially shielded light fixtures are limited to a maximum of 5,500 lumens per acre and shall not exceed 2,000 lumens per lamp.
- c. All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.<sup>518</sup>
- d. Light trespass onto adjacent public rights-of-way may be allowed subject to approval of the Director pursuant to 5.8.D(2)c.<sup>519</sup>

**(4) Lighting Output Levels<sup>520</sup>**

Lighting levels shall not exceed the following maximum outputs:

<b>Table 5.8</b>		
<b>Maximum Lighting Output Levels<sup>521</sup></b>		
<b>Use Type</b>	<b>Total Site Output</b>	<b>Partially Shielded</b>
Single-family residential	N/A	N/A
All other uses	100,000 lumens per acre	5,500 lumens per net acre (counts toward total site output)

<sup>517</sup> From 911.05.C, revised for clarity.

<sup>518</sup> Consolidated draft: Added exceptions for shared parking, shared paths, and larger unified developments.

<sup>519</sup> From 911.05.B, revised to allow some spillover onto public roads with approval of the Director, which could prevent the city from having to install additional street lighting in some cases.

<sup>520</sup> Table is new – based on standards from 911.05.D and E.

<sup>521</sup> Consolidated draft: Removed requirements for single-family residential. Combined lines for multifamily and mixed-use and nonresidential since the standards are the same.

**(5) Lighting Controls**

**a. Motion Sensors**

1. Motion sensors may be used where the sensor is triggered by activity within the property lines and not triggered by activity outside the property lines.
2. Motion sensing fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off in a reasonable timeframe after the detected motion ceases.<sup>522</sup>

**b. Lighting Time Limitations**<sup>523</sup>

1. Except for security lighting, flagpole lighting, and landscape lighting, Class 1 and Class 3 lighting shall be extinguished during nonbusiness hours. Lodging and other 24-hour businesses are encouraged to reduce lighting during off-peak hours overnight.<sup>524</sup>
2. Landscape lighting shall be extinguished by close of business or 10:00 p.m., whichever is later.<sup>525</sup>
3. Multi-class lighting shall conform to the time limitations of the strictest class.

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**F. Supplemental Class 3 Lighting Standards**<sup>526</sup>

**(1) Uplighting**<sup>527</sup>

- a. Subject to the approval of the Director, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping such as exceptional architectural features, specimen trees with dense year-round foliage, or large native shrub masses). Uplighting or ground-mounted lighting shall be designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic.
- b. All lighting shall be fully shielded to contain and direct the light onto the featured to be illuminated. (See Figure 5-15.)<sup>528</sup>

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<sup>522</sup> Consolidated draft: Included "in a reasonable timeframe" instead of immediately after the motion ceases. From second half of 911.05.B.

<sup>523</sup> From 911.05.G. Merged Class 1 and Class 3 requirement. Did not carry forward standard for Class 2 lighting, since it is a guideline and not a requirement.

<sup>524</sup> Consolidated draft: Last sentence is new. Did not carry forward "only continue in operation until 11:00 p.m. or for as long as the area is in active use but once off remain."

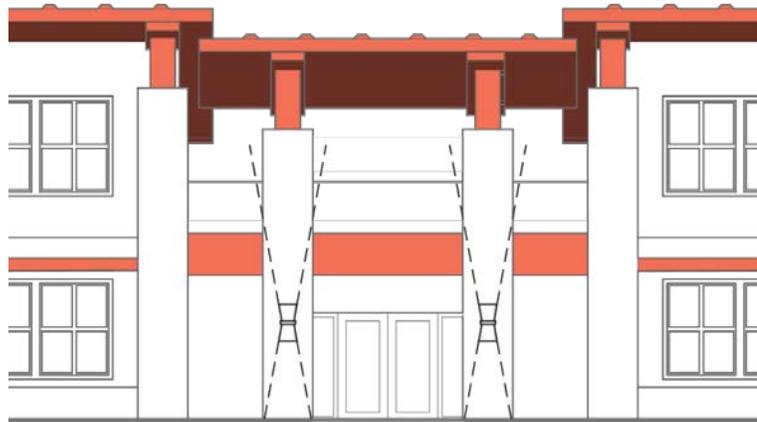
<sup>525</sup> From Article 10, Section 2.7.1, revised from "should" to "shall," and revised to 10 pm instead of 11 pm.

<sup>526</sup> From 911.05.I, reorganized and revised as noted.

<sup>527</sup> From 911.05.I.5, revised for clarity.

<sup>528</sup> Consolidated draft: Removed the 45-degree angle requirement for directed light because it can sometimes be easier to shield a light when it is aimed directly upward (using a canopy or tree) than when it is at an angle.

Figure 5-15: Shielded Uplighting



- c. All uplighting shall be considered partially shielded lighting for the purposes of calculating lighting output levels in Table 5.8.<sup>529</sup>

**(2) Minimum Spill<sup>530</sup>**

All Class 3 lighting shall be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

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## G. Parking Area Lighting

**(1) Generally<sup>531</sup>**

- a. Parking lots shall be considered Class 2 lighting.
- b. All parking lot lighting shall use full cut-off fixtures.<sup>532</sup>
- c. Parking lot poles shall not exceed 12 feet in height.

**(2) Structured Parking<sup>533</sup>**

Interior lighting within parking structures shall not count toward the total lumens allowed.

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## H. Pedestrian-Scale Lighting<sup>534</sup>

Low-level pedestrian lighting may be used along walkways pursuant to the following:

- (1) Shall direct light downward;
- (2) Shall use shatterproof lamp coverings;
- (3) Shall not cause the site to exceed the maximum lumen output pursuant to Table 5.8;<sup>535</sup>
- (4) Shall not be located to present hazards for pedestrians or vehicles; and

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<sup>529</sup> Consolidated draft: New.

<sup>530</sup> From 911.05.I.1.

<sup>531</sup> 911.05.F, revised for clarity.

<sup>532</sup> New.

<sup>533</sup> New, based on staff suggestion.

<sup>534</sup> From Article 10, Section 2.7.3, site lighting fixtures.

<sup>535</sup> New.

- (5) Post or bollard-type lights shall be painted dark colors such as black, dark gray, dark brown, or dark earth tone.

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**I. Exterior Building Lighting<sup>536</sup>**

- (1) Soffit mounted light fixtures shall be recessed into the soffit or otherwise fully shielded.
- (2) Architectural lighting shall only be used to highlight special features.<sup>537</sup>
- (3) Lighting of expansive wall planes or lighting resulting in hot spots on wall or roof planes shall be prohibited.<sup>538</sup>
- (4) Lighting above entryways or along building perimeters shall use fully-shielded fixtures such as wall packs and downward lighting sconces.

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**J. Sign Illumination**

See 6.7.E, *Sign Illumination*.

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**K. Supplemental Lighting Standards for Specific Uses**

**(1) Recreational Facilities<sup>539</sup>**

- a. Lighting for outdoor athletic fields, courts, or tracks shall be considered Class 1.
- b. If the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA) and shall require approval by the Director pursuant to 5.8.D(2)c.<sup>540</sup>
- c. Recreation facility illumination design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code.
- d. Lighting for recreational facilities shall be extinguished by 10:00 p.m.<sup>541</sup>
- e. Fully shielded lighting shall be required for fields designed for sports activity.

**(2) Outdoor Display Lots<sup>542</sup>**

Light for outdoor display lots shall be considered Class 1, and shall conform to the lumens per acre limits established by Table 5.8 except as follows:

- a. All such lighting shall be fully shielded; partially shielded fixtures shall be prohibited.<sup>543</sup>
- b. If the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA) and shall require approval by the Director pursuant to 5.8.D(2)c.<sup>544</sup>

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<sup>536</sup> From Article 10, Section 2.7.4, exterior wall and building lighting.

<sup>537</sup> Currently "should."

<sup>538</sup> Currently "should be avoided."

<sup>539</sup> From 911.06.A. Did not carry forward standards for professional sports facilities.

<sup>540</sup> Added new reference to require Director approval using the alternatives procedure.

<sup>541</sup> Clarifies 911.06.A.5.

<sup>542</sup> From 911.06.B.

<sup>543</sup> Revised for clarity.

<sup>544</sup> Added new reference to require Director approval using the alternatives procedure.

- c. Outdoor display lot illumination design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code.
- d. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards pursuant to 5.8.E(5)b.<sup>545</sup>

**(3) Service Station Canopies**

- a. Lighting for service station canopies shall be considered Class 2 lighting.
- b. All luminaries shall be flush with the lower surface of canopies and use flat glass or plastic covers.
- c. All lighting mounted under the canopy shall be included in the total lumen allowance for the site pursuant to Table 5.8.<sup>546</sup>
- d. All site lighting not directly associated with the special uses as permitted shall conform to all lighting standards described in this Code.

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**L. Installation and Maintenance**

**(1) Certification of Installation**<sup>547</sup>

For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, or if the Director determines it is necessary, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.

**(2) Lamp or Fixture Substitution**<sup>548</sup>

Any proposed change to the type of light source after a permit has been issued shall require submitting a change request to the Director for approval prior to substitution.

**(3) Underground Electrical Service Required**<sup>549</sup>

New electrical service required for exterior lighting shall be located underground.

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<sup>545</sup> Did not carry forward "any lighting on after the time limitations shall be considered Class 2 lighting and shall conform to all restrictions of this Code applicable to this class." That is misleading in that there are no time limitations to Class 2 lighting.

<sup>546</sup> Did not carry forward "The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy." Also did not carry forward provision stating that only 50 percent of the output under a canopy shall be included in the per acre cap.

<sup>547</sup> Consolidated draft: Added allowance for the Director to require certification. Also removed requirement for developers to verify that outdoor lighting was installed in accordance with approved plans for all development applications. From 911.07.E. and 911.05.M.

<sup>548</sup> From 911.07.D.

<sup>549</sup> New standard.

## 5.9. Public Art<sup>550</sup>

### Commentary:

This section carries forward the public art regulations from the Sedona Public Art Ordinance in Article 18, with changes for organization and clarity. In this draft we also proposed expanding the applicability of the requirement to include multifamily residential and mixed-use buildings. Thresholds for when public art is required for those uses are provided.

### A. Purpose<sup>551</sup>

Public art is a priority amenity for the City of Sedona. The purpose of this Section 5.9 is to ensure that public art is provided for development and/or redevelopment of multifamily, mixed-use, and nonresidential properties.

### B. Applicability<sup>552</sup>

#### (1) Generally

Public art shall be installed pursuant to this Section 5.9 prior to the issuance of a Certificate of Occupancy for the following:

- a. Development of any new mixed-use and/or nonresidential building, except for industrial uses, with 5,000 square feet of gross floor area or more;<sup>553</sup>
- b. Expansion of any mixed-use and/or nonresidential building, except for industrial uses, resulting in 2,500 square feet of gross floor area or more;
- c. Development of any new multifamily building(s) of 20 dwelling units or more; and
- d. Expansion of any existing multifamily residential building(s) by 10 dwelling units or more.

#### Sedona Community Plan says...

Visitors come to Sedona for its artistic offerings more than for any other purpose except the natural beauty and outdoor recreation. (p. 102)

#### (2) Exemptions<sup>554</sup>

This section shall not apply to:

- a. Federal, state, county, or city projects or structures; or
- b. Residential uses other than multifamily; or
- c. Multifamily projects that include strategies for achieving housing diversity, affordability, and availability to address local housing needs, as determined by the Director.

<sup>550</sup> From Article 18. Did not carry forward Section 1801, Title.

<sup>551</sup> New.

<sup>552</sup> Based on Section 1802, revised for clarity. Broadened the applicability of the public art requirement to include multifamily residential buildings.

<sup>553</sup> Currently "commercial, professional office, lodging, or timeshare construction." Expanded to all mixed-use and nonresidential uses.

<sup>554</sup> Consolidated draft: Added the new provision about multifamily. Revised to exclude the exemption for all residential uses.

## **C. Public Art Requirement**

### **(1) Minimum Investment**

Applications subject to this Section 5.9 shall provide a minimum investment in an amount stated on file with the Community Development Department for public artwork.<sup>555</sup>

### **(2) Public Art Installation or Cash Contribution**

#### **a. Generally**

The minimum art investment shall take the form of either an on-site installation of developer-selected exterior artwork, or, at the developer's discretion, an equivalent cash contribution to the City of Sedona Art in Public Places Fund may be made to be used for public art in the City of Sedona. A combination of the above options is also acceptable.

#### **Sedona Community Plan says...**

Support public and private partnerships that will provide sustainable and dedicated funding for arts and cultural programs and facilities. (p.106)

Pursue increased incentives for private installation of arts within the built environment (p.106)

#### **b. On-Site Artwork**

The following on-site artworks are acceptable under this Section 5.9:

- 1.** Building features and enhancements that are unique and produced by a professional artist;
- 2.** Landscape art enhancements such as enhanced walkways, bridges, unique water, or unique art features;
- 3.** Murals or mosaics covering walls or walkways;
- 4.** Professional artist sculptures that can be freestanding, wall-supported, or suspended and made of durable materials suitable to the site;
- 5.** Other suitable artworks accepted by the Director.

#### **c. Eligible Costs**

Costs that are eligible towards the minimum investment required by this Section 5.9 include:

- 1.** Professional artist compensation;
- 2.** Fabrication and installation of the artwork;
- 3.** Site preparation;
- 4.** Structures enabling the artist to display the artwork;
- 5.** Documentation of the artwork;
- 6.** Acknowledgment plaque identifying the artist and the artwork.

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<sup>555</sup> Revised the current \$0.48 per square foot requirement to allow for a determination to be filed administratively. Council can review this amount along with other fees required and adjust them without having to frequently update the code.

**d. Ineligible On-Site Artworks and Costs**

On-site artworks and costs not eligible for purposes of compliance with this Section 5.9 include:

1. Business logos;
2. Directional elements such as super graphics (large scale painted or applied decorative art typically in geometric form on walls, floors, and/or ceilings), signage, or color coding;
3. Mass produced art objects, such as fountains, statuary, playground equipment;
4. Art reproductions;
5. Landscaping or hardscape elements normally associated with the artwork;
6. Services or utilities necessary or desirable to operate or maintain artworks.

**(3) Location of Public Art**

Art selected by an owner or developer to be integrated on the site of the project shall be located on an exterior of the structure or the building site that is visible to the public.

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**D. Evaluation of Public Artwork Plans**

- (1) The applicant shall submit a public artwork plan associated with the application for development and/or redevelopment or expansion demonstrating compliance with this Section 5.9.<sup>556</sup>
- (2) All proposed artwork shall meet the applicable requirements of all other City of Sedona ordinances, this Code, and City Code.
- (3) The Director may consult with the Arts and Culture Coordinator, other city staff, or outside professional artist(s), and shall approve or deny the public artwork plan and inform the applicant in writing. The developer has the right to appeal the decision of the Director to the City Council within 15 days after the Director's decision.<sup>557</sup>

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**E. Installation and Maintenance**

- (1) Prior to issuance of a Certificate of Occupancy, the approved artwork shall be installed in accordance with approved plans, unless the Director agrees to an extension of time of up to 6 months. If an extension of time is granted, then prior to the issuance of the Certificate of Occupancy, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the artwork within 6 months of the issuance of the Certificate of Occupancy shall be deposited by the owner or developer with the city. Failure to completely install the artwork approved by the Director within the 6 months of the issuance of the Certificate of Occupancy shall result in forfeiture of the deposit or letter of credit and the money deposited shall be credited to the Art in Public Places Fund.
- (2) The owner of the development shall be responsible for the proper upkeep and maintenance of the artwork within the proposed development.

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<sup>556</sup> New.

<sup>557</sup> From Section 1803.E, revised for clarity. Did not carry forward Section 1802.D, which was similar but inconsistent with this provision by referring to "major projects, as determined by the Director..."

- (3)** In the event that any artwork placed on the development as a result of this Section 5.9 is removed or destroyed, the owner or developer shall, within 180 days of the removal or destruction:
- a.** Replace it with artwork that meets the requirements of this Section 5.9 and is equal to the removed/destroyed artwork's fair market value immediately prior to its removal or destruction; or
  - b.** Make a cash payment to the City of Sedona Art in Public Places Fund in an amount equal to the square foot gross floor area of the development multiplied by the minimum investment requirement set forth above that is applicable at the time of the removal or destruction of the artwork.

# Article 6: Signs

## Commentary

This is the recently adopted sign ordinance with no major revisions. Minor edits have been made for stylistic consistency with the rest of the new code.

### 6.1. Title

This article shall be known as the "Sedona Sign Ordinance."

### 6.2. Purpose

- A. The Council finds that the natural surroundings, climate, history, and people of the City provide the Sedona community with its unique charm and beauty. This Article has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the Community Plan.
- B. The purpose of this article is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:
  - (1) To promote and accomplish the goals, policies, and objectives of the Community Plan;
  - (2) To balance public and private objectives by allowing adequate avenues for both commercial and noncommercial messages;
  - (3) To recognize free speech rights by regulating signs in a content-neutral manner;
  - (4) To improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
  - (5) To protect the aesthetic beauty of the City's natural and built environment for the citizens of and visitors to the City, and to protect prominent viewsheds within the community;
  - (6) To prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or made of unstable materials;
  - (7) To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape; and
  - (8) To provide consistent sign design standards that enables the fair and consistent enforcement of these sign regulations.
- C. This article is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. No part of this article shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for another non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered. To the extent any provision of this article is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.

## 6.3. Definitions

Definitions specific to the administration, interpretation, and enforcement of this section are in 9.7, *Sign Definitions*.

## 6.4. Administration

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### A. Permit Required

Except as provided in this article, no person shall erect, construct, enlarge, alter, repair, display, maintain, or use a sign, whether temporary or permanent, until a permit for the same has been issued by the Director. Each sign shall require a separate sign permit.

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### B. Permit Process

An application for a sign permit shall be made in writing on forms furnished by the Department and comply with the sign permit process set by the Director.

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### C. Inspections for Permit

- (1) All signs for which a permit is required shall be subject to inspection by and approval of the Director.
  - (2) Footing inspections may be required for all signs having footings, subject to review and approval by the Director.
  - (3) All signs containing electrical wiring shall be subject to the provisions of the International Building Code as adopted, and the electrical components used shall bear the label of an approved testing agency.
- 

### D. Master Sign Plans

For some developments, alternative standards and flexibility in the established standards may enhance the aesthetic qualities of the development and the community. Approval of a Master Sign Plan allows for unified presentation of signage throughout a development site, flexibility to provide for unique environments, and pre-approval of designs and design elements to make sign review more efficient.

#### (1) Approval Required

- a. New construction or redevelopment projects shall obtain approval of a Master Sign Plan as part of the development review process as set forth in 8.4,
- b. *Development Review*, prior to any signs being erected.
- c. All signs erected or maintained shall conform at all times to the approved Master Sign Plan. Any deviations from an approved Master Sign Plan shall be unlawful unless and until a revised Master Sign Plan is approved.
- d. For developments covering multiple properties, the property owner(s) may elect to have the entire development considered a unified development site for the purposes of the Master Sign Plan.

## (2) Master Sign Plan Requirements

### a. Contents

A Master Sign Plan shall set forth a master plan for all signage for an entire parcel or development site and include the following information:

1. Sign dimensions and approximate locations;
2. Materials and colors;
3. Proposed illumination, including illumination levels;
4. Maximum numbers of items of information per sign face;
5. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
6. A demonstration that the Master Sign Plan will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of property in adjacent or nearby residential districts; and
7. Any other maps, drawings or materials as required by the Director (including a colored rendering of the sign) to adequately describe the sign proposal. The application and any exhibits shall become the property of the city.

### b. Prohibited Signs and Sign Elements

Prohibited signs and sign elements are not eligible for inclusion in a Master Sign Plan unless specifically indicated in this article.

### c. Architectural Theme

All signs shall be architecturally integrated into or complimentary to the design of the building(s) and character of the site, and shall use similar and coordinated design features, materials, and colors. The Master Sign Plan shall establish an integrated architectural vocabulary and cohesive theme for the development site.

### d. Community Character

The signage proposed in a Master Sign Plan shall not have an adverse impact on the community character of the district in which the development site is located, or of the City of Sedona.

### e. Nonconforming Signs

If there are existing signs on-site, they shall be treated in accordance with 1.6.G, *Nonconforming Signs*, upon adoption of the Master Sign Plan.

## (3) Master Sign Plan - Flexibility Criteria

### a. Generally

Signage which is proposed as part of a Master Sign Plan may deviate from the standards of this article as outlined below.

### b. Height, Area, Number, and Location of Signs

1. The height, area, number, and location of signs permitted through the Master Sign Plan shall be determined based on the following criteria:

- i. The overall size of the development site and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and/or more signs);
- ii. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the City);
- iii. Length of Frontage on a Public Right-of-Way (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter from multiple adjacent parcels);
- iv. Classification of Street the Development Site fronts on (frontage along an arterial or collector street may justify more or larger signs than frontage along a local street);
- v. Access and visibility to the site;
- vi. Intended traffic circulation pattern and the need for wayfinding;
- vii. Hierarchy of signage;
- viii. Relationship between the site and adjacent uses;
- ix. The desired function of the site; and
- x. Consistency with the objectives and design policies of the Community Plan and any applicable Community Focus Area plans.

**c. Lighting**

Lighting standards shall not deviate from the standards of this article.

**(4) Master Sign Plan Review**

- a. Master Sign Plans for new construction or redevelopment shall be reviewed as part of the development review process as set forth in 8.4,

- b. *Development Review.*

**c. Director Approval**

Master Sign Plans that deviate from the standards of this article, as allowed by this section, by no more than 10% may be approved by the Director.

**d. Planning and Zoning Commission Approval**

Master Sign Plans that deviate by more than 10% require approval by the Planning and Zoning Commission, in accordance with the development review process as set forth in 8.4, *Development Review.*

- e. Notwithstanding the provisions of this section, the Director may require any Master Sign Plan to be considered by the Commission at a public hearing on the basis of location, visually related impacts, or in conjunction with other aspects of overall site development or improvements.

**(5) Individual Sign Permits**

Individual sign permits are required for signs installed in compliance with an approved Master Sign Plan that conforms with the provisions of this Article.

**(6) Amendments**

A Master Sign Plan may be amended in the same manner in which the original Master Sign Plan was approved.

## 6.5. General Standards Applicable to All Signs

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### A. General

Unless specifically exempted, the standards contained in this section shall apply to all signs within the City of Sedona.

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### B. Abandoned Signs

The property owner shall be responsible for removing abandoned signs within five days.

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### C. Clearance to Utility Lines

Signs shall not be located with less than five feet, six inches horizontal or ten feet vertical clearance from overhead electric conductors that are energized not more than 750 volts. Signs shall not be located with less than eight feet, six inches horizontal or 11 feet vertical clearance from overhead electric conductors that are energized in excess of 750 volts.

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### D. Clearance over Pedestrian Walkways or Vehicular Drives

Signs that project over a pedestrian walkway shall maintain a minimum clearance of eight feet above grade. Signs that project over a vehicular drive shall maintain a minimum clearance of 13 feet, six inches above grade, or the clearance required by all applicable codes.

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### E. Component Painting

All light fixtures, conduit, and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

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### F. Historic Preservation

Where signage is to be placed on or associated with a designated historic landmark, the design, graphics and materials of such signage shall be consistent with the historic character and context of the structure or site and be in compliance with the landmark approval.

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### G. Location

- (1)** No signs shall be placed on or about public property or within any public right-of-way, unless otherwise permitted. Such signs may be deemed refuse and subject to removal by the Director.
- (2)** No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere with free use of all fire appliances, including hydrants, standpipes, automatic fire sprinkler connections, and the like. Fire lanes shall not be obstructed by the placement of any sign or sign structure.
- (3)** No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

## H. Maintenance

- (1) All signs shall be structurally sound and maintained in good repair. The display surfaces of all signs shall be kept neatly painted or posted at all times.
  - (2) Any sign determined by the Director to be a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or electrical shall be remedied immediately.
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## I. Landscaping

When landscaping is required in conjunction with a sign, the landscape area shall be maintained by the property owner and shall be kept in a neat and clean condition, free of weeds and rubbish.

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## J. Traffic Visibility Triangle

For traffic safety, signs located within the triangular area on a corner lot formed by measuring 30 feet along both street side property lines from their intersection or ten feet from the intersection of a property line adjacent and parallel to a public street and a private street or driveway shall maintain a three-foot maximum top height. The City Engineer may approve a sign within the Traffic Visibility Triangle if it can be demonstrated that it does not impact traffic safety.

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# 6.6. Sign Measurements and Calculations

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## A. Sign Area

- (1) Sign area is calculated as the area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed. The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.
  - (2) Support structures will not be counted against total sign area as long as such elements are appropriately scaled to the size of the copy as determined by the Director.
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## B. Sign Height

- (1) Sign height is measured as the vertical distance from the average elevation of the finish grade within a six-foot radius at the base of the sign to the top of the sign, including all backgrounds and support structures, exclusive of any filling, berming, mounding, or landscaping, solely done for the purpose of locating the sign.
  - (2) If natural grade at the base of a sign is lower than the grade of an adjacent road, the height of the sign may be measured from the top of curb elevation.
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## C. Items of Information

An item of information is a word, logo, abbreviation, symbol, geometric shape, image, or number with ten or fewer digits (punctuation of numbers does not increase the number of items of information).

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## 6.7. Design Standards Applicable to All Signs

This section provides minimum design guidance for all signs, regardless of specific type or location. These guidelines address issues related to sign legibility, placement, color, materials, and illumination. These guidelines are intended to ensure business owners install quality signs that add to and support the character and unique beauty of Sedona. Following these standards from the onset of a project will help to ensure that the signs are designed as an integral element of the building design architecture and not as an afterthought.

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### A. Sign Legibility

In the interest of public safety, the following standards are meant to ensure that signs have adequate visibility and legibility. Deviations may be permitted through approval of a Master Sign Plan if it can be shown that the proposed deviation will not have a negative impact on visibility and legibility of the sign.

#### (1) Signs 15 square feet or less

- a. Maximum of seven Items of Information
- b. Maximum of two Font Styles

#### (2) Signs over 15 square feet

- a. Maximum of 12 Items of Information
- b. Maximum of three Font Styles

#### (3) Items of Information (See 6.6, *Sign Measurements and Calculations*)

A brief message should be used whenever possible. A sign with a brief, succinct message is simpler and faster to read, looks cleaner, and is generally more attractive.

#### (4) Font Styles

- a. An effective sign should do more than attract attention; it should communicate its message clearly. This is directly related to the readability of words and phrases. The most significant influence on legibility is lettering style and spacing. Typefaces that are difficult to read reduce the sign's ability to communicate. Crowding letters, words, or lines will make any sign more difficult to read. Conversely, over-spacing these elements causes the viewer to read each item individually, again obscuring the message.
  - b. Signs should use letters on a contrasting background.
  - c. There should be an adequate amount of contrast between the colors to increase legibility. If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.
- 

### B. Sign Placement

In order to assist in wayfinding, signs throughout a development site should be placed in a strategic manner, in similar locations and in a similar fashion throughout the center so that customers can easily identify business locations.

- (1) Wayfinding signs for businesses shall be placed at or near the public entrance or main parking area to indicate the most direct access to the business.

- (2) Signs shall be placed consistent with the proportions of the building's facade. For example, a particular sign may fit well on an upper, more basic wall, but would overpower and obstruct the finer detail of a lower storefront area.
- (3) Signs shall not be located so that they cover or interrupt the architectural details or ornamentation of a building's facade.
- (4) Signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portions of the sign shall extend beyond the ends of the wall to which it is attached.
- (5) The location and extent of signs and advertising should not obstruct scenic views.
- (6) Repetitious signage information on the same building frontage should be avoided.

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### C. Sign Color

The City of Sedona has long placed a strong emphasis on building design and aesthetics, including regulations of color to ensure the built environment blends into the surrounding natural environment. In order to ensure the signs adhere to this same standard, sign colors are regulated in a similar way to building colors.

- (1) Sign colors shall provide sufficient contrast to be legible, yet be subdued enough to blend with the natural landscape and/or surrounding structures.
- (2) Background colors shall be limited to no more than three on a single sign. Too many colors overwhelm the viewer's ability to process fast what the sign is communicating. Limit use of accent colors to increase legibility.
- (3) The background area of a sign, exclusive of any letters, words, or symbols, shall comply with the exterior color requirements of 5.7.I, *Building Color*, except as noted below.
  - a. Not more than ten percent of the sign background area shall exceed these color requirements.
  - b. Natural materials including, but not limited to, rock, natural wood, tile, and brick, which do not comply with these color requirements, may be considered on a case-by-case basis by the Director.
- (4) Text colors are not subject to the same color restrictions as background colors, but should provide sufficient contrast. Bright and glossy or fluorescent colors and reflective surfaces are prohibited.
- (5) Sign colors shall relate to and complement the materials or color scheme of the buildings, including accent and trim colors.
- (6) Signs may be painted directly on building facades. The Director shall review such requests on a case-by-case basis and make a determination based on a review of whether the proposed sign interferes with the architectural integrity of the building.

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### D. Sign Materials

- (1) Materials shall be selected with consideration for the architectural design of the building's facade. Sign materials shall complement the architecture and materials of the structure.
- (2) Acceptable sign materials include:
  - a. Wood (carved, sandblasted, etched, sealed and painted, or stained)

- b. Red rock and river rock
- c. Tile (painted, sealed, inlaid tiles)
- d. Metal, including rusted metal (formed, etched, cast, engraved, primed or factory coated).
- e. Stucco, when used to match an existing building onsite.
- f. High density sign foam, when designed to successfully imitate another acceptable sign material
- g. Decorative iron or wood brackets are preferred for sign hardware support
- h. Requests to use alternative materials may be approved on a case-by-case basis by the Director

### (3) Signs with Relief

- a. Signs with relief are encouraged but not required.
- b. The total base sign area may increase by 20% when a minimum of 50% of the total copy area incorporates 3-dimensional relief.

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## E. Sign Illumination

Sign illumination is necessary to ensure businesses can be found when open after dark. However, as a Dark Sky Community, Sedona seeks to limit outdoor lighting to only what is necessary and to minimize light pollution. The following illumination standards seek to achieve a balance between providing sufficient sign lighting while ensuring maintenance of the dark skies.

- (1) Illumination is only permitted on permanent signs in Commercial districts. Temporary signs and signs in Residential districts cannot be illuminated, unless approved as a part of a Master Sign Plan.
- (2) The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as determined by the Director.
- (3) Signs should only be illuminated if the existing ambient light (such as from street lights or from interior lighting from a building) is not sufficient to light the sign.
- (4) When illumination is used, the light shall be contained to the sign and no light shall spill over.
- (5) Illumination for signs shall conform to all provisions of LDC 911 (Outdoor lighting). Sign lighting shall be treated as Class 1 lighting and shall conform to the lamp, shielding, and time restrictions and shall count towards the lumen cap for the property.
- (6) Sign illumination shall be limited to a maximum of two different colors.
- (7) **External Illumination**
  - a. Fixtures chosen for external illumination shall be architecturally compatible with the building to which they are attached.
  - b. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.
  - c. External lighting fixtures shall be fully shielded and directed down.

- d. Ground mounted uplighting may be used when it can be demonstrated that no light will spill off of the sign face.

#### (8) Internal Illumination

- a. Internally illuminated signs are prohibited except as permitted below:
  1. Individual halo-lit letters with solid opaque faces that do not permit any light to come through the face, which are silhouetted against a softly illuminated wall.
  2. Metal-faced box signs with cut-out letters and soft-glow lighting sources.

#### (9) Prohibited Illumination Methods

- a. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties
- b. The fixtures used to illuminate signs shall not be directed toward nearby residential properties.
- c. Other than one sign per business, with a maximum of two square feet, digital or electronically lit messages of any kind, or signs having the same effect, are prohibited.
- d. Blinking, rotating, flashing, hanging, or reflecting lights are prohibited.
- e. Visible raceways and transformers for individual letters are prohibited.

## 6.8. Exempt Signs

Subject to the conditions and limitations specified below, the following signs or sign devices are exempted from the permit process; provided, that they are not prohibited by 6.15, *Prohibited Signs*.

### A. Bumper Stickers

Bumper stickers affixed to motor vehicles.

### B. Event Posters and Announcements

Posters, flyers and announcements promoting events may be displayed, but shall not contain advertisements for products or services not associated with the event. Displays of event announcements shall not exceed one poster, a maximum size of 11 inches by 17 inches, per business, and shall not be placed on the exterior of a building or structure.

### C. Cornerstones

Cornerstones and the like, when carved into stone, concrete, bronze or other permanent material and made an integral part of a building or structure. Cornerstones are not to exceed four square feet.

### D. Flags

The flag, pennant, or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution. A temporary sign permit shall be required when such are used in connection with a commercial promotion or as an advertising device 6.14.C, *Temporary Signs, Commercial Districts*.

### **E. Governmental Signs**

Any sign, posting, notice or similar signs placed, installed or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including, but not limited to, the following:

- (1) Emergency and warning signs necessary for public safety or civil defense;
  - (2) Traffic signs erected and maintained by an authorized public agency;
  - (3) Signs required to be displayed by law;
  - (4) Signs directing the public to points of interest; and
  - (5) Signs showing the location of public facilities.
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### **F. Historic Plaques**

Historic plaques erected or provided by the city designating an area of historical significance.

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### **G. Information Signs**

Information signs on commercial properties are limited to a maximum of two square feet per business entrance.

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### **H. Display Boxes**

Display boxes of up to two square feet are allowed for restaurants, bars, and lounges. Display Boxes may be illuminated with fully shielded fixtures. A permit shall be obtained for display boxes larger than two square feet, and the area in excess of the permitted two square feet shall be counted against the total allowable sign area for the business.

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### **I. Official Notices**

Official government notices and notices posted by government officers or employees in the performance of their official duties; and government signs to control traffic, provide information, identify streets, warn of danger, or perform other regulatory purposes.

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### **J. On-Site Directional Signs**

One directional sign per property or development site, no more than three feet in height and four square feet in area, located outside of the front and street side yard setbacks, to aid in traffic circulation and wayfinding within a developed site. Additional on-site directional signs may be permitted through the approval of a Master Sign Plan.

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### **K. Outline Lighting**

Outline lighting and decorative strings of lights are authorized without a permit only from Thanksgiving to the following January 15. After January 15, lighting in residential areas must be turned off, and in commercial areas, it must be turned off and removed from buildings and structures. Such lighting shall be installed in a way that does not create a public nuisance or hazard.

## L. Political Signs

- (1) The City encourages political signs to be placed in a way that limits the negative aesthetic effects of numerous large political signs throughout the city and serves to fulfill the City's vision of enhancing its natural beauty.
  - (2) Political Signs are permitted in compliance with ARS §16-1019.
- 

## M. Residential Nameplates, Street Address or Combination

One nameplate sign showing the name of the occupant of a residence; the occupant's profession, occupation, and/or title; and/or the address of the dwelling is allowed. The sign shall contain no advertising copy and shall not exceed two square feet in area.

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## N. Seasonal Decorations

Temporary, noncommercial decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any national, local or religious celebration; provided, that such decorations or displays are maintained in an attractive condition and do not constitute a fire hazard.

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## O. Signs Authorized by Law

Signs required or specifically authorized for a public purpose by any law, statute or ordinance; provided, however, that no such sign shall be placed in a public right-of-way unless specifically required or authorized by law, statute or ordinance, and, except for warning signs or barricades of a temporary nature, such signs shall be permanently affixed to the ground, a building or other structure. Such signs shall not exceed the minimum number required to accomplish the purpose.

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## P. Signs not Readable from the Public Right-of-Way

- (1) Signs or displays located entirely inside of a building and not visible from the building's exterior;
  - (2) Official signs located within City recreation facilities and placed by City of Sedona officials in the performance of their duties to provide information related to City Recreation Facilities and programs.
- 

## Q. Signs on Vehicles

Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner or business which are located on delivery trucks, trailers and the like. Business vehicles shall be parked in an assigned parking space which is not immediately adjacent to a street frontage.

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## R. Street Address Signs

Each property must display its legally assigned street number in accordance with Sedona City Code Chapter 12.20 (Street Naming and Addressing), Section 12.20.070 (Addressing Standards) and applicable Fire Code requirements. Legally assigned street address numbers must be incorporated into a property's monument sign. If the property does not have a monument sign, the address number must be clearly displayed on the building or appropriate wall. The address number must be of a contrasting color with the background to which they are attached. Letters or numbers shall have

a maximum height of 150 percent of the required minimum height, as set forth in the City Code and the Fire Code.

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## S. Symbols

Nonverbal symbols attached to a place of religious worship.

- (1) Symbols must be stationary and unlighted.
- (2) One symbol shall be permitted per street frontage per lot.
- (3) Symbols shall not exceed 16 square feet in area and 6 feet in height.

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## T. Temporary Signs on Properties Offered for Sale, Lease, or Rent

Temporary signs on properties offered for sale, lease, or rent, are permitted on-site as follows:

### (1) All Residential Zones

One sign per property is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than six square feet in area.

### (2) All Commercial and Nonresidential Zones

One sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than 12 square feet in area

- (3) All signs shall be removed within 15 days from the date of sale, lease or rental.

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## U. Warning Signs

Temporary or permanent signs erected by the city, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines or similar devices.

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## V. Window Display

Merchandise or models of products or services which are incorporated as an integral part of an indoor window display.

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## W. Window Signs

Window signs covering no more than 10 percent of a window.

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## X. Works of Art

Works of art, including murals, that do not advertise a product or business and which have been approved by the Director

# 6.9. Permanent Signs (Commercial Districts)

- A. The following regulations apply to signs within Commercial Zoning Districts within the City of Sedona. These include the following zones: Neighborhood Commercial (CN), Office Professional (OP), General Commercial (C-1), General Commercial (C-2), Heavy Commercial/Light Manufacturing (C-3),

Resort Commercial (RC), and Lodging (L). In addition, properties within the Planned Development (PD) District with commercial uses would be included in this category.

- B. For new and remodeled shopping centers, a comprehensive sign program for all signs in the center shall be developed. If a property has an approved Master Sign Plan or a sign plan approved in compliance with this article, that plan shall take precedence over these regulations.
- C. For sign computation purposes, the following shall be considered a single property or development site:
  - (1) A commercial condominium building or complex; and
  - (2) Businesses associated by a common agreement or ownership with common parking facilities or housed in one structure.
- D. When two or more tenants occupy one building space with a common entrance, they shall be considered one tenant for sign computation purposes.

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## E. Business Tenant Signs

- (1) Business tenant signs are permitted per business and sign area accumulates for each separate business on a property.
- (2) For properties or development sites with a single tenant, tenant signage with a maximum area of 25 square feet is permitted. On properties exceeding a 60-foot lot frontage on a single street, this area may be increased in area by one square foot for each three lineal feet of building frontage in excess of 60 feet, up to a maximum of 50 square feet.
- (3) For properties or development sites with two or more tenants, tenant signage with a maximum area of 15 square feet is permitted for each tenant with a primary entrance on a street, parking lot, courtyard, or mall. For tenants exceeding a 36-foot building frontage, the sign area may be increased in area by one square foot for each three lineal feet of building frontage in excess of 36 feet, up to a maximum of 50 square feet.
- (4) Business tenant signs shall be located on a wall of the building that contains the business. Business tenant signs are prohibited within the front and street side yard setbacks.
- (5) The following signs are considered business tenant signs. The cumulative area of all signs used by the business may not exceed the limits as set forth above.

### a. Building Signs

- 1. Building signs shall not project from the surface upon which they are attached more than that is required for construction purposes and in no case more than 12 inches.
- 2. New building signs for individual businesses in a shopping center shall be placed consistent with the location of signs for other businesses in the center. This will establish visual continuity among storefronts and create a unified appearance for the center.

### b. Projecting and Suspended Signs

- 1. Hanging signs should be simple in design and not used to compete with existing signage at the site, such as building signs.

2. On a multi-storied building, the sign shall be suspended between the bottom of the second story windowsills and the top of the doors or windows of the first story. On a one-story building, the top of the sign should be in line with the lowest point of the roof.
3. The two sides of a projecting or suspended sign must be parallel back to back, and shall not exceed ten inches in thickness.
4. A projecting sign shall be hung at right angles to the building and shall not extend more than four feet from a building wall.
5. The top of the sign should be in line with whichever is the most successful application of scale, linear continuity or visibility as determined by the Director.
6. No sign shall overhang any public right-of-way (including sidewalks) without approval from the relevant organization having jurisdiction over the right-of-way. Such signs shall be covered by a public liability insurance policy which names the city as the insured party.
7. Sign supports and brackets shall be compatible with the design and scale of the building. Decorative metal and wood brackets are encouraged.
8. To avoid damaging brick and stonework; brackets shall be designed to be bolted into masonry joints.
9. Internal illumination of projecting signs is prohibited.

**c. Awning Signs**

1. The text of awning signs shall be located only on the valance portion of the awning. Letter color shall be contrasting with the awning and the building color scheme.
2. The shape, design, and color of awnings should coordinate with, and not dominate, the architectural style of the building. Where multiple awnings are used on a building, the design and color of the sign awnings shall be consistent with all other awnings.
3. Backlit and internally illuminated awnings are prohibited.
4. Only permanent signs that are an integral part of the canopy or awning shall be used.

**d. Window Signs**

1. Interior signs 24 inches or less from the window are considered as exterior advertising signs.
2. Window signs (permanent or temporary) shall not cover more than 25 percent of the area of each window. Signs that cover 10 percent or less of the window do not count towards the total business sign allowance.
3. Window signs shall be primarily individual letters intended to be viewed from outside. Glass-mounted graphics may be applied as long as they comply with the 25-percent limitation.
4. Electronic or LED Monitors (such as TV Screens) shall not be used as window signs.

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## F. Site Signs

- (1) Site signs are permitted for each individual parcel or group of parcels that the owners have declared to be a development site for sign purposes. Sign area accumulates for the parcel or development site, regardless of the number of businesses on that parcel.
- (2) The following signs are considered site signs, are allotted per property, and shall not count against the total allowable signage for any one business. These signs are permitted at the discretion of the property owner and/or property management company.

### a. Monument (Freestanding) Signs

1. There shall be no more than one monument sign per street frontage per site and a maximum of two monument signs per site.
2. A landscaped area equivalent to the area of each sign face of a monument sign shall be maintained. Landscaping should be designed to ensure the long-term readability of the sign.
  - i. On properties that install a monument sign in an area landscaped in accordance with 5.6.C(2), *Street Frontage Landscaping*, one of the following may be applied:
    - a. Base sign area may be increased by 20 percent; or
    - b. Sign height may be increased by 25 percent.
    - c. An increase in sign height does not permit additional sign area, except as otherwise permitted by this article.
    - d. iv. An increase in sign height is not permitted if it would violate another provision of the LDC (e.g. site visibility triangle, wall height).
3. Monument signs are permitted a maximum area of 25 square feet and maximum height of eight feet. On properties which exceed a 300-foot lot frontage on a single street, one of the following two options may be applied:
  - i. The maximum sign area may be increased to 35 square feet.
  - ii. A second monument sign on a single frontage may be permitted provided there is a minimum of 250 feet separation between the two signs. If this option is used, the maximum of 2 monument signs per property does not change.
4. The sign base shall have a minimum aggregate width of 75 percent of the width of the sign cabinet or face.
5. Monument signs shall be placed perpendicular to the street.
6. Monument signs shall incorporate architectural elements, details, and articulation consistent with the primary building on the site.
7. Each monument sign shall incorporate the legally assigned address number.
8. For properties where a monument sign is not used, the Director may allow additional building signage for center identification in lieu of a monument sign, subject to the same maximum area as the monument sign.

**b. Directional Signs**

1. Directional signs shall be placed at the driveway entrance to a lot, parcel or multiple use lot or parcel. There shall be no more than one directional sign per driveway.
2. No directional sign shall be greater than six square feet in area or have height greater than three feet above grade.
3. No more than 25 percent of the area of a directional sign may be devoted to business identification.
4. Directional signs shall not be permitted at a driveway entrance where there is a separate monument sign, but directional signage may be incorporated into the monument sign. Directional information incorporated into a monument sign shall not count towards the total allowable sign area for the monument sign.

**c. Directory Signs**

1. Directory signs may be provided for individual businesses or occupants of the same building or building complex, in accordance with the following:
  - i. The display board shall be of an integrated and uniform design;
  - ii. One directory sign is permitted at each pedestrian entrance to the building complex, with a maximum of two per development site.
  - iii. Directory signs may be wall-mounted or monument signs.
  - iv. Such signs shall not exceed six feet in height.
  - v. Each tenant business is permitted a maximum of 0.5 square feet on a directory sign and the building identification shall not exceed two square feet. The total area of any directory sign shall not exceed 15 square feet.
2. Directory signs shall not be subject to items of information restrictions (see 6.7.A, *Sign Legibility*).

**d. Service (Gas) Station Signs**

1. Each service station or other business selling automotive fuel is permitted one price sign for each street frontage not to exceed eight square feet in area and eight feet in height.
2. Service Station signs shall be incorporated into the main monument sign but shall not count towards the maximum allowable square footage when used solely for gas pricing.
3. "Self/full serve" signs not to exceed three square feet in area each are permitted on each end of each pump island.
4. Any other signs may be considered through approval of a Master Sign Plan, including but not limited to, signs affixed to the top or sides of an operable fuel dispensing pump or trash containers.

**e. Drive-Thru Board Signs**

1. Board Signs shall maintain a minimum setback of 25 feet from front and street side property lines

2. Maximum of 30 square feet and six feet in height.
  3. Internal illumination of board signs is permitted.
  4. Shall be designed with a solid base. The design, materials, and finish of the base shall match the building.
  5. Screening of board signs from the public right-of-way is required through use of the building, walls, fences, or landscaping, subject to review and approval by the Director.
  6. A maximum of one sign per drive thru restaurant is permitted.
  7. If speakers are used, they shall be subject to the City of Sedona's noise ordinance (Sedona City Code Chapter 8.25, Sound Regulations – Sound Control).
- f. Signs for Vacation Timeshare Solicitors, Vacation Club Solicitors, Timeshare Sellers and Vacation Club Membership Sellers**

Within the city of Sedona, all signage at all locations engaged in the commercial solicitation of vacation club membership plans, timeshares or timeshare plans, including, but not limited to, off-premises canvassing (OPC) locations, kiosks, or podiums located adjacent to public rights-of-way, shall comply with the requirements of Sedona City Code Chapter 8.15 (Nuisances), Section 8.15.023 (Provisions related to signs for vacation timeshare solicitors, vacation club solicitors, timeshare sellers and vacation club membership sellers).

## 6.10. Permanent Signs (State Route 89A Character District)

As Uptown Sedona is characterized as a predominately pedestrian area, it is recognized that different sign standards are needed. For properties that have been identified in the Sedona Main Street and Character Districts Design Manual as being part of the State Route 89A Character District, the design standards applicable to Commercial signs will apply with the following exceptions:

### A. Business Tenant Signs

- (1) For properties or development sites with a single tenant, tenant signage with a maximum area of 12.5 square feet is permitted. On properties exceeding a 30-foot lot frontage on a single street, this area may be increased in area by one square foot for each three lineal feet of building frontage in excess of 30 feet, up to a maximum of 25 square feet.
- (2) For properties or development sites with two or more tenants, tenant signage with a maximum area of 9 square feet is permitted for each tenant with a primary entrance on a street, parking lot, courtyard or mall. For tenants exceeding an 18-foot building frontage, the sign area may be increased in area by one square foot for each three lineal feet of building frontage in excess of 18 feet, up to a maximum of 25 square feet.
- (3) **Under Canopy Signs**
  - a. Where a building sign is not visible to pedestrian traffic in a covered walkway, an under-canopy identification sign of up to 3 square feet is allowed. Square footage for an under canopy sign does not count towards the maximum area for the business sign.
  - b. Where the building design does not permit an under canopy sign with an eight-foot clearance, the Director may approve a minimum clearance of seven feet.

## 6.11. Permanent Signs (Residential Districts)

The following regulations shall apply to the specific permanent signs as indicated for residential districts and subject to the issuance of a sign permit.

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### A. Directional Signs

- (1) Directional signs are prohibited for single-family residential uses.
  - (2) There shall be no more than one directional sign per driveway entrance to a lot, parcel or multiple use lot or parcel.
  - (3) No directional sign shall be greater than six square feet in area and have height greater than three feet above grade.
  - (4) Directional signs shall not be permitted at a driveway entrance where there is an identification sign, but directional signage may be incorporated into the identification sign. Directional information incorporated into an identification sign shall not count towards the total allowable sign area for the identification sign.
- 

### B. Identification Signs

- (1) One identification sign per property is permitted. However, if the property exceeds two acres in area and has frontage along more than one public right-of-way, a maximum of two signs are permitted, with no more than one sign adjacent to each street frontage.
  - (2) Signs for single-family residential uses shall not exceed six square feet in area per face and may be double-faced.
  - (3) Signs for non single-family residential uses shall not exceed 12 square feet in area per face and may be double-faced.
  - (4) An identification sign may be a wall-mounted or monument sign. The height of a monument sign shall not exceed three feet above grade.
- 

### C. Subdivision Entrance Signs

- (1) Not more than two permanent subdivision identification signs are permitted for each primary entrance to a recorded subdivision.
- (2) Each sign shall not exceed 12 square feet in area per face and may be double-faced.
- (3) A subdivision entrance sign may be a wall-mounted or monument sign. The height of a monument sign shall not exceed three feet above grade.
- (4) A landscaped area equivalent to the area of each sign face of a monument sign shall be maintained. Landscaping should be designed to ensure the long-term readability of the sign.
  - a. On properties that install a monument sign in an area landscaped in accordance with LDC 5.6.C(2), *Street Frontage Landscaping*, one of the following may be applied:
    1. Base sign area may be increased by 20 percent; or
    2. Sign height may be increased by 25 percent.
    3. An increase in sign height does not permit additional sign area, except as otherwise permitted by this article.

- 4. An increase in sign height is not permitted if it would violate another provision of the LDC (e.g. site visibility triangle, wall height).
- (5) Subdivisions with entrances off of a Major Arterial Roadway may apply for a Master Sign Plan to allow additional or larger signs to ensure readability from the adjacent roadway.

## 6.12. Permanent Signs (Special Use, Community Facilities, Transitional Districts)

### A. Nonresidential Uses

Signage for nonresidential uses within Special Use, Community Facilities, and Transitional districts is subject to the provisions of 6.9, *Permanent Signs (Commercial Districts)*, with the following exceptions:

**(1) Directional Signs**

Directional signs are limited to a maximum area of four square feet. All other provisions apply.

**(2) Directory Signs**

Directory signs are limited to a maximum area of 10 square feet. All other provisions apply.

**(3) Monument (Freestanding) Signs**

Monument signs are limited to a maximum area of 12 square feet and a maximum height of five feet. No more than one monument sign is permitted per property. All other provisions apply.

### B. Residential Uses

Signage for residential uses within Transitional and Special Use districts is subject to the provisions of 6.11, *Permanent Signs (Residential Districts)*.

### C. Master Sign Plan

The above requirements may be modified through approval of a Master Sign Plan.

## 6.13. Permanent Signs (Parks and Recreation Uses)

The following regulations shall apply to the specific permanent signs as indicated public parks and recreation uses and subject to the issuance of a sign permit.

- A. Signage necessary for the safe and orderly operation of the parks and recreation facilities is permitted. This could include, but is not limited to, facility identification, posting of park rules, directional signs, and hours of operation. Signs over three feet in height or signs visible from off-site require a permit.

### B. Master Sign Plan

A master sign plan may be approved for public parks and recreation facilities.

## 6.14. Temporary Signs

### A. Standards for Temporary Signs

Design standards related to color, font styles, and items of information are not applicable for temporary signs.

**(1) Sign Area**

Sign Area shall include the entire sign, including background and text.

**(2) Sign Location**

Signs shall be located so as not to create a hazard for pedestrian or vehicular traffic.

**(3) Sign Installation**

Temporary signs shall be installed in such a way that ensures they do not create a safety hazard.

**(4) Sign Illumination**

Illumination of temporary signs is prohibited.

**B.** The following regulations shall apply to the specific temporary signs as indicated and subject to the issuance of a temporary sign permit.

**(1) Temporary Signs, Residential Districts**

- a.** Up to four temporary signs may be placed either on the owner's property or offsite for the purpose of directing the public when the property owner is opening the property to the public for a residential or nonprofit activity (e.g. real estate open house, garage/yard sale, estate sale), subject to the following:
  - 1.** Maximum of one sign may be located on-site
  - 2.** Maximum of three signs may be located off-site, with no more than one sign per turning movement
  - 3.** Signs may be displayed a maximum of 12 times per year.
- b.** Signs may be displayed between the hours of 7:00 am and 8:00 pm.
- c.** Signs shall not exceed three square feet in area and three feet in height.
- d.** Signs shall not be illuminated.
- e.** Signs shall not be placed so as to create a traffic hazard, as determined by city staff. Signs shall not be placed in ADOT right-of-way, traffic medians, public sidewalks, or bicycle paths.
- f.** Signs may be placed in City of Sedona right-of-way in residential districts, but shall not be attached to any trees, fences, utility poles, light posts, street signs, or any other public facility located within city right-of-way.
- g.** Signs shall have sufficient weight and durability to withstand wind gusts, storms, and other weather elements.
- h.** Signs shall not be made of flimsy or unstable materials such as cardboard boxes, poster board, or paper.

- i. Signs shall not have attachments, including, but not limited to, balloons, ribbons, loud speakers, etc.
- j. Signs may be placed on privately owned property within residential districts with the written permission of the property owner.
- k. Accepting payment or any form of compensation for the placement of off-premises signs is prohibited.
- l. Temporary Signs in Residential Districts shall be used only for wayfinding purposes.
- m. Violations are subject to any and all adopted fees and enforcement policies and regulations.

### C. Temporary Signs, Commercial Districts

- (1) Temporary signs are allowed in commercial districts subject to the limitations of this section.
- (2) Temporary Signs in Commercial Districts may be displayed on-site five times per year for a maximum of 5 consecutive days each time.
- (3) New businesses shall be permitted to display one temporary sign for a maximum of 30 days. This 30-day period shall not start prior to issuance of a Tenant Occupancy permit and shall not extend beyond installation of the permanent sign for the business or 30 days after issuance of a Certificate of Occupancy, whichever is sooner.
- (4) Temporary business signs shall not exceed 20 square feet in area.
- (5) Temporary signs shall be attached to the building of the business of which they are advertising.
  - a. Temporary signs may be freestanding if the overall height does not exceed eight feet.
  - b. When attached to the building, temporary signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portion of the sign shall extend beyond the ends of the wall to which it is attached.
- (6) Temporary off-premises signs in commercial districts are prohibited except for temporary wayfinding signs for nonprofit or residential activities which are permitted, subject to the conditions in 6.14.B(1), *Temporary Signs, Residential Districts*, for nonprofit or residential activities occurring adjacent to commercial districts.
- (7) The following signs may be permitted through a Temporary Sign Permit:
  - a. Flag-mounted signs;
  - b. Banners;
  - c. Pennants;
  - d. Streamers;
  - e. Balloons;
  - f. Inflatable signs;
  - g. Costumed characters;
  - h. Sandwich board or A-frame signs.

## D. Site Development Signs

- (1) One on-premises site development sign may be allowed for each development project.
- (2) A site development sign may be displayed upon the issuance of a building permit for the project and shall be removed prior to the issuance of a Certificate of Occupancy or the abandonment of the project, whichever shall first occur.
- (3) Any site development sign shall not exceed 20 square feet in area and shall not exceed 8 feet in height.

## 6.15. Prohibited Signs

Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to, the following:

- A. Pole Signs;
- B. Internally Illuminated Cabinet Signs;
- C. Plastic signs are prohibited except as otherwise provided;
- D. Flag-mounted signs, except as otherwise provided;
- E. Signs having intermittent or flashing illumination, animated or moving parts, rotating or simulating movement by any means of fluttering, spinning or reflection devices or that emit sound, except as otherwise permitted;
- F. Electronic message signs;
- G. Freestanding changeable copy signs, except as otherwise provided;
- H. Banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, and costumed characters, except as otherwise provided;
- I. Service or bay entrance sign banners or advertising;
- J. Signs imitating an official traffic control sign;
- K. Signs that in any way obstruct the view of, be susceptible to, or be confused with an official traffic sign, signal or device or any other official sign, as defined by the Director;
- L. Signs that in any way imitate any official sign, including, but not limited to, color and font style, as defined by the Director;
- M. Signs that use words, phrases, symbols, or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, or create in any way an unsafe distraction for motor vehicle operators;
- N. Signs that obstruct the view of motor vehicle operators, bicyclists and pedestrians entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare;
- O. Signs that obstruct free ingress to or egress from required door, window, fire escape or other required exit;
- P. Any sign placed on city-owned property, except as otherwise provided;
- Q. Any sign placed on private property without the property owner's written approval;

- R.** Off-premises signs, except as otherwise provided;
- S.** Signs attached to any fences, utility poles, trees, shrubs, rocks or other natural objects, unless specifically included in the design and are approved by the Director;
- T.** Signs constituting a hazard to safety, health or public welfare;
- U.** Neon signs where the light source is visible from the public right-of-way, except as otherwise provided;
- V.** Roof-mounted signs;
- W.** Signs painted on or attached to vehicles or fleet of vehicles which are parked conspicuously on the public right-of-way or on private premises for the purpose of circumventing the intention of these regulations;
- X.** Sandwich board, A-frame, portable and other similar types of signs, except as otherwise provided;
- Y.** Signs with reflective surfaces;
- Z.** Temporary signs, except as otherwise provided;
- AA.** Walking signs, including costumed characters used for commercial advertising purposes, which are visible from any public right-of-way, any adjacent building, or any public area, except as otherwise provided;
- BB.** Signs with any statement, symbol or picture of an obscene nature;
- CC.** Signs in districts designated "Open Space and Recreation" are prohibited, except as otherwise provided;
- DD.** Signs with exposed raceways and conduit.

# Article 7: Subdivision

## Commentary

This article includes standards from Sections 700, 702, 706, and 707 of Article 7, *Subdivision Regulations and Land Division*. This article includes the standards for designing new subdivisions of land and the associated required public improvements. Content from the current Article 7 related to subdivision procedures is included in Article 9, *Administration and Procedures*. Content that is more technical is proposed to be included in an Engineering Standards Manual.

As recommended in the LDC Analysis, we introduced specific flag lot standards as well as optional cluster subdivision standards. Further commentary on cluster subdivisions is in Section 7.3.J.

## 7.1. Purpose<sup>558</sup>

This article establishes the minimum standards for the design and improvement of land subdivision and land splits to:

- A. Facilitate the orderly growth and harmonious development of the city and to protect and promote public health, safety, and welfare.
- B. Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;
- C. Protect the natural environment and scenic beauty of Sedona by promoting the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, slopes, ridgelines, rock outcrops, native vegetation, and trees and to control erosion and minimize runoff;
- D. Provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic;
- E. Encourage the placement of roads and driveways so that they follow natural topography wherever possible, and minimize cutting and grading;
- F. Ensure safe and efficient traffic circulation through coordinated and connected street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;
- G. Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;
- H. Provide for adequate sites for schools, recreation areas, access to public lands (trailheads), and other public purposes;
- I. Protect or enhance real property values;
- J. Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;
- K. Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and
- L. Encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize impervious area and resulting water runoff, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards;

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<sup>558</sup> Previously 700. Reworded for clarity and grammatical consistency. Statements with similar objectives were consolidated. The objectives were re-ordered to address general objectives first, followed by more specific objectives.

- M.** Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

## **7.2. Applicability<sup>559</sup>**

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### **A. General**

This article shall apply to all subdivisions and land divisions located wholly or partially within the city.<sup>560</sup>

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### **B. Conflict with Other Standards**

In the event of a conflict between this article and other provisions of this Code or the Sedona City Code, the more restrictive provisions shall prevail.<sup>561</sup>

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### **C. Existing Subdivision Agreements and Covenants<sup>562</sup>**

Subdivisions filed and recorded on a final plat prior to the effective date of this Code shall not be regulated by this article unless proposed for any re-subdivision meeting the minimum applicability standards established in 7.2 of this article.

## **7.3. Subdivision Standards<sup>563</sup>**

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### **A. General**

- (1)** Every subdivision shall comply with all other ordinances and regulations of the city and the Arizona Revised Statutes.<sup>564</sup>
  - (2)** Public infrastructure shall be constructed in accordance with Engineering Standards Manual or, in the absence of such detail, shall be constructed in accordance with the Maricopa Association of Governments Standard Drawings and Specifications (MAG specs). If no standard or specification can be found, then the standard or specification used shall be subject to approval by the City Engineer.
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### **B. Streets<sup>565</sup>**

All public and private streets shall comply with the minimum requirements for street right-of-way, pavement width, and other standards set forth in the Engineering Standards Manual.

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<sup>559</sup> Previously 702. Did not carry forward language referencing A.R.S. Title 9, language basing the applicability of these standards to the environmental sensitivity of the property, or the legal status of parcels. A.R.S. Title 9, Section 9-463 distinguishes between land splits and subdivisions, with land splits including divisions of a parcel into two or three parcels, and subdivisions including 4 or more parcels.

<sup>560</sup> Taken from the first sentence of 706.01, reworded for clarity and added specific language regarding the splitting of land into two or more parcels, building sites, tracts, or lots.

<sup>561</sup> Added engineering standards manual to the list. Modified language so the more restrictive requirement would prevail rather than the language in this Article.

<sup>562</sup> New.

<sup>563</sup> Some of these standards that would also apply to redevelopment, not just subdivision, may be relocated into Article 5.

<sup>564</sup> Removed language referencing the Community Plan.

<sup>565</sup> *Consolidated draft: New.*

## C. Minimum Standards<sup>566</sup>

The standards in this article are minimum standards. The city may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Code.

## D. Lot Planning<sup>567</sup>

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, street traffic, or other conditions. The following standards shall apply:

### (1) Number of Lots Created<sup>568</sup>

#### a. Subdivision

For a new subdivision, the number of lots created shall comply with the maximum density limits set forth for the applicable zoning district in Article 2: *Zoning Districts*.

#### b. Lot Split

For a lot split, the lots created shall comply with the maximum lot sizes limits set forth for the applicable zoning district in Article 2: *Zoning Districts*.

### (2) Lot Size and Configuration

- a. Lot width, area, and building setbacks shall comply with the minimum requirements of this Code and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.<sup>569</sup> Modifications may be granted pursuant to 8.8.B. *Minor Modification*.
- b. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.
- c. Double frontage lots are discouraged in new subdivisions.
- d. Flag lots and other irregularly shaped lots are discouraged in new and existing subdivisions.<sup>570</sup>
- e. Corner lots may be required to be wider than interior lots to provide for setback requirements.
- f. No lot shall be divided by a city, county, school district, or other taxing agency boundary.
- g. The construction envelope on a lot shall be determined by the yard (setback) requirements for the lot and the location of natural and/or topographic features such as drainage ways, rock outcrops, native vegetation, and trees.

<sup>566</sup> New.

<sup>567</sup> Did not carry forward 706.07B requiring a minimum setback of 50 feet for lots or parcels abutting an arterial highway. Did not carry forward 706.07D establishing a maximum depth-to-width ratio of single-family lots as 3 to 1.

<sup>568</sup> Consolidated draft: new.

<sup>569</sup> Removed language referring to lot depth and frontage as there are no longer minimum lot depth or frontage requirements in the LDC.

<sup>570</sup> Replaces "Residential lots extending through the block and having frontage on two parallel streets shall be discouraged."

**(3) Drainage**

Lots shall be designed and located to provide positive drainage away from all buildings, shall comply with the standards in 5.3, *Grading and Drainage*, and shall allow for the infiltration of stormwater runoff to the maximum extent feasible.<sup>571</sup>

**(4) Access**

- a. Every residential lot shall abut a public or private street. Access to residential lots shall be from local streets except as specifically authorized by the Director and the City Engineer; and<sup>572</sup>
- b. For subdivisions, at least two points of vehicular access into a proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the City Engineer that legal, topographical, and/or engineering constraints preclude such access. For lot splits, shared common access shall be provided to the maximum extent practicable.

**(5) Flag Lots<sup>573</sup>**

- a. Notwithstanding any other provision of this Code, if access is serving five lots or less (including the flag lot), the width of the flagpole portion of a flag-shaped lot shall be no less than:
  1. Thirty feet when both public water and sewer systems are to serve such a residential lot.
  2. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.
  3. Twenty-four feet when only a public water or a public sewer system is to serve such a lot.
  4. Twenty-four feet when the lot will not be served by a public water or public sewer system.
- b. The length of the flag pole portion of the lot shall not exceed 300 feet and shall comply with all other standards and measurements of this Code and other regulating agencies.
- c. Flag lots where the length of the flag pole portion exceeds 130 feet shall provide a permanent turn-a-round approved by the City Engineer and the Sedona Fire District.

**(6) Modification of Construction Envelope**

The Director may, upon application by the property owner, modify the construction envelope for an individual lot as shown on the final plat provided that:

- a. The revised construction envelope is equally as sensitive to the natural conditions as the original construction envelope;
- b. The area of the construction envelope is not enlarged; and
- c. The construction envelope meets the setback requirements for the respective zoning district.

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<sup>571</sup> New.

<sup>572</sup> Currently requires Planning Commission approval.

<sup>573</sup> New.

**E. Sensitive Lands<sup>574</sup>**

**(1) Generally**

Development of lands that are subject to periodic inundation, subsidence of the earth’s surface, high water table, or have difficult topography, unstable soils, or other natural or manmade hazards to life or property shall be avoided to the maximum extent practicable, unless it can be substantiated that:

- a. The proposed lot configurations and sizes, grading and drainage techniques or other special development approaches are reasonable and necessary to protect the public health, safety, or general welfare on any lands to be subdivided that are impacted by these characteristics.
- b. The sensitive lands are protected through a cluster subdivision, pursuant to 7.3.K(2), *Cluster Subdivision*.<sup>575</sup>
- c. The Council may approve subdivision of such land upon receipt of evidence from the City Engineer, the County Flood Control Districts, State and County Health Authorities, and other area Emergency Services Authorities that the construction of specific improvements can be expected to render the land suitable. Construction upon such land shall be prohibited until specified improvements have been planned and construction guaranteed.

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

**(2) Steep Slope and Ridgeline Development**

- a. Lot lines and streets shall be located on or near the crest of ridges or hilltops to preclude prominent line of sight building construction. Building pads shall not be located on or near the crest of ridge lines; and<sup>576</sup>
- b. Building pads located near the crest of ridge lines shall be set back from the ridge edge so that they would not be silhouetted and existing trees shall be preserved to screen proposed structures.<sup>577</sup> (See Figure 7-1.)

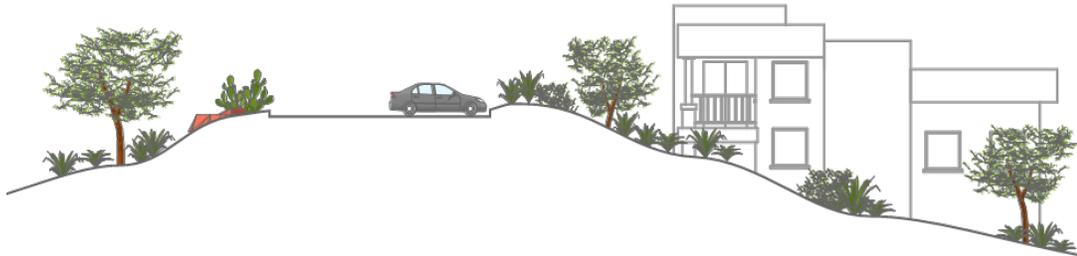
<sup>574</sup> These sensitive area standards may be relocated to the building and site design standards in Article 5 (Section 5.7.D), since many of these standards would apply to all new development and not just subdivisions.

<sup>575</sup> New.

<sup>576</sup> Removed language at beginning of sentence, “where feasible,” thus making this a requirement.

<sup>577</sup> Did not carry forward language regarding buildings on top of the ridge line, as they would be prohibited per the previous requirement.

Figure 7-1: Ridgeline Development



**(3) Hillside Development Area<sup>578</sup>**

Because of the unique and peculiar problems inherent in the development of hillsides, special standards and conditions for Hillside Development Areas (an area with average slopes exceeding 15 percent) apply.

- a. Sidewalks may be replaced by trails or pathways.
- b. Each private access way serving more than one lot shall have a minimum paved surface of 16 feet in width or as may be required by the Engineering Standards Manual. Where needed, as determined by the City Engineer, additional easements for drainage or utilities shall be provided.

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**F. Block Layout**

**(1) Block Length**

Residential blocks shall not be less than 300 feet nor more than 600 feet<sup>579</sup> in length. The city may approve a shorter or longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

**(2) Block Arrangement<sup>580</sup>**

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this Code, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved cul-de-sac.

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**G. Street Design<sup>581</sup>**

All public and private streets shall comply with the Engineering Standards Manual and the Sedona City Code, and shall comply with the following standards:

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<sup>578</sup> Content not included in this draft from Section 706.08 is proposed to be relocated to an engineering standards manual. Did not carry forward 706.08.A(3)(h) regarding “panhandle lots” or other lots with a width-to-depth ratio greater than one to three.

<sup>579</sup> Ensure length is consistent with cluster subdivision requirements.

<sup>580</sup> New.

<sup>581</sup> Section 706.04 is proposed to be moved to an engineering standards manual.

**(1) Conformance with Adopted Plans<sup>582</sup>**

Whenever a tract to be subdivided is located within an area for which a CFA or Specific Area Plan has been approved by the City Council, the street arrangement shall conform substantially to this plan.

**(2) Coordination of Streets<sup>583</sup>**

- a. All new collector and local streets shall connect with surrounding streets at safe and convenient locations as required by the Director to allow convenient movement of traffic and reasonable access for emergency vehicles.<sup>584</sup>
- b. When connections to surrounding streets are proposed or required by the city, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.<sup>585</sup>
- c. Where there is no paved street between the subdivision and an existing paved street, an interim street, improved in accordance with local street standards, shall be constructed by the applicant for developments with densities in excess of one residential unit per two acres of land.
- d. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. Where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than required by the Engineering Standards Manual.<sup>586</sup>
- e. The street pattern shall not cause adjacent property to be landlocked nor prevent access to public land.<sup>587</sup>

**(3) Street Intersections<sup>588</sup>**

- a. Streets shall be arranged in relation to existing topography to produce streets of reasonable gradient to facilitate adequate drainage and to produce desirable lots of maximum utility.
- b. Where a subdivision abuts or contains the right-of-way of a drainage way, a limited access highway or an irrigation ditch or abuts a commercial or industrial land use, the Director may require the location of a street approximately parallel to and on each side of this right-of-way at a distance suitable for appropriate use of the intervening land. This distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

**(4) Street Design Standards<sup>589</sup>**

- a. Streets shall be related appropriately to the expected use of the property. Streets shall be designed as set forth in the Engineering Standards Manual.<sup>590</sup>

<sup>582</sup> Previously 706.03.C. Did not carry forward 706.03.A referencing the City Streets and Highways Plan.

<sup>583</sup> Did not carry forward 706.03.E discouraging local streets being used for through traffic.

<sup>584</sup> Previously 706.03.B, reworded for clarity and consistency.

<sup>585</sup> New.

<sup>586</sup> New.

<sup>587</sup> Previously 706.03.B, reworded for clarity and consistency.

<sup>588</sup> Standards taken from current 706.03 unless otherwise noted. Standards have been reworded for clarity and consistency. Did not carry forward 706.03.J regarding boundary streets.

<sup>589</sup> Eliminated clear-view requirements at intersections, this is addressed in *Access, Circulation, and Mobility*.

<sup>590</sup> New.

- b. Other designs and materials may be approved for the construction of streets, curbs, and sidewalks when, in the determination of the Planning and Zoning Commission, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.<sup>591</sup>
- c. Turnarounds shall be provided at the ends of cul-de-sacs and at elbows on one-way streets. Turnarounds shall meet the minimum requirements of the Sedona Fire District.<sup>592</sup>

#### (5) Sidewalks<sup>593</sup>

Unless otherwise provided in this Code, sidewalks shall be provided by the developer and installed on both sides of all arterials, collector streets, and local streets (including loop lanes and cul-des-sacs), and within and along the frontage of all new development. Also see 5.4.H, *Pedestrian and Bicycle Circulation*.

## H. Street Naming & Traffic Control Signs

### (1) Continuation of Existing Names<sup>594</sup>

- a. The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. Where no current streets are in alignment, the subdivider may propose a name subject to final approval by the City Engineer and City Council.
- b. New street names shall not duplicate or be similar to those already in existence in the Verde Valley area.

### (2) Street Signage<sup>595</sup>

- a. All streets in a subdivision shall be named and identified by signs installed at every street intersection.
- b. These signs shall be standard street signs as indicated in the current edition of The Uniform Manual of Traffic Control Devices.
- c. All traffic control signs, as well as street name signs, required in a subdivision shall be provided and installed by the city at the expense of the subdivider in conformance with the current edition of the Uniform Manual of Traffic Control Devices and any relevant Arizona state supplements.

## I. Easement Planning<sup>596</sup>

- (1) Easements for utilities shall be provided as necessary to ensure the provision of services to each lot. The developer will provide to the Director written documentation of approval by the utilities with respect to easements.

<sup>591</sup> New.

<sup>592</sup> We propose moving specific cul-de-sac dimensional requirements to the Design Manual.

<sup>593</sup> Consolidated draft: new.

<sup>594</sup> Replaces 706.05

<sup>595</sup> Previously 707.07.E.

<sup>596</sup> From 706.06.

- (2) Areas dedicated for easements shall have sufficient width for roadway and other improvements, including roadway, drainage, utilities, pedestrian access with consideration of sidewalks, slope, landscaping, and consideration of bike lanes.<sup>597</sup>
- (3) Land within a public street or land within a utility easement for major power transmission (tower) lines or pipelines, or land within an access and/or ingress/egress easement, shall not be considered part of the minimum required lot area except where lots exceed one-half acre in area. This shall not be applicable to land involved in utility easements for distribution or service purposes.
- (4) Drainage easements shall be provided to the satisfaction of the City Engineer and the County Flood Control District. Drainage easements shall be provided as required by the Engineering Standards Manual. Such easements shall not necessarily prohibit construction over drainage ways so long as required flows are maintained.
- (5) Buildings above drainage easements shall be constructed such that the supporting foundation bridges the drainage easement and allows for removal and replacement of the drainage facility.
- (6) Easements necessary to ensure nonmotorized access to adjacent public lands shall be provided to the satisfaction of the Director and the Forest Service.
- (7) Trails and/or walkways may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Such trails and/or walkways may be used for utility purposes.

## J. Reservation of Land for Public Use<sup>598</sup>

Land areas within a subdivision may be reserved for parks, trails, recreational facilities, and other public facilities including open space, drainage facilities, stormwater facilities, and wastewater facilities, provided that the reservations are in accordance with adopted specific plans and other goals, objectives and standards adopted by the City Council to ensure that city-identified amenities and community benefits are provided.<sup>599</sup>

## K. Alternatives to Subdivision Standards<sup>600</sup>

### (1) Alternatives Generally

Alternatives to the standards in this article shall be subject to approval by the City Engineer and Director prior to approval of the subdivision application pursuant to 8.8.B. *Minor Modification*.

### (2) Cluster Subdivision

#### Commentary:

This proposed tool is new to Sedona. The LDC Analysis and Annotated Outline recommended drafting a new alternative subdivision option to allow flexibility in lot design and layout if sensitive lands and/or open areas are protected. This draft proposes application of the cluster subdivision tool in residential and mixed-use districts.

#### a. Purpose

<sup>597</sup> Consolidated draft: new.

<sup>598</sup> Previously 706.02. Did not carry forward paragraphs B through F from 706.02 specifying details on the parameters of the public lands agreements.

<sup>599</sup> Removed reference to the Sedona Community Plan and the Trails and Urban Pathways Plan.

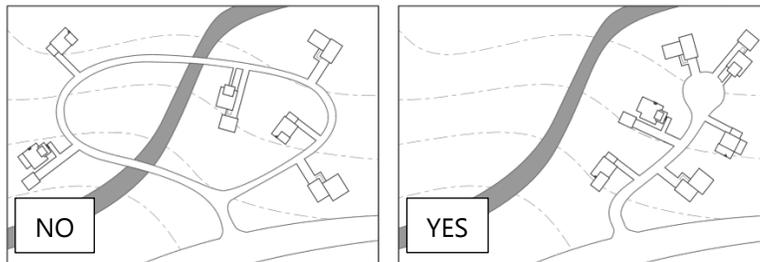
<sup>600</sup> Previously last sentence in 706.01.

This section provides optional standards for cluster subdivision development to protect sensitive lands and common open space areas, and to implement the Sedona Community Plan and/or adopted CFA or Specific Area plans. A cluster subdivision is a residential or mixed-use subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for permanent protection of sensitive lands and/or common open space. (See Figure 7-2.)

**Sedona Community Plan says...**

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

**Figure 7-2: Cluster Subdivision**



**b. Applicability**

1. The cluster subdivision option is available in the RS-70, RS-35, RS-18, RS-10, RS-6, RMH, RM-1, RM-2, RM-3, M1, M2, M3, and PD districts.
2. The minimum parcel size for a cluster subdivision shall be at least three acres.
3. All other standards in the LDC shall apply to cluster subdivisions unless modified by this 7.3.K(2).

**c. Cluster Subdivision Standards<sup>601</sup>**

The standards for cluster subdivision lots are established in Table 7.1 below. The measurements and exceptions in 2.23 shall also apply to cluster subdivision lots unless otherwise stated in Table 7.1.

<sup>601</sup> Consolidated draft: For maximum flexibility, this draft removes standards for minimum lot size, maximum block length, and minimum setbacks.

Table 7.1 Cluster Subdivision Standards	
Type of Standard	Requirement
<b>Project Site Standards</b>	
Density, maximum	Per underlying zoning district <sup>[1]</sup>
Parcel size, minimum	3 acres
<b>Individual Lot Standards (minimum)</b>	
Lot width	25 feet

**Notes:**  
 [1] Maximum density calculated by taking the gross land area within the cluster subdivision boundary divided by the maximum units per acre allowed in the underlying zoning district.

**d. Identification and Maintenance of Protected Lands**

1. Protected lands shall be identified on the final subdivision plat with a notation that indicates that those lands shall not be used for future development.
2. Protected lands shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
3. Protected lands shall be permanently maintained and preserved as:
  - i. Open space lots with deed restrictions; or
  - ii. Land dedicated to the City; or
  - iii. Protected through a conservation easement; or
  - iv. Other means of permanent protection approved by the City.
4. For any protected land not dedicated to the city, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected lands.
5. There shall be no further subdivision of land in an area approved for cluster subdivision; however, dedication of easements for public purposes may be permitted.

**e. Use of Protected Lands**

1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to 5.6, *Landscaping, Buffering, and Screening*.
2. The protected lands shall be used for low-intensity recreation, agriculture, buffers, critical wildlife habitat, or other passive park or open space purposes.
3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

**f. Review and Approval of Cluster Subdivisions**

The review and approval of cluster subdivisions shall follow the procedures for preliminary and final plats, or land division permits in 8.5, *Subdivision Procedures*. The applicable procedure is dependent on the number of lots proposed in the cluster subdivision.<sup>602</sup>

**7.4. Improvement Standards<sup>603</sup>****A. Purpose**

- (1) It is the purpose of this section to establish in outline the minimum acceptable standards for improvement of streets and utilities and to define the responsibility of the subdivider in the planning, constructing and financing of improvements.
- (2) All improvements in streets or easements that are required as a condition to plat approval shall be the responsibility of the subdivider.

**B. Improvement Plans**

- (1) 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.
- (2) Final construction plans for all improvements shall be approved and signed by the City Engineer before approval of the final plat by the Council.

**C. Construction and Inspection**

- (1) All relocation and reconstruction of irrigation facilities shall be done to standards of the owning utility and City Engineer.
- (2) 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.
- (3) 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.
- (4) 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.

<sup>602</sup> Consolidated draft: Clarified that cluster subdivisions shall follow the applicable subdivision procedures depending on the number of lots proposed. Also added new approval criteria specific to cluster subdivisions.

<sup>603</sup> Consolidated draft: The beginning sections were in the subdivision procedures in earlier drafts and have been relocated here and merged with the other improvement standards. From current 707.

- (5) 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.
- (6) Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting unsubdivided land.
- (7) The developer shall provide an as-built plan for all utility installations to the City.<sup>604</sup>

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## D. Subdivision Improvement Agreements for Phased Developments

- (1) Upon the approval by the Council of the final plat, the subdivider shall execute an agreement with the city that includes the following:
  - a. 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;
  - b. 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;
  - c. Provision of financial assurance for the construction of improvements within each phase of development:
    1. 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;
    2. 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;
    3. 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.
- (2) 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.

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## E. 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 two 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 two-year period shall be assigned to the city upon its acceptance of said work.

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<sup>604</sup> Consolidated draft: new.

## F. 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.

## G. Required Improvements for Subdivisions<sup>605</sup>

### (1) Streets

- a. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved in accordance with this Code and the Engineering Standards Manual and to the intercepting paving line of such existing streets or to a matching line determined by the City Engineer. Transition paving shall be installed as required by the City Engineer.
- b. No subdivision shall be approved or recorded until provisions have been made to ensure an access road, approved by the City Engineer. Forest Service roads are not considered adequate access unless approved by the Forest Service.

### (2) Curbs

- a. Vertical curbs shall be installed along arterial and collector streets and on streets along school, park, or commercial property. Rolled curb shall be used on streets in residential areas with 2,000 ADT or less. In certain cases drainage conditions may preclude the use of rolled curb. The inability to use rolled curb must be demonstrated by the appropriate drainage analysis.
- b. Where rolled curb is allowed, five feet of vertical curb shall be provided on both sides of a sidewalk ramp.

### (3) Monuments<sup>606</sup>

- a. Permanent monuments shall be installed as specified by the City Engineer at all corners, angle points and points of curve, at all street intersections and all corners and at angle points and points of curve of all conservation easements.
- b. After all improvements have been installed, a registered land surveyor shall check the location of monuments and certify their accuracy.

### (4) Utilities

- a. New utilities shall be installed underground, except for those excepted by 5.7.D(5).
- b. When overhead utility lines exist within the property being platted, including boundary easements, these utility lines and new installations within the platted area shall be placed underground.
- c. When overhead utility lines exist on the periphery of the property being platted, they and any additions or replacements needed to increase capacity or improve service reliability may remain overhead; provided, that any service drops into the platted area from said peripheral overhead lines shall be underground.

<sup>605</sup> Previously 707.04.

<sup>606</sup> Did not carry forward 707.04.D, *Lot Corners*, as these standards overlap with the *Monuments* standards.

- d. Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting unsubdivided land.<sup>607</sup>

**(5) Water Supply**

Each lot shall be supplied with safe, potable water with systems that are stubbed out to the property line. Water supply shall be provided in sufficient volume and designed to the standards of ADEQ and the current applicable city building codes.

**(6) Storm Drainage**

- a. Proper and adequate provisions shall be made for disposal of stormwater entering, as well as that originating in, the development. This shall apply to grading of private properties, private access ways and to public streets.
- b. Existing major watercourses shall be maintained.
- c. The type, extent, location and capacity of drainage facilities for a subdivision shall be as required by the City Engineer in accordance with the approved hydrology report.
- d. Increases in on-site storm water runoff due to development shall be addressed in the hydrologic/hydraulic analysis and shall meet the criteria set forth in the Yavapai County Drainage Criteria Manual.<sup>608</sup> This document is on file with the City Engineer.
- e. When drainage is required to cross at intersecting streets, concrete curb returns and cross-gutters may be required.

**(7) Sanitary Sewage Disposal**

Sanitary sewage disposal shall be provided in accordance with state, county and city health requirements.

**(8) Fire Protection**

Fire protection facilities shall meet the criteria of the International Fire Code as adopted by the Sedona Fire District and shall be subject to the review and approval of the Fire Marshal.

**(9) Landscaping**

All landscaping, including walls, fences and watering systems, related to the approved subdivision shall be in accordance with approved plans.

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<sup>607</sup> Relocated from current 707.03.F.

<sup>608</sup> Updated to remove the reference to "1998 and revisions through 2005."

# Article 8: 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).

## 8.1. Purpose and Organization of this Article<sup>609</sup>

- A. The purpose of this article is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this Code.
- B. This article describes the review and approval procedures for application for land use and development in the city, and is divided into the following sections:
  - (1) Section 8.3, *Common Review Procedures*, describes the standard procedures that apply to most development application types.
  - (2) Sections 8.4 through 8.8 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 8.9, *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.

## 8.2. Summary Table of Review Procedures

Table 8.1 lists the development applications authorized by this Code, whether public notice is required, whether a pre-application conference is required, and the role of City review and decision-making bodies.

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<sup>609</sup> New.

**Table 8.1  
Summary of Development Review Procedures**

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = Required <> =Public Hearing Required

Procedure	Code Reference	Notice			Pre-Application Conference	Review and Decision-Making Bodies					
		Published	Written	Posted		Staff	Historic Prsvtn Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment	
<b>Development Permits</b>											
Development Review	Minor	8.4			✓	D [1]		< A >			
	Major	8.4	✓	✓	✓	R	< R > [3]	< D >	< A >		
Conditional Use Permit	8.4.B	✓	✓	✓	✓	R	< R > [3]	< D >	< A >		
Single-Family Residential Review	8.4.C					D				< A >	
Temporary Use Permit	8.4.D				✓ [2]	D				< A >	
<b>Subdivision Procedures</b>											
Preliminary Plat	8.5.A	✓	✓	✓	✓	R		< R >	< D >		
Final Plat	8.5.B					R			< D >		
Land Division or Combination	8.5.C					D				< A >	
Reversion to Acreage	8.5.E	✓	✓	✓	✓	R		< R >	< D >		
<b>Ordinance Amendments</b>											
Rezoning	8.6.A	✓	✓	✓	✓	R	< R > [3]	< R >	< D >		
Rezoning to Planned Development (PD)	8.6.B	✓	✓	✓	✓	R		< R >	< D >		
Code Amendment (Text)	8.6.C	✓			✓ [4]	R		< R >	< D >		
<b>Historic Preservation Procedures</b>											
Historic Landmark Designation	8.7.A	✓	✓	✓	✓	R	< D >		< A >		
Historic District Designation	8.7.C	✓	✓	✓	✓	R	< R >	< R >	< D >		
Certificate of Appropriateness	8.7.D	✓	✓	✓		R	< D >		< A >		
Certificate of No Effect	8.7.D					D [5]					
<b>Flexibility and Relief</b>											
Variance	8.8.A	✓	✓	✓	✓	R				< D >	
Minor Modification	0						<i>As required for associated application</i>				
Appeal	8.8.C	✓	✓	✓			<i>As indicated in table above</i>				
Special Exception	8.8.D	✓	✓	✓		R			< D >		

**Notes:**

- [1] The Director may refer minor development review applications to the Planning and Zoning Commission.
- [2] A pre-application conference is required for some types of temporary use permit applications; see 8.4.D.
- [3] Applies only in historic districts or for designated historic properties.
- [4] Pre-application meetings are required only for text amendments proposed by an applicant, not staff.
- [5] HPC Chair (or designee) and Staff make the determination regarding a Certificate of No Effect.

## 8.3. 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 8-1: *Common Review Procedures*, not all of which are applicable to every development application. Application-specific procedures in sections 8.4 through 8.8 identify additional procedures and rules beyond those in this section.

Figure 8-1: Common Review Procedures



### B. Pre-Application Meeting<sup>610</sup>

#### (1) Purpose

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review applicable submittal requirements and review procedures associated with the proposed development concept.

#### (2) When Required

A pre-application meeting is required according to Table 8.1, *Summary Table of Review Procedures*.

<sup>610</sup> New. This common procedure for pre-application conferences replaces and consolidates those currently found in multiple individual procedures, including rezoning, conditional use, development review, and others. The name is changed from the current "pre-application consultation."

**(3) Procedure**

**a. Request**

The applicant shall submit a request for a pre-application meeting to the Director.

**b. Scheduling**

The Director shall schedule pre-application meetings and notify appropriate staff and the applicant of the time and location of the meeting.

**(4) Effect<sup>611</sup>**

Any information or discussions held at the pre-application meeting shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

**(5) Preliminary Conceptual Review<sup>612</sup>**

Depending on the size and scale of the development proposal, the Director may recommend or require, or the applicant may request, 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 8.3.F, *Scheduling and Notice of Public Hearings*.

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**C. Application Submittal and Handling<sup>613</sup>**

**(1) Authority to Submit Application**

- a.** Unless expressly stated otherwise in this Code, a development application shall be submitted by:
  - 1.** The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
  - 2.** A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.
- b.** If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
- c.** No application shall be submitted prior to attending a pre-application conference, if required per Table 8.1, *Summary Table of Review Procedures*.
- d.** Applications will not be accepted from property owners/applicants who are:

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<sup>611</sup> New standard to establish that the pre-application conferences are intended to encourage problem-solving and innovation. Additionally, this provision helps clarify that any pre-application discussions of potential conditions do not in fact constitute actual conditions placed on the approval.

<sup>612</sup> Consolidated draft: This appeared for just individual application types in the prior draft, but is made general for all applications in this new draft.

<sup>613</sup> These standards consolidate and replace those currently found throughout the Code.

1. In violation of, or not in compliance with, either this Code, Sedona City Code or Arizona Revised Statutes, unless, through the application and permitting process, the owner/applicant attempts to resolve any and all violations or compliance issues or is part of a plan of action, accepted by the Director, to do so, or
2. Have been determined by the City to owe delinquent transaction privilege taxes or any other delinquent fees payable to the City pursuant to this Code or City Code, unless the owner/applicant has entered into a written payment agreement approved by the City relating to payment of any and all outstanding obligations and is current in making any and all payments under the terms of such an agreement.<sup>614</sup>

**(2) Application Content<sup>615</sup>**

- a. The application shall be submitted to the Director on a form established by the Director. The applicant bears the burden of demonstrating compliance with application requirements.
- b. Some of the requirements listed below will not apply to a given proposal or piece of property; in those instances, the Director may waive those requirements.
- c. The information requested by this Code, and as required by other applicable codes and ordinances, may be combined into one or more maps or plans; provided, that the combined maps or plans adequately and legibly depict the required information.
- 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) Waivers of Submittal Requirements<sup>616</sup>**

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements upon finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**(4) Application Fees<sup>617</sup>**

- a. Application fees shall be paid at the time of submittal according to the type of application on the development review fee schedule. The fee schedule shall be established by resolution of the City Council and reviewed periodically.
- b. In the event the Director determines that it is necessary to utilize the services of a consultant not on staff, the Director may impose additional fees associated with such

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<sup>614</sup> Adoption draft: new.

<sup>615</sup> Items b-e are from the current code.

<sup>616</sup> Consolidated draft: New.

<sup>617</sup> Consolidates and replaces references in current individual review procedures. New reference to annual review of fees by City Council.

outside consultant.<sup>618</sup> The Director shall inform the applicant of the necessity to utilize the services of a consultant and the applicant may choose whether or not to proceed with the application.

**(5) Application Review Timeline<sup>619</sup>**

The Director shall establish a review timeline for development applications and shall include that information in the Administrative Manual. The Director may amend the timeline to ensure effective and efficient review under this Code.

**(6) Determination of Application Completeness<sup>620</sup>**

The Director shall determine whether the application is complete or incomplete within five business days of submittal. A complete application shall be processed according to the procedures in this article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Director shall be addressed by the applicant prior to resubmitting the application.

**(7) Abandoned Applications<sup>621</sup>**

If an application has not been resubmitted to address staff-noted deficiencies within three months, such application shall be deemed abandoned and all fees forfeited. 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.

**(8) Minor Application Revisions<sup>622</sup>**

An applicant may revise an application after receiving notice of compliance deficiencies following staff review, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. 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.

**(9) Application Withdrawal<sup>623</sup>**

- a. After an application has been accepted, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
- b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn and prior to preparation of any official written comments.

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<sup>618</sup> New; this is typical, but we did not see similar language in the current procedures.

<sup>619</sup> New; this is typical, but we did not see similar language in the current procedures.

<sup>620</sup> The five-day period is new; the current code has a maximum of two days, which staff indicated is too brief in some instances

<sup>621</sup> New. Many communities include this standard to ensure that delayed applications are still in alignment with the City's current policies and regulations.

<sup>622</sup> New.

<sup>623</sup> New standards to formalize an application withdrawal process.

**(10) Concurrent Review<sup>624</sup>**

- a.** Where possible without creating an undue administrative burden on the City’s decision-making bodies and staff, this Code intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process.
- b.** Review and decision-making bodies considering applications submitted simultaneously shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.
- c.** Examples of concurrent filing and processing of applications include, but are not limited to:
  - 1.** Development review and conditional use permit;
  - 2.** Development review and rezoning;
  - 3.** Conditional use permit and rezoning; and
  - 4.** Rezoning and subdivision.
- d.** Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Code intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this Code has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval herein.

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**D. Citizen Review Process<sup>625</sup>**

**(1) Purpose**

The citizen review process is intended to:

- 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.

The citizen review process does not pertain to a specific review body or committee. It 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.

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<sup>624</sup> New.

<sup>625</sup> Modifications to language since staff draft – step relocated to after application submittal since staff draft as well.

**(2) Applicability<sup>626</sup>**

- a. Every applicant who is proposing a project that requires a public hearing, except for those application types listed in paragraph b below, shall prepare a Citizen Participation Plan following the pre-application meeting and submission of the application. Implementation of the plan shall begin upon submittal of the application.
- b. A Citizen Participation Plan shall not be required for an application for a variance, certificate of appropriateness, appeal, minor 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;
- 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 Report; 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 8.3.Fj, *Scheduling and Notice of Public Hearings*.

**(6) Additional Meetings**

The Director may require the applicant to hold additional citizen participation meetings based on:

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<sup>626</sup> This updated text is intended to clarify the types of applications for which a CRP is required, and also the timing of the CRP preparation. Both issues are addressed inconsistently in the current code.

- a. The length of time between the last citizen participation meeting and the date of the submittal of the application;
- b. The extent of changes that have occurred to the development proposal since the last citizen participation meeting was held; and/or
- c. The length of time between last public hearing (such as a conceptual review hearing) and the date of submittal for further development application consideration.

**(7) Citizen Participation Report<sup>627</sup>**

The applicant shall provide a written report to the Director and the Planning and Zoning Commission on the results of their citizen participation effort (prior to the notice of public hearing). The Citizen Participation Report shall include the information specified in the Administrative Manual.

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**E. Staff Review and Action<sup>628</sup>**

**(1) Referral to Staff and Review Agencies**

The Director shall distribute the complete application to appropriate staff and appropriate review agencies, per the Administrative Manual.

**(2) Staff Review and Application Revisions**

Staff shall review the application and shall consult with applicable city departments and participating reviewing agencies with jurisdiction over public health and safety. Staff shall submit recommendations and comments to the applicant in a form established by the Director. The applicant shall attend a meeting with the appropriate staff as determined by the Director to discuss staff recommendations and comments. The application will not move forward for further review until the Director determines that the applicant has adequately responded to the City's recommendations and comments, or the applicant requests that the application move forward without responding to the City's recommendations and comments.

**(3) Applications Subject to Staff Recommendation<sup>629</sup>**

**a. Staff Report**

If an application is subject to staff review and recommendation to the Planning and Zoning Commission and/or City Council per Table 8.1, *Summary Table of Review Procedures*, staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

**b. Distribution and Availability of Application and Staff Report<sup>630</sup>**

The Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review at least seven calendar days prior to the hearing at which the application is scheduled to be heard.

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<sup>627</sup> Detailed list of plan contents are proposed for removal to the Administrative Manual.

<sup>628</sup> Generally, these new standards are intended to simplify and consolidate the staff review procedures that appear throughout the current code. Note that some procedures currently describe a relatively strict "investigation and report" by staff; this proposed new text above simplifies and does not carry forward the "investigation" language, per a recommendation in the Analysis Report.

<sup>629</sup> New. The list of items for the staff report is from the "Investigation" language in the current code.

<sup>630</sup> The seven-day timeframe is from the current code.

**(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 8.8.C, *Appeal*.

**(5) Approval Criteria Applicable to all Applications<sup>631</sup>**

**a. Generally**

- 1. Unless otherwise specified in this Code, City review and decision-making bodies shall review all development applications submitted pursuant to this article 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 8.4 through 8.8.
- 3. If there is a conflict between the general review criteria in this section and the specific review criteria in sections 8.4 through 8.8, the applicable review criteria in sections 8.4 through 8.8 control.

**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.

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<sup>631</sup> This draft section is intended to shorten the Code and eliminate redundancy by clearly stating the most common approval criteria once, so that they do not have to be repeated in whole or in part for the various specific types of development applications.

**f. Minimizes Impacts on Adjoining Property Owners**

The proposed development shall not cause significant adverse impacts on surrounding properties. The applicant shall make 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, wildlife habitat, soils, and native vegetation.

**i. Minimizes Adverse Fiscal Impacts**

The proposed development shall not result in significant adverse fiscal impacts on the City.

**j. Compliance with Utility, Service, and Improvement Standards**

As applicable, the proposed development shall comply with federal, state, county, service district, City and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

**k. Provides Adequate Road Systems**

Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

**l. Provides Adequate Public Services and Facilities**

Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, potable water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

**m. Rational Phasing Plan**

If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.

**(6) Conditions of Approval<sup>632</sup>**

- a. Where this Code authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
- b. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Sedona Community 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 by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.<sup>633</sup>
- f. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

**F. Scheduling and Notice of Public Hearings<sup>634</sup>**

**(1) Scheduling**

- a. If an application is subject to a public hearing per Table 8.1, *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 8.3.E, *Staff Review and Action*.

<sup>632</sup> This new language enables the decision-making body to impose conditions; however, rather than attempting to list specific elements of a project that can be conditioned, this language provides more flexibility and is more general in nature.

<sup>633</sup> New. We include this provision in development codes to protect local governments based on recent case law, specifically *Koontz vs. St. John's River Water Management District*. The intent is to clearly designate that "talk is talk" concerning mitigating conditions, unless and until it is integrated into an official decision by a local government.

<sup>634</sup> This section generally consolidates multiple notice provisions from the current code. There are several new provisions suggested, but the core elements (15-day time frame, 300-foot distance, etc.) are from the current code.

**(2) Public Hearing Notice**

**a. General Notice Requirements**

All public hearings required by this Code shall be preceded by the notices identified in Table 8.1, *Summary Table of Review Procedures*. Persons with specific issues or concerns regarding a proposed application are encouraged to contact the Department of Community Development in writing, by phone, or in person prior to the hearing.

**b. Responsibility for Notice<sup>635</sup>**

The City shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing. The applicant shall be responsible for maintaining the posted notice once posted on the site by the City.

**c. Notice to Adjacent Governmental Entities**

In a proceeding involving an application for property that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.<sup>636</sup>

**(3) Notice Format and Content**

**a. Published and Mailed Notice<sup>637</sup>**

1. Required published or mailed notices shall:
  - i. Identify the application type;
  - ii. Describe the nature and scope of the proposed project;
  - iii. Identify the location subject to the application;
  - iv. Identify the date, time, and location of the hearing being noticed;
  - v. Identify where and when the application and associated materials may be inspected; and
  - vi. Indicate opportunity to appear at the public hearing.
2. Published notice shall appear in a newspaper of general circulation in the city at least 15 days prior to the scheduled hearing.
3. Mailed notices shall be sent via first-class mail to all property owners as listed in the records of the County tax assessor’s office within 300 feet of the subject property, as measured from property boundaries.

**b. Posted Notice**

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

<sup>635</sup> New.

<sup>636</sup> *Consolidated draft: This language has been relocated here for general applicability; it applied just to conditional use permits in the prior draft.* 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.

<sup>637</sup> New.

clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

2. The Director may require additional signs based on access and configuration of the property.<sup>638</sup>
3. Required posted notice shall:<sup>639</sup>
  - i. Identify the application type;
  - ii. Describe the nature and scope of the proposed project;
  - iii. Identify the date, time, and location of the hearing being noticed; and
  - iv. Identify a telephone number for additional information.

#### **(4) Constructive Notice**

##### **a. Minor Defects in Notice Shall Not Invalidate Proceedings<sup>640</sup>**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

##### **b. Failure to Receive Notice Shall Not Invalidate City Action<sup>641</sup>**

As provided in A.R.S. Section 9-462.04(A)(7), or any successor statute, the failure of any person or entity to receive notice as set forth in the statute or this subsection shall not constitute grounds for any court to invalidate the actions of the city.

#### **(5) Additional Notice**

In addition to notice by the means set forth above, the City may give notice of the hearing in a specific case in such other manner as it deems necessary or appropriate.

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## **G. Review and Decision**

### **(1) Hearing, Review, and Decision<sup>642</sup>**

- a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 8.1, *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 8.3.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).

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<sup>638</sup> New.

<sup>639</sup> Posted sign specifications should be included in the Administrative Manual.

<sup>640</sup> New.

<sup>641</sup> This carries forward and consolidates a provision that is repeated throughout the current code.

<sup>642</sup> New.

- 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 8.3.E(6), *Conditions of Approval*.
- g. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

**(2) Public Hearing Procedures<sup>643</sup>**

Public hearings required by this Code shall be conducted according to the rules and procedures established by the respective bodies, and in compliance with City Code and state law.

**(3) Pre-Development Activity by Applicant<sup>644</sup>**

Any furtherance of pre-development activity engaged in by or in behalf of the developer while an application is pending shall in no instance be construed as having been undertaken in reliance of an approval of such application.

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## **H. Post-Decision Actions and Limitations**

**(1) Effective Date of Approval**

Unless otherwise provided in this article, a decision made under this article shall be final 15 days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Director pursuant to 8.8.C, *Appeal*.

**(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 8.8.C, *Appeal*.

**(3) Expiration and Revocation of Approval<sup>645</sup>**

**a. Expiration of Approval**

Approval under this article may be granted subject to a schedule of development or set time period for development of specific improvements, and/or establishment of a specific

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<sup>643</sup> Are there any adopted specific procedures the city would like to fold into the code?

<sup>644</sup> This has been relocated here from the subdivision section so that it applies to all applications. The existing text just applies to rezonings and subdivisions.

<sup>645</sup> This carries forward and consolidates language from the current code that applies to development review, conditional use permits, variances, and administrative waivers. Is there a reason not to include it in the common procedures and make it applicable to all types of applications?

use or uses for which the approval is requested. Approval shall expire at the end of this period or, if a specific time period is not specified, after two years<sup>646</sup> following the date upon which the final approval became effective, if none of the following have occurred:

1. The subject property has been improved for the development for which it was approved and a building permit has been issued and construction commenced and is being diligently pursued toward completion of the site for which the approval was originally granted; or
2. A Certificate of Occupancy has been issued for structure(s) that were the subject of the application; or
3. The site has been occupied for a permitted use if no building permit or Certificate of Occupancy is required.

**b. Revocation of Approval**

Upon expiration, the approval shall be considered revoked, unless a request for a time extension 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 body that originally approved the application. The action regarding the extension may be appealed subject to the appeal requirements of the original application.

1. The first time extension approval shall meet the criteria as outlined in 8.3.H(3)d, *Evidence Required To Support Extension Requests*, and the expiration date shall not exceed two years from the original approval expiration date.
2. The second time extension approval expiration date shall meet the criteria as outlined in 8.3.H(3)d, *Evidence Required To Support Extension Requests*, and the expiration date shall not exceed two years from the first time extension expiration date. There must be exceptional circumstances to warrant a second time extension. In granting the second extension, the decision-making body must consider the complexity of the project and identify the specific circumstances that warrant the extension.
3. In no case shall the combination of two time extension approvals exceed four years from the original approval expiration date.
4. Consideration of time extensions shall be at a public hearing and shall be noticed in accordance with 8.3.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 consideration for reversion to original zoning, which shall follow the rezoning procedure set forth in 8.6.A, *Rezoning (Zoning Map Amendment)*.

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<sup>646</sup> Revocation period changed from one year to two years, per the Analysis report.

**d. Evidence Required To Support Extension Requests**

In all requests for time extension, the applicant shall provide substantial and verifiable evidence showing 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 and the applicant shall be 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. Comply with the standards of this Code;
2. Are necessary to meet conditions of approval; and
3. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the administrative site/architectural plan.

**b. Major Changes**

Any modification of an approved plan, permit, or condition of approval that the Director determines does not meet the criteria in paragraph a above shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

**(5) Limitation on Subsequent Similar Applications**<sup>647</sup>

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

- a. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
- b. The new application is materially different from the previous application.

## **8.4. Development Permits**

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### **A. Development Review**<sup>648</sup>

#### **Commentary**

This section is based generally on the existing development review procedures, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures. New thresholds are suggested to place more projects in the “minor” category, subject to staff approval. The “findings” and “considerations” are not carried forward, since all those issues are covered in the “general approval criteria” introduced in the common procedures.

The review of minor projects for compliance with zoning standards currently is done through the building permit process in Sedona. A separate formal approval for zoning compliance would be new. While this draft does create a new process, it is administrative, and the thresholds have been raised for decisions that could be made at the staff level. The proposed process also would allow applicants to obtain zoning approval (including site and architectural design) before having to complete detailed construction drawings, if they wish. That could make it easier to make changes to construction plans based on the results of the development review.

**(1) Purpose**

The purpose of development review is to provide guidance and direction in the physical improvements of properties within the city through the review of all aspects of a proposed development, including, but not limited to, design review, site planning, and the relationship of the development to the surrounding environment and the community. Development review shall promote development that is safe, attractive, and compatible with surrounding areas and the city at large.

**(2) Applicability**

**a. Activities Subject to Development Review**<sup>649</sup>

- 1. Development review is required prior to the issuance of a building permit and construction of physical improvements. Development review is required for all development subject to this Code, including signs, landscaping, site layout, and use associated with:
  - i. New building construction;

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<sup>647</sup> These standards prevent applicants from repeatedly submitting applications trying to achieve a different response without providing a substantially different application or new information. This is in place for some procedures in the current code, but this new provision makes it generally applicable.

<sup>648</sup> This is based on and replaces the current 401. While the term “site plan review” is more common in most communities, we have retained the term “development review” since the process encompasses other issues beyond just site design.

<sup>649</sup> This is the current list of development types subject to development review.

- ii. Newly established uses of land;
  - iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, semi-public, and multifamily residential uses of property within the city that result in increased occupancy or intensity of use; and
  - iv. Creation or expansion of any vehicular parking area.<sup>650</sup>
2. Development review is not required for:
- i. Detached single-family residential uses in single-family zones, and associated accessory buildings and uses, which are subject to 8.4.C, *Single-Family Residential Review*; and
  - ii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances; and
  - iii. Projects that fall underneath the thresholds for minor development review in Table 8.2.

**b. Thresholds for Development Plan Review<sup>651</sup>**

Development plan review is conducted by the Director or the Planning and Zoning Commission, based on the thresholds in Table 8.2 below:

Table 8.2 Applicability Thresholds for Development Review		
Type of Development	Minor Development Review (Director)	Major Development Review (Planning and Zoning Commission)
<b>RESIDENTIAL</b>		
<b>Multifamily residential</b>	Between 5 and 10 dwelling units	11 or more dwelling units
<b>NONRESIDENTIAL</b>		
<b>Any new building</b>		
<b>Any newly established use of land</b>	Between 2,000 and 5,000 square feet gross floor area (individually or cumulatively)	5,000 or more square feet gross floor area (individually or cumulatively)
<b>Any expansion, alteration, or modification of existing structure or site</b>		
<b>Notes:</b> See exceptions to development review thresholds in 8.4.A(2)c. Projects with fewer than five residential units are reviewed pursuant to 8.4.C, <i>Single-Family Residential Review</i> . Projects with less than 2,000 nonresidential square feet are reviewed as part of the building permit application.		

<sup>650</sup> The parking area provision is new; it arguably is covered in the prior item, but it helps to call parking lots out specifically.

<sup>651</sup> *Consolidated draft: Updated.* Per the Analysis report, these 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.

**c. Exceptions to Development Review Thresholds<sup>652</sup>**

**1. Director Referral to Planning and Zoning Commission**

The Director may require any of the following minor building improvement items to be considered by the Commission at a public hearing on the basis of location or visual impacts, or in conjunction with other aspects of overall site development or improvement:

- i.** Signs;
- ii.** Fences or walls;
- iii.** Exterior stairways, porches, or balconies;
- iv.** Exterior repair or replacement of existing siding and trim;
- v.** Reroofing;
- vi.** Exterior painting; and/or
- vii.** Other similar minor improvements as determined by the Director.

**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 8.2:
  - 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.<sup>653</sup>
- ii.** 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 8-2 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to minor development review. Additions or modifications to the common review procedures are noted below.

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<sup>652</sup> These exceptions are from the current code, but the headings have been clarified.

<sup>653</sup> Changed from 750 square feet to 5 percent, to be scalable with the size of the project.

**Figure 8-2: Minor Development Review**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>654</sup>**

The minor development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*.

**c. Staff Review and Action**

1. While no notice of public hearing is required, the City shall provide notice of all minor development review applications to the owners of all properties adjacent to the subject property, including those across a street of right-of-way.<sup>655</sup>
2. The Director shall review the minor development review application and approve, approve with conditions, or deny the application in accordance with 8.3.E, *Staff Review and Action*, based on the general approval criteria in 8.3.E(5), *Approval Criteria Applicable to all Applications*.<sup>656</sup>
3. Alternatively, the Director may refer the application to the Planning and Zoning Commission pursuant to 8.4.A(2)c.1, *Director Referral to Planning and Zoning Commission*.

**(4) Major Development Review: Application Submittal and Review Procedure**

Figure 8-3 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to major development review. Additions or modifications to the common review procedures are noted below.

<sup>654</sup> Submittals removed to bin file for Administrative Manual.

<sup>655</sup> Consolidated draft: New.

<sup>656</sup> The "findings" and "considerations" for development review in the current code overlap. In addition, they also are redundant with the new general criteria introduced in this draft in the common procedures. To simplify, we have just referenced the general criteria.

**Figure 8-3: Major Development Review**



**a. Pre-Application Meeting**

1. A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.
2. Depending on the size and scale of the development proposal, the Director may recommend or require, or the applicant may request, 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 8.3.F, *Scheduling and Notice of Public Hearings*.<sup>657</sup>

**b. Application Submittal and Handling**<sup>658</sup>

The major development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Participation Plan pursuant to 8.3.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 8.4.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 8.3.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 8.3.F, *Scheduling and Notice of Public Hearings*.

<sup>657</sup> This concept hearing is from the current code, and we understand this type of hearing is held often.

<sup>658</sup> Submittals removed to bin file for Administrative Manual.

**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 8.3.G, *Review and Decision*, based on the general approval criteria in 8.3.E(5), *Approval Criteria Applicable to all Applications*.

**(5) Post-Decision Actions and Limitations for Development Review (Minor and Major)**

All common procedures in 8.3.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.
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) Purpose<sup>659</sup>**

The conditional use permit procedure provides a mechanism for the City to evaluate proposed land uses that are generally characterized by infrequency of use, high degree of traffic generation, and/or requirement of a large land area.<sup>660</sup> This procedure is intended to ensure compatibility of such uses with surrounding areas and that adequate mitigation is provided for anticipated impacts.

**(2) Applicability**

A conditional use permit is required for the establishment of certain land uses as specified in Table 3.1 *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 8-4 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of conditional use permits. Additions or modifications to the common review procedures are noted below.

**Figure 8-4: Conditional Use Permit**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>661</sup>**

The conditional use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*.

<sup>659</sup> New purpose statement.

<sup>660</sup> This language is from ARS 9-462.01.C.1.

<sup>661</sup> Submittals removed to bin file for Administrative Manual.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Participation Plan pursuant to 8.3.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 8.3.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 8.3.F, *Scheduling and Notice of Public Hearings*.

**f. Review and Decision<sup>662</sup>**

**1. Generally**

- i.** 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 8.3.G, *Review and Decision*, based on the general approval criteria in 8.3.E(5), *Approval Criteria Applicable to all Applications*.
- ii.** 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.

**2. Lodging Uses<sup>663</sup>**

Applications for all conditional use permits for lodging uses shall require review and recommendation by the Planning and Zoning Commission, followed by review and approval by the City Council.

**g. Post-Decision Actions and Limitations**

All common procedures in 8.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**1. Expiration and Revocation of Conditional Use Approval**

**i. Cessation of Conditional Use<sup>664</sup>**

If the use for which the conditional use permit was approved ceases for a period of two years, the permit shall automatically expire.

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<sup>662</sup> This draft does not carry forward the lengthy (but not exhaustive) list of potential conditions from the current code. Conditions of approval are addressed in the new common procedures.

This draft also does not carry forward a targeted waiver authority for conditional use permits from the current code. The minor modification tool should suffice. "A conditional use permit may waive or modify regulations generally prescribed by this Code for fences, walls, hedges, screening and landscaping; site area, width and depth; front, rear and side yards; coverage; height of structures; distances between structures; usable open space; signs; off-street parking facilities or frontage on a public street."

<sup>663</sup> *Adoption draft: Clarified that a P&Z recommendation is required, followed by Council approval.*

<sup>664</sup> This is a change from the current ordinance, which requires a hearing process after two years of inactivity to consider revocation.

**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.

**2. 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.

**3. 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) Minor Conditional Use Permits<sup>665</sup>**

The Director may approve a minor conditional use permit to authorize the renewal or time extension of any previously issued conditional use permit. Such permit shall continue to be subject to all applicable use-specific standards of this Code. No public notification or hearing is required for issuance of a minor conditional use permit.

**(5) Findings<sup>666</sup>**

The following findings shall be made before granting a conditional use permit or minor 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;

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<sup>665</sup> Consolidated draft: New. This takes the place of the "administrative use permit" that appeared in the Part 3 public draft.

<sup>666</sup> Existing findings.

- 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

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### **C. Single-Family Residential Review<sup>667</sup>**

#### **(1) Purpose**

The purpose of the single-family residential review procedure is to provide for administrative review of the development of a single-family residence on a lot or parcel zoned for single-family residential use.

#### **(2) Applicability<sup>668</sup>**

Single-family residential review shall be required for development of any new building or structure on any existing or new single-family residential lot or parcel, and also for the development of any new building or structure containing up to four multifamily residential units.

#### **(3) Application Submittal and Review Procedure**

Figure 8-5 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to single-family residential review. Additions or modifications to the common review procedures are noted below.

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<sup>667</sup> From 403.

<sup>668</sup> *Consolidated draft: Added up to four units multifamily.* Applicability statement rewritten for clarity.

**Figure 8-5: Single-Family Residential Review**



**a. Application Submittal and Handling<sup>669</sup>**

The single-family residential review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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.

**b. Staff Review and Action<sup>670</sup>**

The Director shall review the single-family residential review application based on the general approval criteria in 8.3.E(5), *Approval Criteria Applicable to all Applications*, and the approved subdivision final plat, if applicable. 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 8.3.H, *Post-Decision Actions and Limitations*, shall apply.

**D. Temporary Use Permit<sup>671</sup>**

**Commentary**

This is a proposed major simplification of the temporary use permit procedure, which has been rewritten to fit into the new common procedures framework.

**(1) Purpose**

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures of limited duration to ensure compliance with applicable standards of this Code, including 3.5, *Temporary Uses and Structures*.

<sup>669</sup> Submittals removed to bin file for Administrative Manual.

<sup>670</sup> This is simplified from the current code, which distinguishes between “existing” and “new” single-family lots for decision-making purposes, but applies generally the same criteria to both.

<sup>671</sup> 407

**(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 3.5, *Temporary Uses and Structures*.

**(3) Application Submittal and Review Procedure**

Figure 8-6 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to temporary use permits. Additions or modifications to the common review procedures are noted below.

**Figure 8-6: Temporary Use Permit**



**a. Pre-Application Consultation<sup>672</sup>**

The Director may require or the applicant may request a pre-application consultation in accordance with 8.3.B, *Pre-Application Meeting*, based on the size and scope of the event.

**b. Application Submittal and Handling<sup>673</sup>**

The temporary use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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 8.3.E, *Staff Review and Action*, based on the general approval criteria in 8.3.E(5), *Approval Criteria Applicable to all Applications*, and the specific criteria in 8.4.D(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 8.3.H shall apply, with the following modifications:

<sup>672</sup> Consolidated draft: New.

<sup>673</sup> Submittals removed to bin file for Administrative Manual.

**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. Failure to Comply with Conditions of Approval<sup>674</sup>**

A temporary use may be approved subject to conditions of approval. Upon failure to comply with conditions, a temporary use permit may be suspended or revoked automatically, and the permit holder may be subject to code enforcement action pursuant to 1.7, *Enforcement*. If a temporary use permit is suspended or revoked, the Director has the authority to refuse to accept another application for a temporary use permit for the same or substantially the same use within one year from the date the temporary use permit application was filed.

**(4) Temporary Use Permit Approval Criteria**

The Director may approve a temporary use permit upon finding that the application meets all of the following criteria:

- a.** Complies with applicable temporary use standards, as well as all other applicable standards in this Code;
- b.** Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, lighting, and odor; and
- c.** Complies with all requirements and conditions of approval of any prior development permits or approvals.

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<sup>674</sup> Consolidated draft: New.

## 8.5. 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.

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 Plat

#### (1) Purpose<sup>675</sup>

The preliminary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this Code and the adequate provision of facilities and services in the city.

#### (2) Applicability

##### a. Preliminary Plat Required<sup>676</sup>

A preliminary plat is required for any proposed subdivision that:

1. Is on land that has not been platted; or
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 8.5.C, *Land Division or Combination*.

##### b. Zoning Compliance Required<sup>677</sup>

A proposed subdivision shall be designed to meet the specific requirements for the zoning district within which it is located.

#### (3) Application Submittal and Review Procedure

Figure 8-7 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

<sup>675</sup> New.

<sup>676</sup> New.

<sup>677</sup> Existing, but this is located within the procedural sections of the current code.

**Figure 8-7: Preliminary Plat**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling**

**1. Conceptual Plat for Subdivisions of More than 10 Units<sup>678</sup>**

- i. Before commencing with preliminary plat submittal and review procedures, a conceptual review public meeting for any subdivision with more than 10 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 8.3.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 8.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Participation Plan pursuant to 8.3.D, *Citizen Review Process*.

<sup>678</sup> This is based on the existing 704.03, with significant streamlining.. Staff comments suggested that the current text does not accurately describe current practice. Much of the detail for the conceptual plan process can be in the Administrative Manual.

**d. Staff Review and Action**<sup>679</sup>

The Director shall review the application and prepare a staff report and recommendation in accordance with 8.3.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; and
2. Distribute comments to the applicant and discuss these comments at a staff/applicant meeting.

**e. Scheduling and Notice of Public Hearings**<sup>680</sup>

The Commission shall hold at least one public hearing on each preliminary plat. The hearing shall be noticed in accordance with 8.3.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 8.3.E(5), *Approval Criteria Applicable to all Applications*.<sup>681</sup>
2. If the plat is generally acceptable but requires minor revision before proceeding with preparation of the final plat, the Commission may recommend conditional approval and note the required revisions in the minutes of the hearing.
3. If the Commission finds that the plat requires major revision, consideration of the plat may be continued pending revision or resubmittal of the plat or any part thereof. Major revisions shall be subject to the same review requirements as the original submittal.

**g. City Council Review and Decision**

1. The staff shall refer the written recommendations of the Commission on the preliminary plat to the Council.<sup>682</sup>
2. After conducting a properly noticed public hearing, the Council shall approve, conditionally approve, deny, or continue its consideration of the proposed preliminary plat, based on the general approval criteria in 8.3.E(5), *Approval Criteria Applicable to all Applications*.

**h. Post-Decision Actions and Limitations**

All common procedures in 8.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

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<sup>679</sup> At staff suggestion, removed the existing requirements for this meeting to be within 28 days of formal acceptance of the plat, and for a written report to be provided at least seven days before hearing.

<sup>680</sup> At staff suggestion, removed the existing requirements for the P&Z hearing to be within 70 days of formal acceptance of the plat, and for no more than 45 days between P&Z and Council hearings.

<sup>681</sup> No specific findings are necessary; those in the current code all duplicate the general findings in the new code.

<sup>682</sup> At staff suggestion, removed the existing requirement for this referral to be within 56 days of the Commission decision.

**1. Refiling Following Denial**

If a preliminary plat is denied by the Council, a similar preliminary plat of the same area or portion thereof may not be refiled for at least one year from the date of disapproval. If a plat is refiled, it shall be treated as a new application and all fees shall be paid.

**2. Revisions to Preliminary Plat<sup>683</sup>**

Revisions to subdivision design may be required to satisfy required conditions of approval. Required revisions to the preliminary plat must be submitted for review by the Director. The Director shall respond in writing to the revisions.

**3. Expiration of Preliminary Plat Approval**

The approval of a preliminary plat shall expire 24 months<sup>684</sup> from the date approved by the Council, subject to the following:

- i. It shall be the responsibility of the subdivider to monitor elapsed time.

**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 the amendment is considered by the Commission. The amended plat shall show all of the information required by this section concerning any changes that may have been made on the plat.

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**B. Final Plat<sup>685</sup>**

**(1) Purpose<sup>686</sup>**

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

**(2) Applicability<sup>687</sup>**

- a. 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.
- b. Applications for final plats submitted to the city within 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 preliminary plat application. All other final plat applications

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<sup>683</sup> This is an entire "stage" ("Stage IV") in the current code, but we propose rewriting it as drafted so that it merely is a potential element of the preliminary plan stage. At staff suggestion, removed the existing requirement for revisions to be submitted within 60 days of council action, and for Director to respond within 20 days. The existing Memorandum of Understanding language has been removed for potential placement in an Administrative Manual.

<sup>684</sup> Reduced from 36 months in current code.

<sup>685</sup> This carries forward and integrates 704.08 of the current code, which is now considered "Stage V" of the subdivision process.

<sup>686</sup> New.

<sup>687</sup> First sentence is new, second is from existing code.

shall be subject to the design and improvement standards applicable at the time of the final plat application.<sup>688</sup>

**(3) Final Plat Procedure**

Figure 8-8 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of final plats. Additions or modifications to the common review procedures are noted below.

**Figure 8-8: Final Plat**



**a. Application Submittal and Handling<sup>689</sup>**

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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.

**b. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 8.3.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 and prepare a concise summary of the recommendations, submit the summary of the reviewers' recommendations to the Council. The Director shall offer the applicant an opportunity to correct any deficiencies in the submittal based on the comments received.
2. If the Director finds that the final plat does not conform to the approved preliminary plat, the applicant shall be required to resubmit a new final plat application.<sup>690</sup>

<sup>688</sup> Consolidated draft: Relocated here from the preliminary plat section in the prior draft.

<sup>689</sup> Submittals removed to bin file for Administrative Manual.

<sup>690</sup> Consolidated draft: new, changed to allow applicant the chance to correct deficiencies, and to clarify that a new application is required if the Director finds the application to not conform to the preliminary plat.

**c. Review and Decision (City Council)**

1. Upon receipt of a complete application for Council action on a final plat, the request shall be placed on the agenda of a regular Council meeting.<sup>691</sup> No public hearing or notice is required. 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.

**d. Post-Decision Actions and Limitations**

All common procedures in 8.3.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:

- 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 8.5.B(3)d.3.

**3. Assurance of Construction<sup>692</sup>**

- i. To ensure construction of the required improvements as set forth in this Code, except those utility facilities defined in 7.4.G(4), *Utilities*, 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.

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<sup>691</sup> The exiting 56-day timeframe for decision has not been carried forward.

<sup>692</sup> From current code Section 707.07.

- 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 8.5.B(3)d.2, the subdivider may provide assurance of construction of required improvements (except those utility facilities defined in 7.4.G(4), *Utilities*) 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.
- 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<sup>693</sup>**

All improvements required for the development of the subdivision shall comply substantially with the plans approved and adopted by the City Council. An applicant or his successors in interest may file a request for an amendment with the Director. Upon receipt of a request, the Director will determine whether the requested change is minor or major. The following procedures shall be followed for any amendment to a final plat, including amendments to the subdivision's phasing schedule.

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<sup>693</sup> Consolidated draft: Simplified wording to clarify that major amendments are subject to the same procedure as for an original preliminary plat application (followed by final).

- i. Major Amendments**
  - a.** The Director shall bring a proposed major amendment before the Commission and the Council following the same procedure required under this Code for submission of a preliminary plat and 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 change in the zoning district boundaries 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.** 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.
  - b.** 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.
  - c.** 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.
  - d.** 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.
  - e.** The Director shall authorize the final plat to be recorded in the Office of the County Recorder of Yavapai and/or Coconino County.

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## **C. Land Division or Combination<sup>694</sup>**

### **(1) Purpose<sup>695</sup>**

This procedure provides an administrative review to ensure that divisions of land that do not constitute a subdivision comply with applicable zoning regulations and do not create landlocked parcels. This procedure also shall be used for the combination of land parcels. This section is not intended to prohibit or prevent the minor division of land as authorized and permitted by Arizona state law and the city and these subdivision regulations. Road standards shall meet the requirements of [SLDC 706.04.]

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<sup>694</sup> This is based on the current 710, which is the existing Land Division procedure. However, the procedure has been expanded to also allow for land combinations, which staff notes have always been reviewed following the same procedure, though that was not explicitly addressed in the code.

<sup>695</sup> Purpose statement rewritten for clarity.

**(2) Applicability**

**a. Land Division Permit Required<sup>696</sup>**

1. A parcel of land whose area is two and one-half acres or less may be divided into two or three separate parcels of land for the purpose of sale or lease only upon issuance of a land division permit, approved by the Director. The split shall be accomplished either by recording of a contract of sale or deed of conveyance or by requesting a split of a Tax Assessor parcel. The Director may review the history of transactions on the subject property through a series of owners and conveyances to determine whether further lot splits are permitted.
2. A property owner of two contiguous parcels may use the land division process to divide one of the two parcels one time to create a maximum of three parcels total. A property owner of three or more contiguous parcels shall be required to go through the subdivision process to divide lots.

**b. When a Land Division Is Deemed a Subdivision**

Any land division or sequence of divisions that are the result of two or more individuals, firms, partnerships or corporations conspiring together to create four or more parcels of land, each less than 36 acres in size, shall be deemed a subdivision and subject to all provisions of this Code regulating subdivisions.

**(3) Application Submittal and Review Procedure**

Figure 8-9 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to land divisions. Additions or modifications to the common review procedures are noted below.

**Figure 8-9: Land Division**



**a. Application Submittal and Handling**

The land division application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*, with the following modification: The application shall describe the property involved, including existing and

<sup>696</sup> This section has been updated to better reflect language in ARS 9-463 (definition of “land split”) and also to clarify when a land division is permissible, versus the subdivision process. Additional fine-tuning may be necessary.

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 8.5.C(4) below.

**(4) Land Division Required Findings<sup>697</sup>**

The Director shall review and approve a land division that conforms to the following findings:

1. The parcels resulting from the division conform to applicable zoning regulations;
2. The division of land would not result in a "subdivision" as defined by this Code;
3. None of the resulting parcels would be landlocked;
4. The street design requirements of SLDC 706 have been met;
5. The wastewater requirements as determined by the City Engineer have been met; and
6. The stormwater requirements as determined by the City Engineer have been met.

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**D. Condominiums and Condominium Conversions<sup>698</sup>**

**(1) Purpose**

This section establishes the requirements for condominium developments and condominium conversions (airspace planning).

**(2) Applicability<sup>699</sup>**

Final plats for condominiums shall be recorded before the sales of any condominium units.

**(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.

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<sup>697</sup> Rewritten to simply reverse the negative posture of the existing findings, so that these are all phrased in the positive, as with other findings in this article.

<sup>698</sup> Current 711. Per the Analysis report, no major substantive changes are proposed. Submittals removed to bin for Administrative Manual.

<sup>699</sup> Consolidated draft: The current code states that the final plat shall be recorded before issuance of a building permit, and the prior draft module carried that forward. Staff questioned the timing, saying that units could be built as apartments and subdivided later.

- d. Utility systems shall exist or shall be constructed to adequately provide for utility services to all condominium units.
- e. Each existing tenant of the project shall be given a 120-day notification of the intended condominium conversion and the right to purchase their converted unit before the unit is offered for sale.<sup>700</sup>

**(5) Special Conditions**

- a. Copies of the condominium documents<sup>701</sup> shall be submitted to the city. These documents shall set forth the occupancy and management policies for the project, as well as contain adequate and satisfactory provisions for maintenance, repair and general upkeep.
- b. A minimum area of 400 square feet per unit of outdoor area shall be provided in all residential condominium projects, excluding parking, carports, service areas, mechanical equipment areas, dumpsters, and similar areas. A maximum of 400 square feet of patio space per unit may be included in the satisfaction of this condition.

**E. Reversion to Acreage<sup>702</sup>**

**(1) Purpose and Applicability**

Any subdivided lands may revert to acreage upon approval by the Council according to this section.

**(2) Application Submittal and Review Procedure**

Figure 8-10 identifies the applicable steps from 8.3, *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 8-10: Reversion to Acreage**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

<sup>700</sup> This requirement is more than is required by state statute; however, on our initial review of the Arizona Condominium Act (ARS 33-1210 et seq) we did not see any language specifically prohibiting the city from enacting this requirement.

<sup>701</sup> This is the term used in ARS 33-1202 and includes the declaration, bylaws, articles of incorporation, if any, and rules, if any.

<sup>702</sup> Based on existing 709.

**b. Application Submittal and Handling**<sup>703</sup>

The application for reversion to acreage shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Participation Plan pursuant to 8.3.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 8.3.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 8.3.F, *Scheduling and Notice of Public Hearings*.

**f. Review and Decision**

All common procedures in 8.3.G, *Review and Decision*, shall apply, with the following modifications:

**1. Planning and Zoning Commission Review and Recommendation**<sup>704</sup>

The Commission shall conduct a properly noticed public hearing. Upon completion of the hearing, the Commission shall recommend that the Council approve, approve in modified form, or deny the application, based on the findings in 8.5.E(3), *Reversion to Acreage Findings*.

**2. City Council Review and Decision**<sup>705</sup>

The Council shall conduct a properly noticed public hearing. Upon completion of this hearing, the Council shall approve, approve in modified form, or deny the application. Any action to approve shall be based on all of the findings in 8.5.E(3), *Reversion to Acreage Findings*.

**g. Post-Decision Actions and Limitations**

All common procedures in 8.3.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;

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<sup>703</sup> Submittals removed to bin file for Administrative Manual.

<sup>704</sup> Removed requirement for this hearing to be within 60 days of application.

<sup>705</sup> Removed requirement for this hearing to be within 60 days of PC recommendation.

- b. That the subdivided lands are under the same zoning classification;
- c. That no immediate use of such subdivided lands as they were intended appears imminent;
- d. That such reversion to acreage will not be detrimental to the general welfare of the public; and
- e. That the reversion to acreage will not create a nonconformity with the underlying zoning designation.

## 8.6. 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 within each respective procedure. These are in addition to the new applicable common review procedures.

### A. Rezoning (Zoning Map Amendment)<sup>706</sup>

#### Commentary

This section is based generally on the current Section 400; however, that section groups multiple types of rezonings together, plus amendments to the text of the Code, and is repetitive. In this draft, we have separated out general rezonings from historic district rezonings, and we also have removed the special language that implied that conditional rezonings are a distinct procedure. Also, Code text amendments are separated out and given their own procedure.

#### (1) Purpose<sup>707</sup>

- a. The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Sedona to reflect changes in public policy, adopted plans, or changed conditions. The zoning classification of any parcel in the city may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezoning 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 8.6.C, *Code Text Amendment*.

#### (2) Applicability<sup>708</sup>

Pursuant to A.R.S. Section 9-462.01, the provisions of the Zoning Map may periodically be amended or repealed.

##### a. Rezoning 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 8.6.A(3) below.

<sup>706</sup> This section is based on the current Section 400; however, the Code text amendment provisions have been separated out into a distinct procedure.

<sup>707</sup> New purpose statement.

<sup>708</sup> New applicability statement.

**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 8.6.A, *Rezoning (Zoning Map Amendment)*, with modifications as set forth in 8.7.C, *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 8.6.B, *Rezoning to Planned Development District*.

**d. Conditional Rezoning Approval<sup>709</sup>**

In order to mitigate the negative impact of the applicant's proposed use on the citizens of Sedona and surrounding properties and to ensure compatibility with adjacent land uses, the Planning and Zoning Commission may recommend and the Council may approve a rezoning conditioned upon one or more of the following:

1. Development in accordance with a specific schedule for the development of specific improvements or uses for which zoning is requested;
2. Development in accordance with a specific site plan or a site plan to be subsequently approved under this Code;
3. Modifications in the otherwise applicable floor area ratio, lot coverage, building height, or density;
4. Public dedication of rights-of-way for streets, alleys, public ways, drainage, public utilities and the installation of improvements that are reasonably required by or directly related to the effect of the rezoning; and/or
5. Other conditions reasonably calculated to mitigate the impact of the proposed development.

**(3) Application Submittal and Review Procedure**

Figure 8-11 identifies the applicable steps from 8.3, *Common Review Procedures*, that that apply to the review of rezoning applications. Additions or modifications to the common review procedures are noted below.

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<sup>709</sup> Consolidated draft: New to this draft, but this text carries forward 400.10 from the current Sedona code, which had been inadvertently omitted from the earlier new module.

Figure 8-11: Rezoning (Zoning Map Amendment)



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>710</sup>**

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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 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 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 Participation Plan pursuant to 8.3.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 8.3.E, *Staff Review and Action*.

<sup>710</sup> Submittals removed to bin file for Administrative Manual.

**e. Scheduling and Notice of Public Hearings**

The rezoning application shall be scheduled and noticed for public hearings before the Planning and Zoning Commission and City Council in accordance with 8.3.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 changes listed below.<sup>711</sup> For such applications, the City shall publish the changes before the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.<sup>712</sup>
  - i. A 10 percent or more increase or decrease in the number of square feet or units that may be developed;
  - ii. A 10 percent or more increase or reduction in the allowable height of buildings;
  - iii. An increase or reduction in the allowable number of stories of buildings;
  - iv. A 10 percent or more increase or decrease in setback or open space requirements; and/or
  - v. An increase or reduction in permitted uses.

**f. Review and Decision**

All common procedures in 8.3.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 rezoning application and recommend approval, approval with conditions, or denial, based on the approval criteria in 8.6.A(3)f.3, *Approval Criteria for Rezoning*s.

**2. City Council Review and Decision<sup>713</sup>**

The City Council shall review the rezoning application and approve, approve with conditions, or deny the rezoning based on the approval criteria in 8.6.A(3)f.3, *Approval Criteria for Rezoning*s.

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<sup>711</sup> This is based on ARS 9-462.04(4)-(6).

<sup>712</sup> This text clarifies that the notice is required only prior to the first hearing, per statute (current city practice has been to publish before each hearing).

<sup>713</sup> Note that this draft does not carry forward the separate language in the current code that treats conditional rezoning as a distinct procedure. Per the Analysis report, this draft intends to clarify that any rezoning may be subject to conditions.

**3. Approval Criteria for Rezonings<sup>714</sup>**

In reviewing a proposed rezoning, the Planning and Zoning Commission and City Council shall consider whether:

- i.** 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;
- ii.** The rezoning is consistent with and conforms to the proposed purpose statement of the proposed zoning district;
- iii.** Substantial changes in the subject area warrant a zoning change; and/or
- iv.** The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

**g. Post-Decision Actions and Limitations**

**1. Processing of Conditional Rezonings<sup>715</sup>**

- 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 by the City Council shall be set forth in the ordinance changing the zoning district classification.
- iii.** Any proposed revisions or changes to an approved conditional rezoning application shall be submitted in the same manner and subject to the same approval process as the original application.

**2. Expiration of Conditional Rezoning<sup>716</sup>**

If a rezoning decision with conditions attached expires and the property has not been improved for the use for which it was conditionally approved, the City Council, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

**3. Legal Protest<sup>717</sup>**

- i.** If the owners of 20 percent or more of the property by area and number of lots, tracts, and condominium units within the zoning area of the affected property file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the City Council.
- ii.** For purposes of this subsection, properties within the zoning area of the subject property shall include those:
  - a.** Included in the proposed amendment; or

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<sup>714</sup> New. There are no findings and/or approval criteria for rezonings in the current code. Language is based on ARS 9-462.01F.

<sup>715</sup> Consolidated draft: New to this draft, from current 400.10.

<sup>716</sup> Consolidated draft: Modified to mirror the language in ARS 9-462.01E.

<sup>717</sup> This provision has been updated to mirror ARS 9-462.04H.

- 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.
  - 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.

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## B. Rezoning to Planned Development District

### Commentary

This section is generally new, since there are no 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.

#### (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 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 8-12 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of PD rezoning applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-12: Rezoning to Planned Development District**



**a. Pre-Application Meeting**

1. A pre-application meeting shall be held in accordance with 8.3.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 8.3.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 8.3.C, *Application Submittal and Handling*, with the following modifications.

**1. PD Plan Required**

An application for rezoning to a PD shall include submittal requirements as specified by the Director, which shall include a PD plan. Approval of the PD plan is required prior to approval of a development permit in a PD district.

**2. PD Plan Contents<sup>718</sup>**

The submittal requirements and specifications for the PD plan shall be established in the Administrative Manual.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Participation Plan pursuant to 8.3.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 8.3.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 8.3.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 changes listed below.<sup>719</sup> For such proceedings, the City shall publish the changes before the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.<sup>720</sup>
  - i.** A 10 percent or more increase or decrease in the number of square feet or units that may be developed;
  - ii.** A 10 percent or more increase or reduction in the allowable height of buildings;
  - iii.** An increase or reduction in the allowable number of stories of buildings;
  - iv.** A 10 percent or more increase or decrease in setback or open space requirements; and/or
  - v.** An increase or reduction in permitted uses.

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<sup>718</sup> Consolidated draft: List removed to bin for placement in manual.

<sup>719</sup> This is based on ARS 9-462.04(4)-(6).

<sup>720</sup> This text clarifies that the notice is required only prior to the first hearing, per statute (current city practice has been to publish before each hearing).

**f. Review and Decision**

All common procedures in 8.3.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 8.6.B(4), *Approval Criteria for PD Rezoning*s.

**2. City Council Review and Decision**<sup>721</sup>

The City Council shall review the PD rezoning application and approve, approve with conditions, or deny the rezoning based on the approval criteria in 8.6.B(4), *Approval Criteria for PD Rezoning*s.

**3. Approval of PD Plan**

The approved PD zoning and the approved PD plan along with all exhibits are inseparable, and a PD shall not be established without the approval of the related PD plan.

**4. Legal Protest**<sup>722</sup>

- i.** If the owners of 20 percent or more of the property by area and number of lots, tracts, and condominium units within the zoning area of the affected property file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the City Council.
- ii.** For purposes of this subsection, properties within the zoning area of the subject property shall include those:
  - a.** Included in the proposed amendment; or
  - b.** Immediately adjacent to the rear of the affected lots and the area extending 150 feet therefrom; or
  - c.** Adjacent to any side of the affected lots and in the area and extending 150 feet therefrom; or
  - d.** Directly opposite from the affected lots in the area extending 150 feet from the opposite street frontage.
- iii.** A protest filed pursuant to this subsection shall be signed by the property owners opposing the proposed amendment and filed in the office of the clerk of the municipality not later than 12:00 noon one business day before the date on which the City Council will vote on the proposed amendment, or on an earlier time and date established by the City Council.
- 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,

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<sup>721</sup> Note that this draft does not carry forward the separate language in the current code that treats conditional rezonings as a distinct procedure. Per the Analysis report, this draft intends to clarify that any rezoning may be subject to conditions.

<sup>722</sup> Updated to mirror state law.

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 8.3.H shall apply with the following modifications:

**1. Effect of Approval**

- i. The regulations in this Code remain applicable to all PD development unless expressly modified by an approved PD.<sup>723</sup>
- ii. A PD shall remain valid until a PD is subsequently amended or rezoned to another zoning district in accordance with this Code.

**2. Expiration and Revocation of PD Rezoning<sup>724</sup>**

If a PD rezoning decision expires and the property has not been improved for the use for which it was conditionally approved, the City Council, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

**3. Recording Required<sup>725</sup>**

Following approval of a PD, the applicant shall submit final copies of the PD plans to the Director. The Director shall record the PD and the zoning amendment map and ordinance with the County Clerk and Recorder as soon as practicable.

**4. PD Plan Amendments<sup>726</sup>**

- i. Except as provided below for minor amendments, any amendment to an approved PD Plan shall be considered a major amendment and shall require a rezoning following the same procedure as required for a new application in 8.6.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 or decreased by more than 10 percent.
  - c. The gross square footage of non-residential building area shall not be increased by more than 10 percent.
  - d. The amendment shall not change the allowed uses listed in the approved PD plan.

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<sup>723</sup> New standard to ensure that the Code applies wherever the PD is silent.

<sup>724</sup> Consolidated draft: Modified to mirror the language in ARS 9-462.01E.

<sup>725</sup> Staff notes that this recording is not done now, but we do recommend it as good practice moving forward.

<sup>726</sup> New section. Current code does not provide details on how to address PD amendments. This proposed language allows staff to approve minor amendments without requiring a rezoning procedure. Staff notes this is generally consistent with current practice for amending PDs.

- 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 8.8.B. *Minor Modification*.

**(4) Approval Criteria for PD Rezoning<sup>727</sup>**

In reviewing a proposed PD rezoning, the Planning Commission and City Council shall consider whether and to what extent the proposed PD:

- a. Meets the general approval criteria for rezonings in 8.6.A(3)f.3, *Approval Criteria for Rezoning*;
- b. Addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Code;
- c. Meets all applicable standards of this Code not expressly modified by the PD application; and
- d. If the PD provides residential uses, includes varied types of housing and densities.

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## **C. Code Text Amendment**

### **Commentary**

This section is generally new. The current Section 400 covers both rezonings and Code text amendments. We typically separate these out because they rely on slightly different procedures and approval criteria.

**(1) Purpose<sup>728</sup>**

This subsection describes the review and approval procedures for amending the text of this Code to respond to changed conditions or changes in public policy, or to advance the general welfare of the city.

**(2) Applicability<sup>729</sup>**

Pursuant to A.R.S. Section 9-462.01, the provisions of the Code may periodically be amended or repealed. An amendment to the text of this Code shall be initiated by the Director, the Planning Commission, or the City Council. Citizens may submit proposed amendments for consideration.

**(3) Application Submittal and Review Procedure**

Figure 8-13 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of proposed code text amendments. Additions or modifications to the common review procedures are noted below.

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<sup>727</sup> New. There are no findings and/or approval criteria for rezonings in the current code.

<sup>728</sup> New purpose statement.

<sup>729</sup> New applicability statement.

**Figure 8-13: 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 8.3.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 8.3.F, *Scheduling and Notice of Public Hearings*, with the following modifications:

- 1.** Mailed notice as described in 8.3.F(3)a, *Published and Mailed Notice*, shall not be required for applications to amend the text of this Code.
- 2.** Additional notice shall be provided for proposed Code text amendments that involve one or more of the following changes.<sup>730</sup> For such proceedings, 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.
  - 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;

<sup>730</sup> Consolidated draft: We repeated this additional notice provision here (it just applied to rezonings in prior drafts). While it clearly is intended to apply to rezonings, the applicability to Code text amendments is less clear. In theory, a wide variety of Code text changes might ultimately result in these types of additions or reductions. This is based on ARS 9-462.04(4)-(6).

- 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.

**d. Review and Decision**

All common procedures in 8.3.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 8.6.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 8.6.C(4), *Approval Criteria for Code Text Amendments*.

**3. Amendments to Grading and Drainage Standards**

Amendments to 5.3, *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.

## 8.7. 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 Preservation-Related Definitions

Definitions specific to the administration, interpretation, and enforcement of this section are in 9.5, *Historic Preservation Definitions*.

### B. Historic Landmark Designation<sup>731</sup>

#### Commentary

This section is based generally on the existing procedure in Section 402, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

#### (1) Purpose

This section establishes the procedure for the Historic Preservation Commission to designate as a landmark an entire property, an identified portion of a property, or one or more individual structures on a property.

#### (2) Application Submittal and Review Procedure

Figure 8-4 identifies the applicable steps from 8.3, *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 8-14: Historic Landmark Designation



#### a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

<sup>731</sup> Adoption draft: Various targeted edits to reflect the new adopted ordinance. 1507

**b. Application Submittal and Handling**<sup>732</sup>

The application for landmark designation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*.

**c. Citizen Review Process**

The applicant shall prepare and implement a Citizen Participation Plan pursuant to 8.3.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 8.3.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 8.3.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 8.3.G, *Review and Decision*, based on the criteria in 8.7.B(3), *Landmark Designation Criteria*.

**g. Post-Decision Actions and Limitations**

All common procedures in 8.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**1. 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.

**i.** The Commission shall consider and make findings for removal of landmark status and removal from the City of Sedona's Historic Resource Register. The removal of any designated historic resource shall be granted only if the Commission finds that the historic resource no longer conforms to any of the criteria as set forth in 8.7.B(3), *Landmark Designation Criteria*, or any one or more of the following:

**a.** That the historic resource has been destroyed or demolished by natural disaster, accident or fire,

**b.** That the historic resource has diminished historic significance or value upon a showing of clear and convincing evidence, including that this diminution is not the result of deterioration by neglect or work performed without a permit,

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<sup>732</sup> Submittals removed to bin file for Administrative Manual.



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 local, state, or national history; or
- b. Association with the lives of persons significant in our local, state, or national past; or
- c. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master architect, artist, engineer, or craftsman, or high artistic values or representing a significant and distinguishable entity which individual components may lack distinctiveness; or
- d. Information important in the understanding of the pre-history or history of our community or region.

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## **C. Historic District Designation<sup>734</sup>**

### **(1) Purpose**

This section establishes the procedures for the designation of a historic district, which is an overlay zone in which designated properties retain the uses of and are subject to the regulations of the underlying zoning district(s). The underlying zoning, which relates primarily to land use and density, continues to be administered by the Planning and Zoning Commission. The Historic Preservation Commission administers the regulations as they relate to the historic district designation. In the case where historic preservation and zoning regulations conflict, the Historic Preservation Ordinance takes precedence.

### **(2) Application Submittal and Review Procedure**

A rezoning approval is required in order to receive a Historic District designation. The application and review process for a rezoning to a historic district shall be the same as for general rezonings as set forth in 8.6.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.
- 2. Requests for historic district designations may be initiated by the Historic Preservation Commission, Planning and Zoning Commission, City Council, a property owner, or the agent of a property owner.

#### **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.

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<sup>734</sup> From current 1508.

**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 to future development and redevelopment in the nominated historic district; and
  - v. The recommendations of the Commission may include reasonable additional conditions and/or modifications to the proposed district property boundaries as deemed necessary to promote the purpose of the district.
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 8.7.D.
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 8.7.D.
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, landscape, or property within an area that is included in a historic district rezoning application shall be evaluated and may be designated a historic district if it is determined to possess integrity of location, design, settings, materials, workmanship, feeling and association; and be 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 local, state, or national history;
- b. Association with the lives of persons significant in our local, state, or national past;
- c. Embodiment of distinctive characteristics of a type, period, or method of construction, or representing the work of a master architect, artist, engineer or craftsman, or high artistic values or representative of a significant and distinguishable property or person whose individual components may lack distinctions; and
- d. Information important in the understanding of the pre-history or history of the community or region.

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**D. Economic Hardship<sup>735</sup>**

- (1) An application for demolition or removal of a landmark or property within a Historic District may, if appropriate, be accompanied by a request for relief from economic hardship.

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<sup>735</sup> Consolidated draft: new, from 1511 of the updated preservation ordinance.

- (2) Before granting such request, the Commission shall study the historic or cultural value of the property and shall review options including incentives to the owner for restoration or recommendation to Council that the city purchase the property.
- (3) Separate standards and application requirements may be established by the city for granting economic hardship relief for income-producing properties and for non-income-producing properties.

**a. Investment or Income-Producing Properties**

Economic hardship relief may be granted if the applicant satisfactorily demonstrates that a reasonable rate of return cannot be obtained from a property which retains features which contribute to its distinctive appearance and character in its present condition nor if rehabilitated, either by the current owner or a potential buyer. Economic hardship relief shall not be granted due to any of the following circumstances: willful destructive acts committed or caused by the owner or tenants; purchase of the property for substantially more than its fair market value; failure to perform normal maintenance and repair; or failure to diligently solicit and retain tenants or provide normal tenant improvements.

**b. Non-Income-Producing Properties**

Economic hardship relief may be granted if the applicant satisfactorily demonstrates that the property has no reasonable use as a single-family dwelling or for institutional use in its present condition or if rehabilitated, either by the current owner or a potential buyer. Economic hardship relief shall not be granted due to any of the following circumstances: willful destructive acts committed or caused by the owner; purchase of the property for substantially more than its fair market value; failure to perform normal maintenance and repair; or failure to diligently solicit and retain tenants or provide normal tenant improvements.

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**E. 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 8-15 identifies the applicable steps from 8.3, *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 8-15: Certificate of Appropriateness (or No Effect)**



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>736</sup>**

The application for a certificate of appropriateness shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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 8.3.E, *Staff Review and Action*, with the following addition:

<sup>736</sup> Submittals removed to bin file for Administrative Manual.

**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 8.3.F, *Scheduling and Notice of Public Hearings*.

**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 8.3.G, *Review and Decision*, based on the specific criteria in 8.7.E(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 8.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

- 1.** No change shall be made in the approved plans of a project after issuance of a certificate of appropriateness without resubmittal to the Director and approval of the change at an administrative level, if that change is determined to be of no significant impact on the original proposed work set forth in the application. If the change is determined to have a significant impact on the original proposed work, the Director shall schedule a public hearing before the Commission in the same manner as the original certificate of appropriateness consideration.

2. A certificate of appropriateness (or no effect) expires six months from the date of issuance unless work is started within that time.
3. If work exceeds that specified in the certificate of appropriateness (or no effect), the certificate shall be revoked.
4. The certificate of appropriateness (or no effect) required by this section shall be in addition to any other permit(s) or review required for the proposed project.

**(4) Certificate of Appropriateness Approval Criteria<sup>737</sup>**

It is the intent of this article to ensure, insofar as possible, that a historic resource designated as a landmark within an Historic District shall be in harmony with and complementary to the architectural and historical character of the historic resource or district. 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. Any proposed new construction shall be distinguishable from the historic architecture; and
- b. The proposed work does not detrimentally alter, destroy or adversely affect any architectural or landscape feature; and
- c. 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 materials and elements of size, scale, massing, proportions, orientation, surface textures and patterns, details and embellishments and the relationship of these elements to one another; and
- d. The proposed work conforms with review guidelines and/or other applicable criteria; and
- e. 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.

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**F. Demolition of Historic Resource<sup>738</sup>**

**(1) Demolition Approval Required**

No person, firm, corporation, or other entity shall demolish a landmark or contributing property within a Historic District or cause or allow 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.

**(2) Demolition Approval Criteria**

- a. 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

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<sup>737</sup> Existing criteria.

<sup>738</sup> Consolidated draft: This carries forward and consolidates 1509.04 and 1512 from the newly updated preservation ordinance.

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 economic 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.
- b. The applicant shall bear the burden of proof for all findings required for approval of a Certificate of Appropriateness for demolition.

**c. Notice of Demolition**

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.

**(3) Architectural Documentation Prior to Demolition of Historic Buildings**

Applications for permits for the demolition of buildings that are in part (original structure with later additions) or in their entirety 50 or more years old must include architectural documentation to provide a permanent record of buildings of historical significance before their loss. Demolition applications are available from the Community Development Department.

**a. Applicability**

These regulations apply to all demolition permit requests involving buildings that are in part or in their entirety 50 or more years old, but are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places or Designation as a Landmark in Sedona. Documentation is not required if the demolition will be limited to an addition that is less than 50 years old, for an accessory buildings such as sheds, and mobile or manufactured homes regardless of age.

**b. Review Required**

The applicant must submit documentation in conjunction with a demolition permit application submittal. The documentation will be reviewed and found complete pursuant to this Article prior to issuance of a demolition permit.

**c. Application and Review Process**

1. Prior to the submittal of a demolition permit application, the applicant may meet with the Director. At that time, the Director will determine whether the application requires documentation.

2. At the time of submittal, the applicant must submit the demolition permit application and all required architectural documentation to the Community Development Department.
3. The Director shall review the submitted architectural documentation and approve the materials for completeness. The Director determines and informs the applicant that the required architectural documentation is complete, or of any additional documentation which is required within five (5) working days of the submittal date.
4. If the Director determines that the required architectural documentation is complete, then a demolition permit application may be processed. The applicant must demonstrate compliance with all provisions of the LDC before a demolition permit will be issued.

**d. Documentation Required**

1. Current photographs of the front, rear and sides of the building to be completely or partially demolished; and
2. Copies of old photographs of the building to be completely or partially demolished (taken at least 20 years prior to the demolition application), if in the possession of the applicant; and
3. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

**e. Documentation Optional**

1. Floor plans with measured dimensions; and
2. Photographs of all interior rooms; and
3. A 'context photograph' illustrating the relationship between the building to be completely or partially demolished and the nearest adjacent buildings; and
4. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished; and

**f. Documentation Retention**

Upon approval of the demolition permit, the Director shall retain the architectural documentation as a record of a lost historic resource.

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**G. Maintenance and Repair<sup>739</sup>**

- (1) Each historic resource designated as a landmark, and historic resources designated as contributing properties within a historic district, shall be properly maintained in weather-resistant, secure condition and faithful to its historic appearance and character.
- (2) Nothing in this article shall be construed to prevent normal maintenance and repair of any exterior feature of any historic resource designated as a landmark or contributing property within a historic district, which does not involve change in design, material, color, or exterior appearance. The Commission shall not consider the interior arrangements or alterations to the interior of a building, unless designation specifically includes the interior or a portion thereof.

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<sup>739</sup> Consolidated draft: carries forward 1510 from current ordinance.

- (3) All exterior maintenance and repair not deemed to be routine maintenance and repair as defined herein, requires an application for determination of a Certificate of Appropriateness or Certificate of No Effect. Repairs that involve change in exterior appearance may be determined by the Director and Chairperson to have no significant impact on historic appearance and character, and thereby qualify for a Certificate of No Effect.

## 8.8. 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.

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### A. Variance<sup>740</sup>

#### (1) Purpose<sup>741</sup>

The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the Code would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

#### (2) Applicability

- a. Any property owner seeking relief from this Code may request a variance when the strict application of the Code would result in an undue hardship.
- b. Variances may be granted from the regulations of all articles of this Code, with the exception of 5.3, *Grading and Drainage*, and Article 7: *Subdivision*.

#### (3) Application Submittal and Review Procedure

Figure 8-16 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

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<sup>740</sup> The current Section 404 addresses both variances and appeals. In this draft, appeals are addressed in a separate section.

<sup>741</sup> New purpose statement. The current purpose statement essentially restates the approval criteria.

Figure 8-16: Variance



**a. Pre-Application Meeting**

A pre-application meeting shall be held in accordance with 8.3.B, *Pre-Application Meeting*.

**b. Application Submittal and Handling<sup>742</sup>**

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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 8.3.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 8.3.F, *Scheduling and Notice of Public Hearings*.

**e. Review and Decision (Board of Adjustment)<sup>743</sup>**

1. The Board shall hold a public hearing on an application for a variance. At a public hearing, the Board shall review the application, statements and drawings submitted and shall receive public comments and pertinent evidence concerning the variance, particularly with respect to the findings in 8.8.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.

<sup>742</sup> Submittals removed to bin file for Administrative Manual.

<sup>743</sup> From the existing code.

- iii. Upon failure to act within the prescribed 21-day period, the Board shall lose jurisdiction and the request shall be deemed denied. An appeal may be taken to the Superior Court, as prescribed by state law.<sup>744</sup>
  - iv. Any proposed revisions or changes to an approved variance application shall be submitted in the same manner and subject to the same approval process as the original review.
3. The Board's decision shall be based only on the record of the public hearing and shall be reduced to writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.<sup>745</sup>

**f. Post-Decision Actions and Limitations**

All common procedures in 8.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modification:

**1. Expiration and Revocation of Variance Approval**

A variance permit shall expire and may be considered for revocation following one year of inactivity, as defined in in 8.3.H(3), *Expiration and Revocation of Approval*.

**(4) Variance Findings<sup>746</sup>**

The Board of Adjustment may approve a variance upon making all of the following findings:

- a. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zone district;
- b. The strict application of the Code standards for which a variance is sought would produce undue hardship not related to purposes of convenience or financial burden;
- c. The applicant did not create the hardship by their own actions;
- d. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought;
- e. The variance request will not violate building or fire code requirements or create a safety hazard; and
- f. The requested variance is the minimum relief necessary from the subject standards of the Code.

<sup>744</sup> Consolidated draft: Current code does not explain what happens after the expiration. This suggested new text says that that is deemed a denial, which can be appealed.

<sup>745</sup> New.

<sup>746</sup> Rewritten findings. Removed separate findings for parking variances.

## 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.

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 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. Other Incentives are Prerequisite<sup>747</sup>

All available incentives and allowances in this Code shall be used before a minor modification may be considered, including but not limited to the exceptions in 2.24, *Measurements and Exceptions*. (For example, an applicant shall apply all available alternate standards for increased height before applying for a minor modification for increased height.)

##### b. Table of Allowable Minor Modifications<sup>748</sup>

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 8.3.

<sup>747</sup> Consolidated draft: new.

<sup>748</sup> This table 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.)

<b>Table 8.3 Allowable Minor Modifications</b>	
<b>Code Standard</b>	<b>Allowable Modification (maximum percentage)</b>
<b>Site Standards</b>	
Lot area, minimum	10
Lot coverage, maximum	10
Block length, minimum or maximum	10
<b>Lot Dimensional Standards</b>	
Front setback, minimum	25
Side setback, minimum	25
Rear setback, minimum	25
Encroachment into setback pursuant to Table 2.5, maximum	10
<b>Building Standards</b>	
Building height, maximum	10
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 2.6, maximum	10
<b>Development Standards</b>	
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) (up to 8 feet for commercial use to address grade changes or other site-specific issues)
Minimum landscaping requirements	10

**c. 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:
  - 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.

**d. 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 minor modification 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). Each Code standard in Table 8.3 shall be considered a separate minor modification request as it relates to the approval criteria in 8.8.B(5), but multiple modifications may be considered in one minor modification application.
- 2.** A minimum of 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 8.8.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 8.8.B(5).

**c. Effect of Approval**

Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

**d. Expiration of Minor Modification**

A minor modification shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

**(5) Minor Modification Approval Criteria<sup>749</sup>**

A minor modification may be approved if the decision-making body finds that the modification:

- a. Will not create a hardship on adjacent properties;
- 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;
- e. Furthers the goals of the Sedona Community Plan or other adopted plans; and/or
- f. Is of a technical nature and is required to:
  1. Compensate for an unusual site condition; or
  2. Protect a sensitive resource, natural feature, or community asset.

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**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 8.8.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

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<sup>749</sup> This is a mix of new language and some of the existing criteria for administrative waivers.

Board of Adjustment or City Council, as indicated in Table 8.1, *Summary Table of Review Procedures*, and shall follow the procedure in 8.8.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 8-17 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

**Figure 8-17: Appeal**



**a. Application Submittal and Handling<sup>750</sup>**

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.C, *Application Submittal and Handling*, with the following modifications:

**1. Burden of Proof on Appellant<sup>751</sup>**

The person or group or persons making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall include applicable specific section references within this Code, and shall be provided at the time of application.

**2. Time Limit<sup>752</sup>**

The appeal shall be filed within 15 days of the decision, by the applicant or any member of the general public. If the fifteenth day falls on a weekend holiday, or other day on which the City is closed, the next business day shall be the final day to submit an appeal.

<sup>750</sup> Submittals removed to bin file for Administrative Manual.

<sup>751</sup> New.

<sup>752</sup> From the existing code.

**3. Stay of Proceedings<sup>753</sup>**

An appeal stays all proceedings and activity from further action on the subject decision unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the city or would cause imminent peril to life and property. Such determination shall be made only after written request to the Director.

**b. Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with 8.3.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 8.1, *Summary Table of Review Procedures*, and noticed in accordance with 8.3.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 8.8.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:

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, any applicable CFA or specific area plan, or other City-adopted plan.

**(4) Appeals of Municipal Actions Concerning Dedications or Exactions<sup>754</sup>**

**a. Applicability**

Pursuant to A.R.S. Section 9-500.12, a property owner may appeal the following city action relating to the owner’s property in the manner prescribed by this section:

1. The requirement of a dedication or exaction as a condition of granting approval for the use, improvement, or development of real property; or

<sup>753</sup> New.

<sup>754</sup> This section is carried forward from the current code, with a new explicit reference to the ARS section being implemented.

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 paragraph a above, 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;
  - ii. In the case of a zoning regulation appealed under this section, the Board shall transmit a recommendation to the City Council.
6. If the Board of Adjustment modifies or affirms the dedication, exaction, or zoning regulation requirement, the property owner aggrieved by that decision may, at any time within 30 days after the date the Board's decision is mailed to the property owner by certified mail/return receipt requested, file a complaint in the appropriate Superior Court for a trial de novo on the facts and the law regarding the issues of the condition or requirement for the dedication, exaction or zoning regulation.

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**D. Special Exceptions<sup>755</sup>**

**(1) Purpose**

Special exceptions from the provisions of this Code may be approved by the City Council if it can be shown that the application of these regulations to any lot or parcel on which

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<sup>755</sup> 406. The Analysis report noted that the procedure should be kept, though staff now questions whether the variance process would suffice for these situations.

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 CO, CF, RM-1, RM-2, RM-3, M-1, M-2, M-3, or PD<sup>756</sup>, the applicant shall submit, for City Council consideration, sufficient data to show that no economically beneficial use of the lot or parcel is possible.
- b. In the case of a single-family residential zoned lot or parcel, the applicant shall submit, for City Council consideration, sufficient data to show that the Code would not permit the construction of at least one single-family dwelling.<sup>757</sup>

Any such lot or parcel may be developed pursuant to the grant of a special exception; provided, that such development otherwise conforms to the provisions of this Code as closely as reasonably possible.

**(3) Application Submittal and Review Procedure**<sup>758</sup>

Figure 8-18 identifies the applicable steps from 8.3, *Common Review Procedures*, that apply to the review of special exception applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-18: Special Exception**



**a. Application Submittal and Handling**

The special exception application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 8.3.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:

<sup>756</sup> Consolidated draft: District list updated to match new districts.

<sup>757</sup> We rephrased this provision for clarity; please confirm the new language carries forward the city's intent.

<sup>758</sup> No pre-application meeting or citizen review process is required in the current code; should they be added here?

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 8.3.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 8.3.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 8.3.G, *Review and Decision*, based on the approval criteria in 8.8.D(4).

**e. Post-Decision Actions and Limitations**

All common procedures in 8.3.H, *Post-Decision Actions and Limitations*, shall apply, with the following modification:

**1. Recording**

If a special exception is granted pursuant to this section, the Director shall keep a permanent record on file at the Department that such a special exception was granted, and the special exception shall be referenced on the building permit issued for the proposed development.

**(4) Approval Criteria<sup>759</sup>**

In the review of requests for special exceptions, the City Council shall consider the following:

- a. The degree to which the application of this Code to a particular lot or parcel advances a legitimate governmental interest; and
- b. Whether or not application of this Code would prevent all economically beneficial use of the lot or parcel.

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<sup>759</sup> Name changed from "considerations" in current code.

## 8.9. Review and Decision-Making Bodies

### Commentary

This section is based generally on the current Article 3. It has been simplified and streamlined, since many of the specific powers/duties identified in Article 3 are now summarized in the earlier parts of this article. Also, some of this material is contained elsewhere in City Code or can be in separate manuals.

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### A. Purpose

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

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### B. City Council

The City Council is the legislative body for the City and has the following powers and duties under these regulations:

- (1) The review and decision authority as shown in Table 8.1, *Summary Table of Review Procedures*; and
- (2) Other action the Council deems desirable and necessary to implement the provisions of these regulations and applicable Arizona law.

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### C. Planning and Zoning Commission

- (1) The Planning and Zoning Commission is appointed by the City Council and has the review and decision authority Table 8.1, *Summary Table of Review Procedures*, pursuant to the application-specific procedures outlined in this Code.
- (2) The Planning and Zoning Commission also has the powers and duties permitted under A.R.S. §9-461.01., and may exercise other powers that may be lawfully granted by the Council with respect to this Code.

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### D. Historic Preservation Commission

- (1) The Historic Preservation Commission is appointed by the City Council and has the review and decision authority as shown in Table 8.1, *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 its Operating Rules and Procedures and may exercise other powers that may be lawfully granted by the Council with respect to this Code.

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### E. Board of Adjustment

#### (1) Establishment and Delegation

- a. Pursuant to A.R.S. Section 9-462.06(A), the City Council is established as the Board of Adjustment and delegates to a hearing officer the authority to hear and decide on matters within the jurisdiction of the Board of Adjustment as outlined in this section, except that the right of appeal from the decision of a hearing officer to the Board of Adjustment shall be preserved.

- 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 8.1, *Summary Table of Review Procedures*, pursuant to the application-specific procedures outlined in this Code.

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**F. Community Development Department and Director**

- (1) The Department shall consist of city staff as required for the administration and enforcement of this Code.
  - (2) The Department shall have the review and decision authority as shown for “staff” in Table 8.1, *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 acting as Zoning Administrator pursuant to A.R.S. Section 9-462.05 (as may be amended), and in accordance with Chapter 2.60 of the Sedona City Code. The Director or their designated representative shall serve as the Zoning Administrator for the city and is responsible for the administration, interpretation, clarification, and enforcement of the code.
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**G. City Engineer<sup>760</sup>**

- (1) The City Engineer shall be appointed by, report to and serve the City Manager.
- (2) The Engineer is responsible for all city streets and associated improvements and civil engineering and shall perform such duties as may be required of them by law and such other duties as directed by the Council and City Manager. The City Engineer shall head the Public Works Department of the city in accordance with Chapter 2.55 of the Sedona City Code.

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<sup>760</sup> List of duties updated since staff draft.

# Article 9: Rules of Construction and Definitions

## Commentary:

This article includes general rules of construction and definitions of key terms used in the Code. Many of the definitions were carried forward from the current LDC and revised as noted. New terms are also noted.

## 9.1. Purpose and Organization of this Article<sup>761</sup>

This article provides rules of construction, terms of measurement, and definitions for terms used in this Code. For ease of use, definitions related generally to discrete topics are listed in the following sections and grouped in the following categories:

- A. 9.4, *Definitions of Use Categories and Specific Use Types*;
- B. 9.5, *Historic Preservation Definitions*;
- C. 9.6, *Outdoor Lighting Definitions*;
- D. 9.7, *Sign Definitions*;
- E. 9.8, *Wireless Communication Facility Definitions*

While specifically relevant to the listed sections, the definitions in these sections apply to the entire Code. The final section, 9.9, *Other Defined Terms*, includes other terms defined that are not relevant to these categories.

## 9.2. Rules of Construction<sup>762</sup>

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### A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purpose set forth in 1.2, *Purpose*, and the specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this Code, the specific section's meaning and application of the term shall control.

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### B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

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### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

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<sup>761</sup> *Adoption draft: new.*

<sup>762</sup> New section to clearly indicate meaning of the general terms used throughout the Code.

## **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 Friday, 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 Friday, 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.

## **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 Headings<sup>763</sup>**

All titles and headings of chapters, sections, or subsections of this Code are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

# **9.3. Terms of Measurement**

### **Height, Building<sup>764</sup>**

Building height shall be defined according to the measurements and exceptions in 2.24.D, *Building Height*.

### **Impervious Coverage<sup>765</sup>**

Any hard surface, man-made area that does not absorb water, including principal and accessory building roofs, sidewalks, parking, driveways, and other paved surfaces.

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<sup>763</sup> New in this draft; from current 100.

<sup>764</sup> Replaces and consolidates the current separate height measurement descriptions for single-family residential, multifamily, and commercial uses. This definition currently includes both imaginary plane requirements.

<sup>765</sup> New definition.

**Lot<sup>766</sup>**

A parcel of real property with a separate and distinct number or other designation shown on a plat recorded with the County Recorder’s Office, or on an approved record of survey, parcel map, or subdivision map filed with the County Recorder or the Director. A lot abuts at least one public street, right-of-way, or easement determined by the City<sup>767</sup> to provide adequate access.

**Corner Lot**

A lot located at the intersection or intersections of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot.

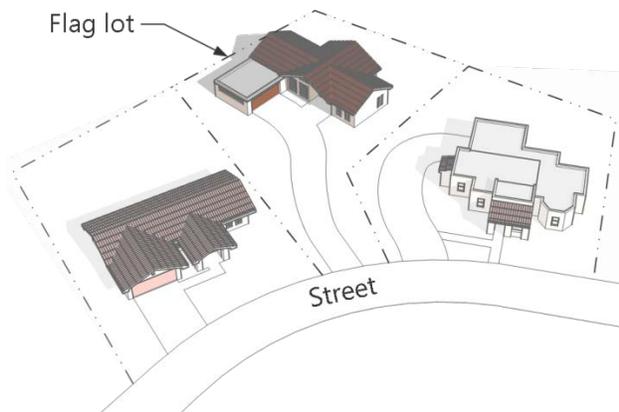
**Double-Frontage Lot<sup>768</sup>**

A lot having frontage on two dedicated parallel or approximately parallel streets.

**Flag Lot**

An interior lot not having full frontage to a public or private street but including a portion or strip providing access. For the purposes of determining setbacks, the rear yard shall be opposite to the portion of the “flag” portion of the lot providing access and all other yards shall be determined to be interior side yards. Front setbacks shall be based on the non-flag portion of the lot. Lots shall meet minimum width requirements set forth in 7.3.D(5), *Flag Lots*.

**Figure 9-1: Flag Lot**



**Interior Lot**

A lot other than a corner lot.

**Irregular Lot**

A lot whose opposing property lines are more than 35 degrees from parallel, such as a pie-shaped lot on a cul-de-sac, or a lot with offsets or other unusual conditions making such lot challenging in terms of establishing setbacks and/or frontages.

**Lot Line**

Any line bounding a lot.

<sup>766</sup> Revised current Definition for clarity.

<sup>767</sup> Currently says “commission.”

<sup>768</sup> Current definition for “through lot.”

### Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

### Setback<sup>769</sup>

The required distance between the established lot line and any building on the lot.

#### Front Setback

The line that defines the depth of the required front yard. The front setback shall be parallel with the street line or future right-of-way line.

#### Side Setback

The line that defines the width or depth of the required side yard. The side setback line shall be parallel with the property line or if abutting a street shall be parallel with the street line or future right-of-way line.

#### Rear Setback

The line that defines the width or depth of the required rear yard. The rear setback line shall be parallel with the property line or if abutting a street shall be parallel with the street line or future right-of-way line.

### Yard

A required space of uniform width adjacent to the perimeter of a lot, the interior boundary of which is measured as a minimum horizontal distance from a lot boundary, or future width line as the required setback of a principal structure and which is unoccupied and unobstructed by improvements from the ground to the sky except for projections permitted by this Code.

## 9.4. Definitions of Use Categories and Specific Use Types

### A. Residential Uses

#### Household Living<sup>770</sup>

Uses characterized by residential occupancy of a dwelling unit by a "family." Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

#### Housing Choice

A sustainable community offers a range of housing types by providing opportunities for people to live near jobs, shopping, and services, which enables shorter trips, the use of alternative transportation, and a reduction in traffic congestion. (p.23)



#### Dwelling, Co-Housing<sup>771</sup>

A residential development that combines small individually-owned units on a single lot with common open space and sometimes including a larger community kitchen and dining room intended for communal use on a regular basis. The residents in a co-housing development agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and child care.

<sup>769</sup> Removed the term "minimum" since we have introduced maximum setbacks in the M3 district.

<sup>770</sup> New category and definition.

<sup>771</sup> New use and definition.

**Dwelling, Duplex<sup>772</sup>**

A building with two dwelling units located on a single lot designed or arranged to be occupied by two families living independently.

**Dwelling, Live/Work<sup>773</sup>**

A dwelling unit containing an integrated living and working space in different areas of the unit.

**Dwelling, Multifamily<sup>774</sup>**

A building, group of buildings, or portion of a building that contains three or more dwelling units located on a single lot.

**Dwelling, Single-Family Attached<sup>775</sup>**

Three or more dwelling units where each dwelling unit is located on its own separate lot, designed for occupancy by one family that is attached to other units.

**Dwelling, Single-Family Detached<sup>776</sup>**

A building located on one lot containing one dwelling unit not physically attached to any other principal structure that is designed to be occupied by one family.

**Manufactured Home<sup>777</sup>**

A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974 as implemented by the Arizona Office of Manufactured Housing pursuant to A.R.S. Title 41, Chapter 16. This definition does not include manufactured home parks.

**Group Living<sup>778</sup>**

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a "family." Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. The group living category is not to be construed as a "group home." Specific use types within the group living use category include:

**Assisted Living Facility<sup>779</sup>**

A facility licensed by the State Department of Health Services, that provides living accommodations and medical services for the aged who, due to illness or disability, require care similar to that provided

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<sup>772</sup> Revised definition for clarity and consistent grammar. Currently included in the "multiple dwelling units and apartments" use type. Currently not permitted in the CN zoning district (now M1 zoning district). Did not carry forward use in the OP, C-1, C-2, and C-3 zoning districts (now CO, IN, and L zoning districts).

<sup>773</sup> New use and definition.

<sup>774</sup> New definition; there currently is no definition for "multiple dwelling units and apartments." Currently not permitted in the CN zoning district, (now M1 zoning district). Propose to allow in the new M3 zoning district.

<sup>775</sup> Currently included in the "multiple dwelling units and apartments" use type. New definition. Currently not permitted in CN zoning district, (now M1). We propose allowing this use in the new M3 zoning district.

<sup>776</sup> Renamed from "single-family dwelling." Revised definition for clarity and consistent grammar. Currently not permitted in the CN zoning district (now M1 zoning district). Did not carry forward use in the C-1, C-2, C-3 or L zoning districts (now CO, IN, and L zoning districts).

<sup>777</sup> Did not carry forward definitions for "mobile home," "mobile home park," or "mobile home space."

<sup>778</sup> New category and definition.

<sup>779</sup> Consolidated "convalescent homes and retirement care facilities" from OP zoning district and "convalescent homes" from C-1, C-2, and L zoning districts. Renamed to "assisted living facility" and replaced definition for "convalescent home." Currently not permitted in the CN or CF zoning districts (now M1, and CF zoning districts).

to persons who are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

**Dormitory**<sup>780</sup>

A place of residence, other than a hotel, motel, or boarding house that is used, occupied, and maintained by persons enrolled in a college, university, educational, or religious institution, with sleeping accommodations, common gathering rooms, and may include group cooking and dining facilities designed to service the entire residency of the dormitory, and that is recognized and subject to controls by such educational institution.

**B. Public, Institutional, and Civic Uses**

**Community and Cultural Facilities**<sup>781</sup>

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

**Cemetery or Internment Facility**<sup>782</sup>

Land used or intended to be used for the burial of the dead and dedicated for such purposes and includes columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

**Club or Lodge**<sup>783</sup>

A meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization. This use includes club houses, community centers, clubs, and lodges.

**Day Care**<sup>784</sup>

A facility that is licensed, certified, or registered by the State of Arizona that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

**Funeral Facility**<sup>785</sup>

An establishment for the care, preparation, or disposition of the deceased for burial and the display of the deceased and rituals connected with, and conducted before burial or cremation. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, columbariums, and funeral homes.

<sup>780</sup> Replaces current definition. Currently not permitted in the M1 or M2 zoning districts. We propose allowing this use in the new M3 zoning district.

<sup>781</sup> New category and definition.

<sup>782</sup> Renamed from "cemeteries, columbariums, and related facilities." Carried forward definition for "cemetery."

<sup>783</sup> Consolidated "club houses/community centers" and "clubs and lodges for youth" and "private clubs and lodges." New definition; there currently are no definitions for the use types that were consolidated. Replaces current definition for "club." Currently not permitted in the C-3, OS, and CF zoning districts (now IN, OS, and CF zoning districts). We proposed allowing this use in the new M3 zoning district.

<sup>784</sup> Renamed from "day care and nursery schools." Replaces current definition for "day care." New definition includes adult day care facilities and excludes "pre-schools" which is now included in "school, public or private." Currently not permitted in the CN and CF zoning districts (now M1 and CF zoning districts). We propose changing the level of permission from "conditional" to "permitted in the RM-3, C-1, and C-2 zoning districts (now RM-3 and CO zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>785</sup> Renamed from "mortuaries." New definition, there currently is no definition for "mortuaries." Currently not permitted in the CF zoning district. We propose allowing this use in the new M3 zoning district.

**Library**<sup>786</sup>

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

**Museum**<sup>787</sup>

An establishment operated as a repository for a collection of nature, scientific, literary curiosities, or objects of interest or works of art, not including the regular sale or distribution of the objects collected. A museum may also include meeting rooms, offices for museum personnel, and similar support facilities.

**Park, Active**<sup>788</sup>

Areas for recreational uses that require constructed facilities for organized activities including playing fields, playgrounds, and ball courts. Accessory uses may include group picnic shelters, hard surfaced pathways, restrooms, parking lots, and similar facilities.

**Park and Open Space, Passive**<sup>789</sup>

Areas for recreational uses related to the functions and values of a natural area that require limited and low-impact site improvements, including trails, signs, pedestrian bridges, seating, viewing blinds, and observation decks. Accessory uses may include drinking fountains, picnic tables, restrooms, parking lots, and similar facilities.

**Religious Assembly**<sup>790</sup>

A structure used by a religious institution for regular organized religious activities. Accessory uses may include columbariums in association with an established religious institution.<sup>791</sup>

**Educational Facilities**

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

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<sup>786</sup> Separated from “public and private libraries and museums.” New definition; there currently is no definition for “public and private libraries and museums.” Currently not permitted in the RS-36, RS-35, RS-18a, RS-18b, RS-12, R-10a, RS-10b, RS-6, RMH-6, RMH-12, RMH-10, RM-1, RM-2, RM-3, CN, C-3, and CF zoning districts (now RS-35, RS-18, RS-10, RS-6, RMH, RM-1, RM-2, RM-3, M1, and CF zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>787</sup> Separated from “public and private libraries and museums.” New definition; there currently is no definition for “public and private libraries and museums.” Currently not permitted in the CN and C-3 zoning districts (now M1 and IN zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>788</sup> Consolidated “parks and recreational facilities,” “public parks and maintenance facilities,” and “public parks and related active recreational facilities.” We propose allowing this use as a permitted use in all zoning districts. Currently this use requires conditional use permit review in all residential zoning districts and the CF zoning district.

<sup>789</sup> New use and definition.

<sup>790</sup> Renamed from “religious institutions.” Replaces current definition. We propose allowing this use as a permitted use in all zoning districts except as not permitted in the OS zoning district.

<sup>791</sup> Language regarding columbariums is from Article 6.

**School, Public or Private**<sup>792</sup>

A public or private institution that offers general academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, nonprofit research and religious institutions.

**School, Vocational or Trade**<sup>793</sup>

A secondary school offering instruction in a professional, vocational, or technical field. This use includes public or private schools providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts and handicrafts.

**Healthcare Facilities**<sup>794</sup>

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

**Hospital**<sup>795</sup>

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including clinics or health care centers.

**Medical or Dental Clinic**<sup>796</sup>

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together. This use includes health spas, alternative care and holistic healing centers. Accessory uses may include incidental retail sales of products incidental to the services provided.

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**C. Commercial Uses**

**Agricultural and Animal Uses**

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve urban farming, beekeeping, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of

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<sup>792</sup> Renamed from “educational institutions.” Proposed definition includes preschools, which are currently included definition for “day cares.” Revised current definition for “educational institutions,” by adding language to include “private schools” and moved regulatory language to the use-specific standards section. Currently not permitted in the CN, RC, or L zoning districts, (now M1 and L zoning districts). We propose changing the level of permission from “conditional” to “permitted” in the OP, C-1, C-2, C-3, and CF zoning districts, (now M2, CO, IN, and CF zoning districts).

<sup>793</sup> Consolidated “commercial trade or vocational schools” and “dancing, art, music, and business schools.” Replaces current definition for “school, vocational” and “commercial school and/or trade school” and “school, instructional.” Currently not permitted in the CN, OP, and CF zoning districts. We propose allowing this use in the new M3 zoning district.

<sup>794</sup> New category and definition.

<sup>795</sup> Hospitals would likely be categorized under “medical, dental, and related health services” under the current LDC. We recommend making hospitals its own use type. Hospital is currently defined in Article 2 but not included in the “use regulations” for zoning districts. We recommend allowing this use in the new M3 zoning district.

<sup>796</sup> Renamed from “medical, dental and related health services.” “Massage therapy” is included in this use type. Replaces definition for “health care center” and “clinic.” Accessory use reference taken from 619.02(A)(12). Currently not permitted in the CN zoning district, (now M1 zoning district). We propose allowing this use in the new M3 zoning district.

animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

**Agriculture, General**<sup>797</sup>

The land use of animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products. This definition includes the keeping of animals for family food production, education or recreation. Accessory uses may include incidental sales by the producer of products raised on the farm. This use excludes marijuana cultivation, slaughterhouses, commercial feedlots, or stockyards, fat rendering, meatpacking, tanning, cutting, curing, cleaning or storing of green hides or skins, and slaughtering or meatpacking of animals not raised on the premises.

**Agriculture, Urban**<sup>798</sup>

The raising, keeping or production of fruits, vegetables, flowers, and other crops, poultry, and bees; composting; and the processing of those agricultural products. Accessory uses may include incidental sales of produce, plants, or products raised on the premises, preparing, treating, and storing agricultural products, equipment and machinery, but does not include marijuana cultivation or the dressing of animals not raised on the premises. This definition includes vineyards<sup>799</sup> but does not include the keeping or raising of swine, goats, sheep, cattle, horses, or other farm animals.

**Kennel, Commercial**<sup>800</sup>

Any establishment where five or more domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity.

**Stable, Commercial**<sup>801</sup>

A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

**Veterinary Hospital or Clinic**<sup>802</sup>

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition.

**Recreation and Entertainment**

This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

**Sedona Community Plan says...**  
Recreation is a significant component of the tourism industry and contributes to the economy with tour companies, outfitters, and guides that offer a variety of supplies, services, and activities based on outdoor recreation. (p. 83)

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<sup>797</sup> New use and definition. Includes the “noncommercial keeping of farm animals.”  
<sup>798</sup> Renamed from “agricultural experimental facilities.” New definition, there is currently no definition for “agricultural experimental facilities.” We propose allowing this use in all zoning districts.  
<sup>799</sup> Consolidated draft: added vineyards.  
<sup>800</sup> Replaces current definition for “kennel.”  
<sup>801</sup> New use.  
<sup>802</sup> Consolidated “small animal hospitals (with outdoor runs, pens, and cages)” and “veterinarian offices and animal hospitals.” Replaces current definition for “animal hospital.” Currently not permitted in the CN or OP zoning districts, (now M1 and M2 zoning districts). We propose allowing this use in the new M3 zoning district.

**Campground or RV Park<sup>803</sup>**

An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes for periods not to exceed two weeks. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities.

**Indoor Recreation Facility<sup>804</sup>**

A commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, and tennis courts. Accessory uses may include limited retail, concessions, and maintenance facilities.

**Outdoor Recreation Facility<sup>805</sup>**

Recreation and entertainment activities operated by a commercial enterprise that are mostly outdoors or partially within a building, including picnic areas, outdoor swimming pools, skateboard parks, tennis courts, basketball courts, baseball diamonds, soccer and football fields, amphitheaters, outdoor arenas, and outdoor theaters. Accessory uses may include limited retail, concessions, and maintenance facilities but such accessory uses are only allowed in mixed-use and nonresidential zoning districts.

**Food and Beverage Services<sup>806</sup>**

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

**Bar, Tavern, Lounge, or Tasting Room<sup>807</sup>**

An eating and drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors, and in which the sale of food products is secondary. A bar, tavern, lounge, or tasting room may include live entertainment and/or dancing; however, shall not include any adult entertainment.

**Catering Establishment<sup>808</sup>**

An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. No business consumption of food or beverages is permitted on the premises.

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<sup>803</sup> *Adoption draft: Combined campground and RV park.* Renamed from "public or private noncommercial campgrounds and picnic areas." New definition, there currently is no definition for "campgrounds and picnic areas." RV parks were added to this use type. Currently not permitted in the RC, L, or CF zoning districts (now L and CF zoning districts).

<sup>804</sup> New use and definition. Consolidated "amusement arcades," bowling alleys and billiard halls, "skating rinks," "theaters," "commercial art gallery," "cultural centers," "public and semi-public community centers and recreational facilities," and "recreational buildings." Currently not permitted in the RM-2, CN, and C-3 zoning districts, (now RM-2, M1, and IN zoning districts). We propose allowing this use in the new M3 zoning district and changing the level of permission from "conditional" to "permitted" in the CF zoning district.

<sup>805</sup> New use and definition. Consolidated "municipal golf courses," "miniature golf," and "skateboard parks." Currently not permitted in the C-3, RC, and L zoning districts, (now IN and L zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>806</sup> New category and definition.

<sup>807</sup> Renamed from "cocktail lounges and bars." New definition, there currently is no definition for "cocktail lounges and bars." Currently not permitted in the CN, OP, and C-3 zoning districts, (now M1, M2, and IN zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>808</sup> New definition, there currently is no definition for "catering establishments." Currently not permitted in the OP or C-3 zoning districts, (now M2 and IN zoning districts). We propose allowing this use in the new M3 zoning district.

**Microbrewery, Distillery, or Winery**<sup>809</sup>

A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant. The beer, wine, or liquor may be sold for consumption onsite, or off the premises to other drinking establishments, restaurants, or wholesalers.

**Mobile Food Vending**<sup>810</sup>

A vehicle, typically a van, truck, or towed trailer, from which food and beverages are sold.

**Restaurant**<sup>811</sup>

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area or sidewalk café.

**Restaurant with Drive-Through**<sup>812</sup>

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, within a motor vehicle parked on the premises, off the premises as carry-out orders; or in an outdoor seating area on the premises, and has drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles. Accessory uses may include an outdoor dining area or sidewalk café.

**Lodging Facilities**

Uses in this category provide lodging services for a defined period of time with incidental food, drink, and other sales and services intended for the convenience of guests. Specific use types include:

**Lodging, Fewer than Seven Units**<sup>813</sup>

A building or portion of a building containing fewer than seven units offered for transient lodging accommodations at a daily rate. Accessory uses may include additional services such as restaurants, meeting rooms, and recreational facilities. This use includes hotels, motels, timeshares, boarding house, bed and breakfast, and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities.

**Sedona Community Plan says...**

Avoid homogeneous or "hotel strip" development along the highway corridors, and providing commercial diversity and mixed uses. Provide locations that have the greatest diversity of commercial uses to encourage pedestrian rather than vehicle trips. (p. 27)

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<sup>809</sup> Consolidated draft: Changed text to remove prohibition on off-site sales. New use and definition.

<sup>810</sup> New use and definition.

<sup>811</sup> Consolidated "café and coffee houses," "restaurants and outdoor seating areas (including sale of alcohol)," and "restaurants, (including sale of alcohol)." Replaces current definition for "restaurant." Currently not permitted in the OP zoning district, (now M2 zoning district). We propose allowing this use in the new M3 zoning district.

<sup>812</sup> Renamed from "drive-in stores and restaurants." New definition, there currently is no definition for "drive-in stores and restaurants." Currently not permitted in the C-3 zoning district, (now IN zoning district). We propose allowing this use in the new M3 zoning district.

<sup>813</sup> New definition, Consolidated "hotel," "motel," "bed and breakfast establishment," "boarding house," "timeshare project," and "other similar uses." Lodging facilities are proposed to be separated into a three-tier system by which the lowest tier (fewer than seven units) is allowed as a permitted use by right in the mixed-use, commercial, and lodging districts, the medium-density tier is allowed by right, but with limitations on the maximum density and parcel size, and the highest tier requires conditional use permit review by both Planning Commission and City Council and is only allowed in the L district.

**Lodging, Medium-Density<sup>814</sup>**

A building or portion of a building containing seven or more units offered for transient lodging accommodations at a daily rate and that meets the density and other standards in 3.3.C(16)b. Accessory uses may include additional services such as restaurants, meeting rooms, and recreational facilities. This use includes hotels, motels, timeshares, boarding house, bed and breakfast, and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities.

**Lodging, High-Density<sup>815</sup>**

A building or portion of a building containing seven or more units offered for transient lodging accommodations at a daily rate and that meets the density and other standards in 3.3.C(16)c. Accessory uses may include additional services such as restaurants, meeting rooms, and recreational facilities. This use includes hotels, motels, timeshares, boarding house, bed and breakfast, and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities.

**Office, Business, and Professional Services<sup>816</sup>**

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

**Administrative, Professional, or Government Office<sup>817</sup>**

A building in which services are provided and/or business is conducted including administrative, professional, governmental, or clerical operations. Typical examples include fire service, ambulance, judicial court or government offices, post office, real estate, campaign headquarters, political and philanthropic offices, radio stations, call centers, insurance, property management, investment, financial, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar offices. This use includes accessory uses such as restaurants, coffee shops, health facilities, parking, limited retail sales, or other amenities primarily for the use of employees in the firm or building.

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<sup>814</sup> New definition. See footnote for “lodging, fewer than seven units.” “Bed and breakfast” is currently allowed as a permitted use in the OP, C-1, and C-2 zoning districts, (now M2 and CO zoning districts); and as a conditional use in the RM-1, RM-2, and RM-3 zoning districts. Current standards limit bed and breakfast establishments to 6 units. “Boarding House” is currently allowed as a permitted use in the RM-1, RM-2, and RM-3 zoning districts. Current standards require any permitted use converting to a hotel, motel, timeshare or similar lodging use that has more than 6 guest units to go through the rezoning process established in LDC 629.

<sup>815</sup> See footnotes for “lodging, fewer than seven units,” and “lodging, medium-density.”

<sup>816</sup> New category and definition.

<sup>817</sup> New use and definition. Consolidated “post office,” “postal contract stations,” administrative and executive offices,” “campaign headquarters,” “clerical and professional offices,” “political and philanthropic offices,” “professional offices,” “public buildings and grounds,” “public utility service offices,” “radio stations,” “telegraph offices,” “blueprint and photocopy services,” “printing shops,” “employment services,” and “travel agencies.” Currently not permitted in the CN zoning district, (now M1 zoning district). We propose allowing this use in the new M3 zoning district and changing the level of permission from “conditional” to “permitted” in the CF zoning district.

**Financial Institution<sup>818</sup>**

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, drive-through service, offices, and parking.

**Personal Services**

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

**Personal Service, General<sup>819</sup>**

An establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, laundry or dry cleaning services, alterations, spas, tanning salons, photography studios, house cleaning services, small appliance repair, weight reduction centers, florist, or pet grooming shops.

**Laundromat, Self-Service<sup>820</sup>**

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

**Retail Sales<sup>821</sup>**

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

**Auction House<sup>822</sup>**

A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

**Building Materials and Supply Store<sup>823</sup>**

A business involved in the sale, storage, and distribution of structure supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services, outside sale of plants and gardening supplies, and incidental wholesale trade.

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<sup>818</sup> Replaces current definition for “business or financial services.” There currently is no definition for “financial institutions.” Currently not permitted in the CN, OP, and C-3 zoning districts, now (M1, M2, and IN zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>819</sup> Consolidated “barber and beauty shops,” “laundry and dry cleaning pick-up,” “photography services,” tailoring (tailor shops), “group instruction,” “janitorial services and supplies,” “florist shop,” “small appliance repair,” and “pet grooming.” We propose allowing this use in the new M3 zoning district.

<sup>820</sup> Renamed from “self-service laundries.” Replaces current definition for “laundry, self-help.” Currently not permitted in the CN and OP zoning districts, (now M1 and M2 zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>821</sup> New category and definition.

<sup>822</sup> Renamed from “auction houses and stores.” New definition, there currently is no definition for “auction houses and stores.” Currently not permitted in the OP zoning district, (now M2). We propose allowing this use in the new M3 zoning district.

<sup>823</sup> New use and definition. “Lumber yards” was moved to this use type. Currently not permitted in the C-1 and C-2 zoning districts, (now CO zoning district).

**General Retail, Less than 10,000 Square Feet<sup>824</sup>**

Retail sales containing not more than 10,000 square feet of floor area.

**General Retail, 10,000 Square Feet or More<sup>825</sup>**

Retail sales containing between 10,000 square feet and 25,000 square feet of floor area.

**General Retail, More than 25,000 Square Feet<sup>826</sup>**

Retail sales containing more than 25,000 square feet of floor area.

**Medical Marijuana Dispensary**

A nonprofit entity defined in the Arizona Medical Marijuana Act, A.R.S. Section 36-2801.11, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients, caregivers or dispensary agents defined in A.R.S. Section 36-2801.2. A dispensary may also include a medical marijuana infusion facility.

**Medical Marijuana Dispensary, Off-Site Cultivation Location**

The one additional location, if any, where marijuana may be cultivated for the use of a medical marijuana dispensary as disclosed pursuant to the Arizona Medical Marijuana Act, A.R.S. Section 36-2804(B)(1)(b)(ii).

**Nursery or Garden Supply Store<sup>827</sup>**

An establishment, including a building, part of a building, or outdoor space for the growth, display and/or sale of plants, trees, and other materials used for planting for retail sales and incidental wholesale trade.

**Transportation<sup>828</sup>**

This category includes uses primarily associated with train, bus, and aircraft facilities. Examples include airports, depots, terminals, or other facilities which serve as a hub.

**Airport<sup>829</sup>**

Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, tie-down areas, hangars, and other necessary buildings. Accessory uses may include restaurants, cafes, car rental or storage facilities, aircraft servicing, fueling, or leasing; and private aviation clubs or associations.

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<sup>824</sup> Consolidated "auto parts stores," "antique shops," "apparel stores," "appliance and hardware stores," "bicycle and moped shops," "books, gifts, and stationary stores," "candy stores and confectioneries," "dairy products stores," "retail bakeries," "convenience markets," "decorating and drapery shops," "department stores," "drug stores and pharmacies," "prescription pharmacies," "furniture stores," "hobby shops," "jewelry stores," "liquor stores," "neighborhood markets," "newspaper and magazine stores," "office and business machine stores," "pet shops and supplies and feed stores," "retail uses," "shoe store, sales and repair," "sporting goods stores," "stamp and coin shops," "swimming pool/spa sales and service," "television and radio sales and service," "tobacco shops," "toy stores," and "variety stores." We propose allowing this use in the new M3 zoning district.

<sup>825</sup> Includes all of the current uses consolidated under "general retail, less than 10,000 square feet." This use also includes "supermarkets."

<sup>826</sup> Includes all of the current uses consolidated under "general retail, less than 10,000 square feet." This use also includes "supermarkets."

<sup>827</sup> New definition, there currently is no definition for "nursery and garden supply stores." Currently not permitted in the OP zoning district, (now M2 zoning district). We propose allowing this use in the new M3 zoning district.

<sup>828</sup> New category and definition.

<sup>829</sup> Replaces current definition for "airport." Expanded definition to include accessory uses. This use was not previously included in the use regulations of Article 6.

**Transit Terminal or Station**<sup>830</sup>

A facility where public transit vehicles load and unload patrons, and where patrons may transfer from between public transit lines, when that is the principal use of the property. This use may include park & ride or ride-sharing facilities, but does not include public transit vehicle repair or maintenance facilities.

**Vehicles and Equipment**<sup>831</sup>

This category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include:

**Equipment Sales and Rental**<sup>832</sup>

An establishment engaged in the display, sale and rental of equipment, tools, supplies, machinery or other equipment used for building construction, manufacturing, farming or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders, but not including car or truck rentals.

**Fleet Services**<sup>833</sup>

A central facility for the storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include courier, delivery, and express services, recreational touring fleets, taxi fleets, limousine services, and mobile-catering truck storage.

**Parking Facility**<sup>834</sup>

As a principal use, the ownership, lease, operation, or management of a commercial surface parking lot, above-ground structure, or below-ground structure.

**Vehicle Fuel Sales**<sup>835</sup>

A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding, automatic car wash.

**Vehicle Repair, Major**<sup>836</sup>

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, upholstery, muffler, transmission work and major engine and engine part overhaul.

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<sup>830</sup> New use and definition.

<sup>831</sup> New category and definition.

<sup>832</sup> New use and definition.

<sup>833</sup> New use and definition.

<sup>834</sup> Renamed from “public and private parking facilities.” This use includes “public or private garages or other parking structures.” New definition, there currently are no definitions for the use types that were consolidated. We propose allowing this use in the new M3 zoning district.

<sup>835</sup> Renamed from “automotive service station.” Definition taken from current definition for “automotive self-service station.” Currently not permitted in the C-3, RC, or L zoning districts, (now IN and L zoning districts). We propose changing the level of permission from “conditional” to “permitted” in the C-1 and C-2 zoning districts, (now CO zoning district). We propose allowing this use in the new M3 zoning district.

<sup>836</sup> Renamed from “automobile repair, major.” Definition taken from “automotive repair, general.”

**Vehicle Repair, Minor**<sup>837</sup>

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication and tune ups, provided it is conducted within a completely enclosed building. Major repairs such as vehicle bodywork or painting or repair of engines or drive trains is prohibited.

**Vehicle Sales and Leasing**<sup>838</sup>

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs/OHVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

**Vehicle Service Station**<sup>839</sup>

A lot or portion of a lot used for the servicing of motor vehicles. Such servicing may include retail sale of motor fuel and oils, lubrication, incidental car washing, waxing and polishing, sale and service of tires, tubes, batteries, service of auto accessories, and may include a freestanding automatic car wash. Such servicing shall not include tire recapping, sale of major auto accessories, wheel repair or parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting, upholstery or installation of auto glass. Accessory uses may include inspections and minor repairs.

**Vehicle Wash**<sup>840</sup>

The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light-duty equipment.

**Adult Entertainment Establishments**<sup>841</sup>

Adult entertainment establishments include: adult bookstores, adult live entertainment establishments, adult novelty stores, or adult theaters and all other adult entertainment establishments.

**Adult Entertainment**<sup>842</sup>

This definition includes the following terms and definitions:

**A. Adult Bookstore**

Any commercial establishment having as a substantial or significant portion of its stock in trade books, magazines, other periodicals, motion pictures, or video cassettes, video disks or other similar means of visual communication which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

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<sup>837</sup> Consolidated "automobile repair, minor" and "tire sales and service." Definition taken from "automotive repair, minor." Currently not permitted in the OP zoning district, (now M2 zoning district). We propose allowing this use in the new M3 zoning district.

<sup>838</sup> Renamed from "automobile, truck, trailer, boat, camper, farm implement and machine, recreational vehicle, and motorcycle sales and services." This use includes "jeep tour offices," and "automobile rentals."

<sup>839</sup> This term is currently defined in the definitions section of the LDC; however it is not included in the "use regulations."

<sup>840</sup> Renamed from "car washes." New definition, there currently is no definitions for "car wash." Currently not permitted in the OP, RC, or L zoning districts, (now M2 and L zoning districts). We propose changing the level of permission from "conditional" to "permitted" in the C-1 and C-2 zoning districts, (now CO zoning district). We propose allowing this use in the new M3 zoning district.

<sup>841</sup> New category and definition.

<sup>842</sup> Definition for "adult entertainment" has been carried forward. This use is currently only allowed in conjunction with permitted or conditional uses in the C1, C2, and C3 zoning districts (now CO and IN zoning districts).

**B. Adult Live Entertainment Establishment**

Any commercial establishment which provides any of the following entertainment or services during any part of more than two calendar days within a 90 day period:

1. Any dancing, such as bottomless or topless, striptease, go-go, flash, exotic dancers, or any similar performance where the dancer's clothing does not completely and opaquely cover "specified anatomic areas" as defined herein;
2. Any modeling, wrestling, sports performance or service or retail activity where the clothing of the participants does not completely and opaquely cover "specified anatomical areas" as defined herein.

**C. Adult Novelty Store**

Any commercial establishment having as a substantial or significant portion of its stock in trade instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" excluding condoms and other birth control and disease prevention products.

**D. Adult Theater**

Any commercial establishment regularly used for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which is designed for exhibition by projection on a screen, or in any type of viewing booth or any other visual presentation, including supportive audio or other sensory communication media, which projects images by electronic, mechanical or similar means which may be viewed by patrons alone or in groups of two or more which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**E. Adult Uses**

Any adult bookstore, adult live entertainment establishment, adult novelty store, or adult theater.

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**D. Industrial Uses**

**Manufacturing and Processing<sup>843</sup>**

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

**Food Processing<sup>844</sup>**

A facility where food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises.

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<sup>843</sup> Definition taken from the current definition for "industry." The last sentence was added regarding common accessory uses.

<sup>844</sup> Consolidated "wholesale bakeries" and "frozen food lockers." New definition, there currently are no definitions for the use types that were consolidated. Currently not permitted in the CN, OP, RC, and L zoning districts, (now M1, M2, and L zoning districts). We propose allowing this use in the new M3 zoning district.

**Manufacturing, Artisan<sup>845</sup>**

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting.

**Manufacturing, Light<sup>846</sup>**

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place.

**Storage and Warehousing<sup>847</sup>**

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

**Contractor Office or Equipment Storage Yard<sup>848</sup>**

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

**Outdoor Storage<sup>849</sup>**

As a principal use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage.

**Self-Service Storage Facility<sup>850</sup>**

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

**Warehousing and Wholesale Facility<sup>851</sup>**

A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of

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<sup>845</sup> New use type and definition. "Craft shops," "custom service and craft shops," and "taxidermists" moved to this use type. Currently not permitted in the CN, OP, and C-3 zoning districts, (now M1, M2, and IN zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>846</sup> New use and definition. "Cleaning and dyeing plants," "newspaper and magazine printing and publishing," "sign painting shop," "water-bottling and distillation for retail sales only," and "stone and monument yards" were moved to this use type. We recommend prohibiting this use from the RC and L zoning districts, (now L zoning district).

<sup>847</sup> New category and definition.

<sup>848</sup> New definition, there currently is no definitions for "contractors yards."

<sup>849</sup> "Vehicle storage yards" were moved to this category. New definition, there currently is no definition for "outdoor storage." Currently not permitted in the C-3 or CF zoning districts, (now IN and CF zoning districts).

<sup>850</sup> Renamed from "public storage facilities (mini-storage)." New definition, there currently is no definitions for ""public storage facilities (mini-storage)."

<sup>851</sup> Renamed from "warehousing." Replaces current definition for "warehousing."

materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

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## **E. Public and Semi-Public Utility Uses**

Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

### **Flood Control Facility<sup>852</sup>**

A facility used to reduce or prevent the detrimental effects of flood waters. Such uses may include channel banks, floodplains, floodways, watercourses, retention/detention basins, or similar improvements or facilities.

### **Public Utility, Major<sup>853</sup>**

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations, regional stormwater drainage facilities, and water and sewer treatment facilities. Major public utilities are of a size and scale found only in scattered sites throughout the city.

### **Public Utility, Minor<sup>854</sup>**

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. Minor public utilities are of a size and scale commonly found in all areas of the city.

### **Water Storage Tank<sup>855</sup>**

A tower or other facility for the storage of water for supply to a water system.

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## **F. Accessory Uses**

A use that is incidental and subordinate to the principal use of the lot, building, or another structure on the same lot. Specific use types include:

### **Accessory Building<sup>856</sup>**

A detached subordinate building located on the same lot as the principal building, the use of which is incidental to the principal building or use of the lot.

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<sup>852</sup> New definition, there currently is no definitions for "flood control facilities." Currently only allowed after conditional use review in the OS zoning district. We recommend allowing this use as "permitted" in all zoning districts.

<sup>853</sup> Renamed from "public utility and public service substations." New definition, there currently is no definitions for "public utility and public service substations." Currently not permitted in the CF zoning district. We recommend allowing this use as "conditional" in all zoning districts.

<sup>854</sup> Renamed from "public utilities substations." This is a new definition. Currently not permitted in the C-3, CF, and OS zoning districts, (now IN, CF and OS zoning districts). We recommend allowing this use as "permitted" in all zoning districts.

<sup>855</sup> Renamed from "public utility water tanks." New definition, there currently is no definitions for "public utility water tanks." Currently not permitted in the CF and OS zoning districts.

<sup>856</sup> Replaces current definition for "building (accessory)." Removed language indicating an accessory building could be attached. We propose allowing this use in all zoning districts.

**Guest Quarters**<sup>857</sup>

A structure attached or unattached to a principal dwelling, used to house guests of the occupants of the principal dwelling, and held in ownership by the owner of the principal dwelling.

**Home Occupation**<sup>858</sup>

Any uses of a vocational or professional nature which are customarily conducted entirely within a dwelling or an accessory building; are clearly incidental, secondary and in addition to the use of the structure for dwelling purposes; and are managed in such a way that does not change the character of the dwelling or adversely affect surrounding properties. This does not include a family of unrelated persons with disabilities residing in a group home licensed by the State of Arizona, including staff persons, as defined by this Code.

**Outside Sales and Display**<sup>859</sup>

The outdoor sale and display area of retail goods, produce, plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated. This use does not include mobile food vending.

**Outdoor Storage, Accessory**<sup>860</sup>

The incidental keeping of goods, materials, equipment, or personal property of any nature that are not kept in a structure having at least four walls and a roof. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage.

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**G. Temporary Uses**<sup>861</sup>

Temporary uses are uses that occur for a specified time period only. Such uses shall not include the frequent occurrence of an activity at short intervals or events repeated on a regular basis, such as every weekend or every other weekend.

**Christmas Tree Sales**<sup>862</sup>

Christmas tree sales include the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, and tree stands.

**Construction Support Activity**<sup>863</sup>

A temporary modular building located at a construction site which serves only as an office or for security purposes until the given construction work is completed.

**Filming-Related Activity**<sup>864</sup>

The temporary use of a structure or area for the purpose of filming, photography, or other visual medium for commercial purposes. This definition does not include adult entertainment establishments.

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<sup>857</sup> Consolidated “guest houses, detached” and “guest quarters, attached.” Replaces current definition for “guest house.” Currently not permitted in the RM-1, RM-2, RM-3, or CN zoning districts, (now RM-1, RM-2, RM-3 and M1 zoning districts). We recommend allowing guest quarters as a permitted use in all zoning districts that allow “single-family detached” dwellings.

<sup>858</sup> Carried forward definition. Currently not permitted in the CN, and OP zoning districts, (now M1 and M2 zoning districts). We recommend allowing this use in all zoning districts that allow permanent dwelling units.

<sup>859</sup> Renamed from “open air businesses.” Replaces current definition for “open air business.” Currently not permitted in the CN, OP, and C-3 zoning districts, (now, M1, M2, and IN zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>860</sup> New use and definition. We recommend allowing this use in all zoning districts pursuant to the general screening requirements.

<sup>861</sup> Taken from 407.02.

<sup>862</sup> Renamed from “Christmas tree lots.” New definition, there currently is no definitions for “Christmas tree lots.” We propose allowing this use in the new M3 zoning district and changing the level of permission from “permitted” to “prohibited” in all residential zoning districts.

<sup>863</sup> New definition including language from 407.02(E). We propose allowing this use in the new M3 zoning district.

<sup>864</sup> Renamed from “film permits.” We propose allowing this use in the new M3 zoning district.

**Model Home<sup>865</sup>**

A dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development within the City. Before occupancy by a family, a model home may be used as a temporary sales office for the development in which it is located.

**Special Event<sup>866</sup>**

A temporary use on public or private property that extends beyond the normal uses and standards allowed by this Code. "Special events" include, but are not limited to, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.

**Temporary Housing<sup>867</sup>**

A temporary residential or nonresidential building or structure, including travel trailers, employed as a temporary living space during the construction of a permanent dwelling.

## **9.5. Historic Preservation Definitions<sup>868</sup>**

The following definitions apply specifically to the administration, interpretation, and enforcement of the historic preservation regulations in 8.7, *Historic Preservation Procedures*.

**Adaptive Reuse**

See "Rehabilitation"

**Alteration**

For purposes of the historic preservation regulations of this Code, any aesthetic, architectural, structural or mechanical change to the exterior surface of any significant part of a designated historic resource, as defined herein.

**Archaeological Site**

A site containing any structure, evidence of occupation, articles or remains resulting from historic human life, habitation or activity, including but not limited to camp sites, petroglyphs, pictographs, paintings, pottery, tools, ornamentation, jewelry, textiles, ceremonial objects, games, weapons, armaments, vessels, vehicles or, most importantly, human remains.

**Building**

For purposes of 8.7, *Historic Preservation Procedures*, a structure created to shelter any form of activity, such as a house, cabin, barn, church, hotel, shed or similar structure. "Building" may also refer to a historically related complex, such as a courthouse and jail, or a farmhouse and barn.

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<sup>865</sup> Consolidated "subdivision sales office" with "model homes." Replaces current definition for "model home." Currently not permitted in the RM-1, RM-2, RM-3, CN, and OP zoning districts. We recommend allowing this use in any zoning district that allows "single-family detached" dwellings and the M2 zoning district. Currently requires a conditional use permit for residential zoning districts.

<sup>866</sup> Consolidated "organized outdoor community event," "outdoor event, single business," "outdoor event, three or more businesses," and "nonprofit fund-raising activities." New definition; not previously defined in the LDC. We propose changing the level of permission from "conditional" to "permitted" in the OP, C-1, C-2, C-3, and L zoning districts, (now M2, CO, IN, and L zoning districts). We propose allowing this use in the new M3 zoning district.

<sup>867</sup> Currently not permitted in the RM-1, RM-2, RM-3 and CN zoning districts, (now RM-1, RM-2, RM-3 and M1 zoning districts).

<sup>868</sup> Consolidated draft: new to this LDC draft; taken from the newly adopted preservation ordinance.

**Cemetery**

Any site which contains at least one human burial, marked or previously marked, and/or considered a dedicated cemetery under Arizona state statutes, even though it may be currently suffering neglect and abuse.

**Certificate of Appropriateness**

A document issued by the Commission, following prescribed public review procedures, certifying that proposed work on a designated historic resource is compatible with the historic character style and building materials of the historic resource, and therefore may be completed as specified in the Certificate of Appropriateness, and any building permits needed to do the work specified in the Certificate may be issued.

**Certificate of Economic Hardship**

A document issued by the Commission when a property owner demonstrates that a reasonable rate of return cannot be obtained for an income producing commercial property or that no beneficial use exists for a non-income producing residential property, or that the cost to participate in the City of Sedona’s Historic Preservation Program is financially outside the property owner’s means.

**Certificate of No Effect**

A document issued by the Director, following prescribed review procedures, stating that the proposed work on a designated historic resource will have no detrimental effect on the historic character of the resource, and therefore may be completed as specified in the Certificate of No Effect, and any building permits needed to do the work specified in the Certificate of No Effect may be issued.

**Chairperson**

For purposes of the historic preservation regulations of this Code, the Chair of the Historic Preservation Commission or his/her designee.

**Commission**

For purposes of 8.7, *Historic Preservation Procedures*, the Historic Preservation Commission of the City of Sedona, Arizona.

**Construction**

For purposes of 8.7, *Historic Preservation Procedures*, any site preparation, assembly, erection, repair, addition, alteration or similar action (*excluding demolition*) for or of historic resources or of public or private rights-of-way, utilities or other improvements.

**Contributing**

A classification applied to any historic resource signifying that it contributes to the defining characteristics and integrity of the Landmark or Designated Historic District.

**Demolition**

For purposes of the historic preservation regulations of this Code, any intentional act or process that totally or partially destroys a designated property.

**Designated Historic Resource**

Any property, site, building, structure, area, landscaping, or object that has received city designation as a landmark, or as a contributing property within a Historic District.

**Historic District**

A geographical area whose boundaries are defined by a Historic District zoning designation that contains historic resources considered to have historic, architectural, or cultural value.

### **Historic Property Register**

The listing and defining of designated properties of Sedona as provided in this Code.

### **Historic Resource**

Any property, site, building, structure, area, landscaping, or object identified as representing distinctive elements of Sedona's historic, archaeological, architectural, and cultural heritage.

### **Historic Resource Survey**

The official Historic Resource Survey book of the city listing and describing historic resources (whether designated or not) which are considered by the Commission to have historic, architectural or cultural value.

### **Integrity**

A measure of the authenticity of a historic resource's identity, evidenced by the survival of physical characteristics that existed during its historic or prehistoric period in comparison with its unaltered state. For example, a historic building of high integrity has few alterations or ones that can be easily reversed, and an archaeological site with high integrity is one that is relatively undisturbed. Evaluation criteria in determining integrity include a historic resource's association, design, feeling, location, and materials.

### **Landmark**

A designation, as a result of processes provided in 8.7, *Historic Preservation Procedures*, applied by the Commission to a historic resource, which has historic value or expresses a distinctive character or style worthy of preservation.

### **Maintenance**

Regular, customary or usual care for the purpose of preserving a historic resource and keeping it in a safe, sanitary and usable condition, without causing any alteration to the historic resource's distinctive exterior appearance and character.

### **Move**

Any relocation of a building or structure on its site or to another site.

### **National Register of Historic Places**

The official list of historic resources established by the federal government through the National Historic Preservation Act of 1966, and as amended.

### **Noncontributing**

A classification applied to any historic resource on a historic Landmark site or within a Historic District signifying that it does not contribute to the defining characteristics of the Landmark or Historic District.

### **Preservation**

The act or process of applying practices and measures to sustain the existing form, integrity and material of a historic resource. It may include stabilization work where necessary, as well as ongoing maintenance of the historic materials.

### **Preservation Covenant**

A deed restriction filed with the appropriate county, which identifies the property as a landmark or a contributing property within a Historic District.

### **Protected Interior**

An interior listed on the City of Sedona Register of Historic Resources that is routinely and customarily open for inspection and is identified as significant at the time of the property's landmark designation.

**Reconstruction**

The act of reproducing by new construction the exact form and detail of a vanished or severely deteriorated structure or object, or part thereof, as it appeared at a specific period of time.

**Rehabilitation**

The act or process of returning a property to a state of utility through repair or alteration that make an efficient contemporary use possible, while preserving those portions or features of the property that are significant to its historical, architectural and cultural value.

**Removal**

Any relocation, in part or whole, of a structure on its site or to another site.

**Renovation**

See "Rehabilitation."

**Repair**

For purposes of 8.7, *Historic Preservation Procedures*, any physical change that is not alteration, construction, removal, or demolition.

**Restoration**

The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by removing later work or by replacing earlier work that is missing or was destroyed.

**Review Criteria**

For purposes of 8.7, *Historic Preservation Procedures*, the preservation standards, tests, norms or guidelines applied by the City Staff and the Commission during any review process, including but not limited to surveys, designations, Certificates of Appropriateness, or other decision making process

**Routine Maintenance and Repair**

Any alteration to a designated historic resource or protected interior that does not conflict with its ongoing eligibility for listing on the City of Sedona Register of Historic Resources including restoration and repair of damage resulting from fire, flood, earthquake, or act of God. Alterations shall be same-for-same with regard to all details, including but not limited to, material type, dimension(s), texture, and architectural appearance, in order to be deemed routine maintenance and repair. Alterations to the exterior requiring a building permit shall be in conformance with this definition in order to be considered routine maintenance and repair. Any alteration to a noted contributing factor shall not be considered routine maintenance or repair. Routine maintenance and repair may involve, but is not limited to:

- a. Repair and/or replacement of any exterior wall material;
- b. Repair or replacement of roof cladding materials;
- c. Repair and/or replacement of a protected interior;
- d. Repointing of masonry joints;
- e. Replacement of window or door glazing except for glazing identified as a contributing feature at the time of the property's designation;
- f. The removal, maintenance, and/or installation of landscape materials except those identified as significant to the property's history at the time of the property's designation;
- g. The application of vapor-permeable paint or stain finishes to wall cladding materials provided that the finish does not change the existing texture of the material or a color identified as a contributing feature at the time of the property's designation;
- h. Any other work determined by the Director of Community and Development to constitute "routine maintenance and repair".

### Secretary of the Interior Standards

Preservation standards developed and published by the office of the United States Secretary of the Interior, as part of the Department of the Interior regulations. They pertain to historic resources of all materials, construction types, sizes and occupancy, and encompass the interior and exterior.

### Stabilization

The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property, while maintaining the essential form as it exists at present.

## 9.6. Outdoor Lighting Definitions<sup>869</sup>

The following definitions apply specifically to the administration, interpretation, and enforcement of the historic preservation regulations in 5.8, *Exterior Lighting*.

### Class 1 Lighting

Lighting used for outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity.

### Class 2 Lighting

Lighting used for illumination of walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose.

### Class 3 Lighting

Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements.

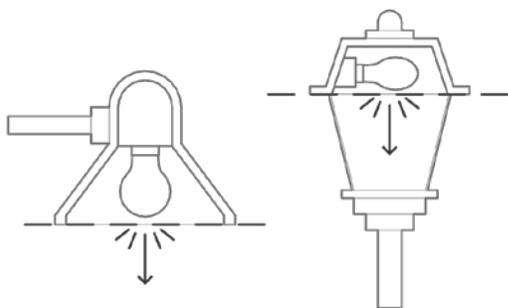
### Direct Illumination

Illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

### Fully Shielded Light Fixture

A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Figure 9-2: Examples of Fully Shielded Light Fixtures



<sup>869</sup> Consolidated draft: newly consolidated in this draft; previously these were mixed into the general definitions but staff requested consolidation.

**Installed Light Fixture**

A light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

**Light Pollution**

Any adverse effect of manmade light.

**Light Trespass**

Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

**Lumen**

A unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

**Luminary**

The complete lighting assembly, less the support assembly.

**Motion-Sensing Security Lighting**

Any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

**Multi-Class Lighting**

Lighting used for more than one purpose such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.

**Outdoor Light Fixture**

An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

- a. Buildings and structures;
- b. Recreational areas;
- c. Parking lot lighting;
- d. Landscape lighting;
- e. Architectural lighting;
- f. Signs (advertising or other);
- g. Street lighting;
- h. Product display area lighting;
- i. Building overhangs and open canopies; and
- j. Security lighting.

**Security Lighting**

Lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed.

**Unshielded Fixture**

Any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

**Uplighting<sup>870</sup>**

Lighting placed or designed to throw illumination upward.

**Watt**

The unit used to measure the electrical power consumption (not the light output) of a lamp.

## 9.7. Sign Definitions<sup>871</sup>

The following definitions apply specifically to the administration, interpretation, and enforcement of the sign regulations in Article 6: *Signs*.

**Sign**

Any medium, including its structure and component parts, including any illumination device, that is used or intended to be used to attract attention and/or advertise or promote a business or that is visible by the general public from any public right-of-way or any public area.

**Abandoned Sign**

Any sign that is located on property that becomes vacant and is unoccupied for a period of three months or more, or any sign that pertains to a time, event or purpose which no longer applies.

**Attention-Getting Device**

Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

**Awning (canopy)**

A shelter or cover projecting from and supported by an exterior wall of a building.

**Back-Lit Sign**

An indirect source of light that illuminates a sign by shining through a translucent surface or a sign, including plastic signs, lit from an internal light source.

**Banner**

Any advertisement device affixed to poles, wires, or ropes, which is located outdoors and which is primarily intended to announce, promote or decorate for an activity or event.

**Building Identification Sign**

A wall sign or freestanding sign that states the name of the building, but that does not advertise any business or product.

**Copy**

Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is primarily intended to advertise, identify or notify.

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<sup>870</sup> New.

<sup>871</sup> Consolidated draft: new to this LDC draft; taken from the existing ordinance. Sign definitions were not rewritten in the recent sign ordinance update. We have made minor stylistic updates to conform to the rest of the document, and have relocated a few general terms that are not sign-specific (e.g., "window") into the more general "Other Terms Defined."

**Directional Sign**

A sign that includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.

**Directory Sign**

A sign that serves as a common or collective identification of two or more uses on the same property and which may contain a directory to the uses as an integral part thereof or may serve as a general identification for such developments as shopping centers, office complexes and similar uses.

**Flashing Sign**

A sign having lights or illumination that flashes, moves, rotates, scintillates, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations; provided, however, that seasonal lighting as permitted by 6.8.N, *Seasonal Decorations*, shall not be considered a flashing sign.

**Freestanding Sign**

A sign that is permanently erected in a fixed location and supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign.

**Going-out-of-business Sign**

A temporary sign indicating that the business displaying the sign will cease and be discontinued at a specific location.

**Grand Opening Sign**

A temporary sign indicating that a new business is opening at a specific location.

**Identification Sign**

Any sign that identifies, by name, a permitted use.

**Ideological Sign**

A sign that does not propose a commercial transaction but, instead, involves only the expression of ideas or beliefs.

**Illuminated Sign**

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Information Sign**

A sign used to indicate or provide information or direction with respect to permitted uses on the property, including, but not limited to, signs indicating the hours of operation, and such signs as "No Smoking," "Open," "Closed," "Restrooms," "No Solicitors," "Deliveries In Rear," current credit card signs, trade association emblems, and the like.

**Lead-In Sign**

A temporary off-premises sign used to direct vehicular traffic for the purpose of announcing a garage sale or an open house announcing the sale of a specific home or residential unit.

**Lighting, Indirect**

A light source separated from the sign surface that illuminates the sign surface by means of spotlights or similar lighting fixtures.

**Master Sign Plan**

A Sign Plan of any multiple-use office, commercial, or multifamily residential building, which includes the number, size, description and location of all signs located, or to be located, in or upon such property.

### Marquee Sign

A sign that utilizes changeable letters or copy and is restricted to commercial uses for the purpose of advertising dramatic, musical, entertainment, or motion picture events which occur on the premises.

### Menu Display Box

A freestanding or wall sign enclosed in glass for the express purpose of displaying menus. This shall include menus displayed flat against the interior of a window.

### Moving Sign

A sign that moves or which simulates motion.

### Neon Sign

Any sign that is illuminated by tubes filled with neon and related inert gases, including any display of neon lighting tubes which is in view of the general public from a public right-of-way or from any public area, regardless of the shape, size, design or configuration, including "open" neon signs.

### Number of Faces on Signs

- a. **One Face.** If a sign has copy on one side only or if the interior angle between the 2 sign faces or sides is 45 degrees or greater, it shall be considered one face; the area will be considered to be the sum of the areas of both sides.
- b. **Two Faces.** If the angle between the two sign faces is less than 45 degrees, then the sign shall be considered double-faced and the sign area will be the area of one face only. If two sign faces are attached to a structure with a thickness exceeding 36 inches or the two faces are separated by a distance exceeding 36 inches, then the sign area will be the area of both faces.
- c. **Multi-Faces.** Any sign containing more than two sides. The area shall be the area of the largest side plus the area of any other side whose interior angle with any other side exceeds 45 degrees.
- d. **Double-faced sign.** A sign with two faces only, with each face oriented 180 degrees from the other.

### Off-premises/Off-site Sign

A sign that directs attention to a business, product, commodity, service, entertainment, or attraction sold, produced, offered or existing elsewhere than upon the lot or parcel where the sign is located.

### Off-premises Community Information Kiosk

A group sign structure located on arterial streets which provides information about the city, welcomes visitors, advertises future events or activities, and provides general information and direction.

### Off-premises Directional Kiosk

A group sign structure located on arterial streets that provides general direction to community buildings, points of interest, subdivisions, and businesses that do not abut either SR 89A or SR 179.

### On-premises Sign

A sign advertising a business, place, activity, goods or services, or products on the same property on which the sign is located.

### Outline Lighting

Any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the building's frame, shape, roof line or window dimensions. "**Outline lighting**" includes both temporary and permanent arrangement of bulbs or lighting tubing, whether located inside or outside of a building, if such bulbs or tubing is visible to the public from a public right-of-way or from an outdoor public area.

### Permanent Window Sign

A sign permanently displayed in or painted on a window.

**Political Sign**

A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

**Portable Sign**

Any sign not permanently affixed to the ground or structure on the site it occupies.

**Projecting Sign**

A sign, other than a wall sign, that projects six inches or more from and is supported by a wall of a building or structure.

**Real Estate Sign**

A temporary on-premises sign used to advertise the availability of real property.

**Reflective Surface**

Any material or device that has the effect of intensifying reflected light, including, but not limited to, "Scotchlite," "Dayglo," glass beads and luminous paint.

**Residential Nameplate**

A type of sign allowed for the sole purpose of identifying the occupants of a residential structure, the house name, occupant's profession or identifying the address of the residence. The sign shall not contain advertising copy.

**Roof Sign**

A sign painted on the roof of a building, or supported by poles, uprights or braces extending from the roof of a building, or projecting above the roof of a building.

**Sign Area (or "Surface Area")**

The surface area of a sign, as determined by the Director, including its facing, copy, insignia, background and borders, which is described by a combination of plane geometric figures.

**Sign Height**

Determined for signs above the average elevation of the finished grade within a six-foot radius of the point of measurement on the sign, exclusive of any filling, berming, mounding, landscaping, or solely for the purpose of locating the sign.

**Sign Illumination Device**

Any fixture or mechanism used to shine light onto a sign, or to make a sign luminous.

**Sign Owner**

The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required, or for which no sign permit has been obtained, "sign owner" means the person entitled to possession of such sign, the owner, occupant, and agent of the property where the sign is located, and any person deriving a benefit from the sign.

**Sign with Relief**

A carved sign with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed, and/or sandblasted signs. A sign with a simple raised or routed border shall not constitute a sign with relief.

**Sign Structure**

Any supports, uprights, braces or framework of a sign.

**Site Development Sign**

A temporary sign used to identify a real estate development which is under construction, and/or the owners, architects, contractors, real estate agents and lenders involved with the development. Sales and lease information may be included.

**Statuary Sign**

Any sign that is a modeled or sculptured likeness of a living creature or inanimate object intended to be used as an advertising device.

**Subdivision Entrance Sign**

A sign used to identify the name and entryway to a subdivision.

**Suspended Sign**

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign**

A sign that is intended for a definite and limited period of display.

**Temporary Window Sign**

A window sign that advertises special commercial events or sales. Signs displaying solely product names, product logos, business names or promoting the ongoing nature of a business and the products sold shall not be considered as temporary window signs.

**Under-canopy Sign**

A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Wall Sign**

Any sign attached to or erected against the building or structure, with the exposed face of the sign in a place parallel to the plane of said wall. Awning signs, projecting/suspended signs, and window signs shall be treated as wall signs and shall be included in the overall calculations for wall-mounted signs.

**Walking Sign**

Any sign, including sandwich board type signs, or lettering on a costume, that is carried or worn by any person and is visible from a public right-of-way, adjacent property, or a public area.

**Window Sign**

A sign that is painted on, applied or attached to a window, but excludes merchandise included in a window display. Window signs shall include signs located in the interior of a structure placed so that they serve to effectively display advertising for passersby on any public areas or public rights-of-way.

## **9.8. Wireless Communication Facility Definitions**

The following definitions apply specifically to the administration, interpretation, and enforcement of the wireless communication facility regulations in Article 4: *Wireless Communications Facilities*.

**Amateur Radio Tower**

A tower used for non-commercial amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

### **Ancillary Structure**

For the purposes of this Article, any form of development associated with a telecommunications facility, including foundations, concrete slabs on grade, guy anchors, generators and transmission cable supports, but excluding equipment cabinets.

### **Antenna**

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi or parabolic (dish) antennas. An antenna includes at least one antenna element, typically a metal rod which is physical and electrically attached via feed lines to a transmitter/receiver.

### **Antenna Array**

A single or group of antenna elements and associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

### **ASR**

The Antenna Structure Registration Number as required by the FAA and FCC.

### **Base Station**

Equipment and non-tower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo, or other above-ground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base station" includes, but is not limited to:

- b. Equipment associated with wireless telecommunications services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;
- c. Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks);
- d. Any structure other than a tower that, at the time the application is filed under this Article, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another city regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- e. "Base station" does not include any structure that, at the time the application is filed under this Article, does not support or house any wireless communication equipment.

### **Breakpoint Technology**

The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts or any other point on the monopole.

### **Broadband Facility**

Any infrastructure used to deliver broadband services or for the provision of broadband service.

### **Broadband Service**

Any technology identified by the US Secretary of Agriculture as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics and video. Broadband service includes:

#### **Cable Service**

The one-way transmission to subscribers of video programming or other programming services and subscriber interaction required for the selection or use of such video programming or other programming service.

#### **Telecommunications Service**

The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

#### **Wireless Service**

Data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless service and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

### **Broadcast Facility**

A communications facility licensed by the Federal Communications Commission Media Bureau to transmit information on the AM, FM or Television spectrum to the public.

### **Collocation**

The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required.

### **Concealed**

A tower, base station, ancillary structure or equipment compound that is not readily identifiable as a wireless communication facility and that is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area. There are two types of concealed facilities:

- a. Base stations, including faux parapets, windows, dormers or other architectural features that blend with an existing or proposed building or structure; and
- b. A freestanding concealed tower which looks like something else that is common in the geographic region such as a church steeple, windmill, bell tower, clock tower, light standard or flagpole with a flag that is proportional in size to the height and girth of the tower or tree that grows naturally or is commonly found in the area.

### **DAS - Distributed Antenna System**

A system consisting of:

- a. A number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception;
- b. A high-capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and

- c. Radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

**DAS Hub**

Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

**Development Area**

The area occupied by a wireless communications facility including areas inside or under an antenna support structure's framework, equipment cabinets, ancillary structures and/or access ways.

**Dual Purpose Facility**

A banner pole, light stanchion, support tower for overhead electric lines or other similar utility structure onto which one or more antenna(s) are or can be mounted or attached.

**Eligible Facilities Request**

Any request for modification of an existing tower or base station involving collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that is not a Substantial Change to the physical dimensions of such tower or base station.

**Eligible Facility**

Existing tower or base station that has been approved through a local government land use review process prescribed for the tower or base station.

**Eligible Support Structure**

Any tower or base station existing at the time the application is filed with the city.

**Existing**

A constructed tower or base station is "existing" for purposes of this Article if it has been reviewed and approved under an applicable city land use review process. "Existing" also includes a tower that was lawfully constructed but not reviewed because it was not in a zoned area when it was built.

**Equipment Compound**

The fenced-in area surrounding, inside or under a ground-based wireless communication facility containing ancillary structures and equipment (such as cabinets, shelters and pedestals) necessary to operate an antenna that is above the base flood elevation.

**Equipment Cabinet**

Any structure used exclusively to contain equipment necessary for the transmission or reception of communication signals.

**Equipment Shelter**

A self-contained building housing ancillary electronic equipment typically including a generator.

**FAA**

The Federal Aviation Administration.

**FCC**

The Federal Communications Commission.

**Feed Lines**

Cables or fiber optic lines used as the interconnecting media between the base station and the antenna.

**Geographic Search Ring**

An area designated by a wireless provider or operator for a new base station and/or tower produced in accordance with generally accepted principles of wireless engineering.

**Handoff Candidate**

A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**Includes/Including**

Not limited to and is not a term of exclusion.

**Macro**

Any wireless communication facility larger than the dimensions and specifications defined for a small cell facility (macrocell).

**Node**

A single location as part of a larger antenna array which can consist of one or multiple antennas, such as part of a DAS network antenna array.

**Non-concealed**

A wireless communications facility that is not concealed (whether freestanding or attached).

**OTARD (Over-the-Air Reception Devices)**

Limited to either a "dish" antenna one meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

**PWSF (Personal Wireless Service Facility)**

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may include new, replacement, or existing towers; replacement towers; collocation on existing towers; base station attached concealed and non-concealed antenna; dual purpose facilities; concealed towers; and non-concealed towers (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

**PWSF site or Site**

The land area that contains, or will contain, a tower or base station, equipment compound, support structures and other related buildings and improvements.

**Public Property**

Property owned by either the City or other local, state or federal governmental agency.

**Qualified Collocation Request**

Collocation of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

**Radio Frequency Emissions**

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

**Replacement**

A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Article or improve aesthetics or functionality of the overall wireless network.

**RFI (Radio Frequency Interference)**

Any electromagnetic radiation or other communications signal that causes reception or transmission interference with another electromagnetic radiation or communications signal.

**ROW (Right of Way)**

The area on, below or above a public roadway, highway, street, sidewalk, alley or utility easement. ROW does not include a federal interstate highway, a state highway or state route under the jurisdiction of the Arizona Department of Transportation, a private easement, property that is owned by a special taxing district or a utility easement that does not specifically authorize deployment of wireless infrastructure.

**Satellite Earth Station**

A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communication signals with satellites.

**SLDC**

Sedona Land Development Code.

**Small Cell Facility**

A wireless communication facility outside of a public ROW that meets all of the following qualifications:

- a. Each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than three cubic feet;
- b. New poles for new small cells are no larger than eight inches in diameter as measured 36 inches above ground level; and
- c. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, vertical cable runs and cut-off switch.

**Small Cell Network**

A collection of interrelated small cell facilities designed to deliver wireless service.

**Stanchion**

A vertical support structure generally utilized to support exterior lighting elements.

**Streamlined Processing**

Expedited review process for collocations required by the federal government (Congress and/or the FCC) for PWSF.

### **Substantial Change**

A modification or collocation constitutes a “substantial change” of an eligible support structure if it meets any of the following criteria:

- a. A PWSF collocation or modification of an existing antenna-supporting structure not in a public ROW increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than ten percent or 20 feet, whichever is greater or, if a base station, by more than ten percent or ten feet, whichever is greater.
- b. A PWSF collocation for towers not in a public ROW protrudes from the antenna-supporting structure more than 20 feet or the width of the structure at the elevation of the collocation, and for towers within a public ROW, protrudes from the antenna-supporting structure more than six feet.
- c. A PWSF collocation on an existing antenna-supporting structure fails to meet current building code requirements (including wind loading).
- d. A PWSF collocation adds more than four additional equipment cabinets or one additional equipment shelter.
- e. A PWSF collocation requires excavation outside of existing leased or owned parcel or existing easements.
- f. A PWSF collocation defeats any existing concealment elements of the antenna-supporting structure.
- g. A PWSF collocation fails to comply with all conditions associated with the prior approval of the antenna-supporting structure except for modification of parameters as permitted in this Article

### **Support Structure**

Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

### **Temporary PWSF**

A temporary tower or other structure that provides interim short-term telecommunications needed to meet an immediate demand for service in the event of an emergency or a public event where a permanent wireless network is unavailable or insufficient to satisfy the temporary increase in demand or when permanent PWSF equipment is temporarily unavailable or offline.

### **Transmission Equipment**

Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed or wireless), such as radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

### **Tower**

Any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

**Guyed**

A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

**Lattice**

A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

**Monopole**

A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

**Tower Base**

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

**Tower Height**

The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting, or other equipment affixed thereto.

**Wireless Communication Facility**

At a specific physical location, one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication, including but not limited to all types of transmission equipment defined further herein. Wireless communication facilities include amateur radio tower, base stations, DAS, OTARD, PWSF, satellite earth station, small cell facility, and temporary PWSF.

## 9.9. Other Defined Terms

**Abutting**

Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

**Access or Access Way**

The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress/egress to a property or use as required by this Code.

**Accessory Use**

A use conducted on the same lot as the principal use of the structure to which it is related and that is clearly incidental to and customarily found in connection with such principal use. Specific types of accessory uses are defined in 9.4.F, *Accessory Uses*.

**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.

### Applicant

A person whom submits a development application requesting a development permit or approval authorized by this Code.

### Architectural Feature<sup>872</sup>

Any prominent or characteristic part of a building, including steps, eaves, cornices, awnings, chimneys, wing walls, windows, columns, marquee, facade or fascia.

### Bedroom, Residential<sup>873</sup>

Any habitable space in a dwelling unit or residential accessory structure as defined in the City Building Code.

### Block

A piece or parcel of land or a group of lots entirely surrounded by public rights-of-way, streams, public lands, parks, and jurisdictional boundaries or any combination thereof.

### Building

A structure having a roof supported by columns or walls.

### Building, Accessory<sup>874</sup>

A subordinate building, attached or detached from the principal building.

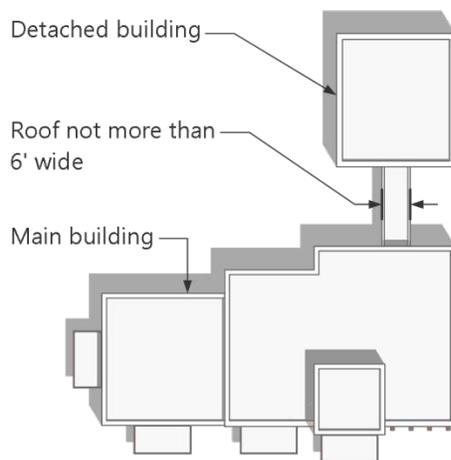
### Building, Attached

A building that has at least part of a wall in common with another building or that is connected to another building by a solid roof that exceeds six feet opposite open ends.

### Building, Detached

A building that is separated from another building or buildings on the same lot, or that is connected only with a roof not more than six feet wide with opposite open ends.

Figure 9-3: Detached Building



<sup>872</sup> Consolidated draft: There were two definitions for this term, one general and one in the ordinance. This text is from the general definitions in the existing code.

<sup>873</sup> Consolidated draft: New.

<sup>874</sup> Did not carry forward "containing an accessory use."

### Building Frontage

The side of a building that contains the main entrance for pedestrian ingress/egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification, as determined by the City Engineer, shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest linear dimension containing a main entrance shall be considered the building frontage.

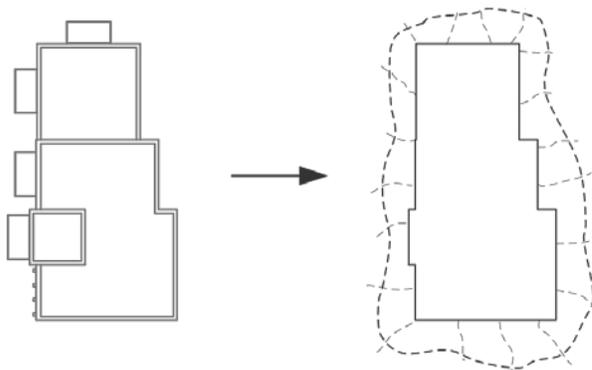
### Building Official

The municipal officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of the Building Code.

### Building Pad

One or more specified areas of a lot or parcel prepared and graded for the erection of structures, or on which structures already exist.

Figure 9-4: Building Pad



### Building, Principal<sup>875</sup>

The building or buildings in which the principal use on a lot is conducted. In a residential district, any dwelling shall be considered the principal building of the lot on which the dwelling is situated.

### Building Site

A legally created parcel or contiguous parcels of land in single or joint ownership which provide the area and the open space required by this Code, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner. Private easements providing access to four or fewer parcels shall not be deducted from the building site area.

### Cabana

A tent-like shelter, usually with an open side facing a swimming pool.

### 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 and this Code.

### Code

The Sedona Land Development Code.

<sup>875</sup> From current definition of "building, main or principal."

### **Conditional Use Permit**

A type of approval issued pursuant to 8.4.B, *Conditional Use Permit*, for uses designated in the allowable use table (Table 3.1) as requiring conditional use permit approval.

### **Chroma**<sup>876</sup>

The strength, intensity, or brightness of a color. Strong chroma red is like the red in the United States flag, while a weak chroma red is like the darkest of the red rocks in Sedona. Weak chroma of any color is grayish or neutral, sometimes referred to as earth tones. The following degrees of chroma strength apply: very strong (Munsell 12), strong (Munsell 10), medium strong (Munsell 8), medium (Munsell 6), medium weak (Munsell 4), weak (Munsell 2), and very weak (Munsell 1).

### **City Engineer**<sup>877</sup>

The City Engineer and Director of Public Works.

### **Civic Event**

Any type of race, parade, art show, competition, entertainment, or community activity to which the general public is invited, either expressly or by implication.

### **Cluster Subdivision**<sup>878</sup>

A subdivision technique and design that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

### **CMU**<sup>879</sup>

Concrete masonry unit.

### **Compaction**

The densification to acceptable standards of a fill by mechanical means.

### **Construction**

Any site preparation, assembly, erection, repair, alteration or similar action (excluding demolition) for or of public or private rights-of-way, sites, structures, utilities or other improvements.

### **Construction Envelope**

One or more specified areas on a lot or parcel within which all structures, driveways, all grading, parking, nonnative landscaping, water surfaces, decks, walks and improved recreation facilities are located. Underground utilities may be located outside the construction envelope, but the area disturbed must be revegetated.

### **Contiguous**<sup>880</sup>

Having a property line, zoning boundary, or wall in common.

### **Culvert**<sup>881</sup>

A drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way, or other type of overhead structure.

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<sup>876</sup> From Article 10, Section 3.5.1.

<sup>877</sup> Replaced "head of the City of Sedona Public Works/Engineering Department" with "Director of Public Works."

<sup>878</sup> Renamed from "cluster housing" or "cluster development."

<sup>879</sup> New.

<sup>880</sup> Replaces current definition "in actual contact with."

<sup>881</sup> *Consolidated draft: New.*

**Cut**

The removal of earth material by excavation. "Cut" may also mean the grade resulting from the removal of earth material.

**Dedication**

An offer of real property by its owner(s) and its acceptance by the city for any general or public use.

**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**

The making of any material change in the use or appearance of any structure or land, the creation of a subdivision or the creation of two or three parcels pursuant to a minor land division over which the city has regulatory authority. "Development" includes such activities as the construction, reconstruction or alteration of the size or material change in the external appearance of a structure or land; trenching or grading; demolition of a structure or removal of vegetation; deposit of fill; or the alteration of a floodplain, bank or watercourse.

**Development Plan Review**

Review of development plans according to the procedures in 8.4,

*Development Review.*

**Development Project**

Any development resulting from the approval of a building permit, minor land division, preliminary or final plat, rezoning application, or conditional use permit.

**Director**

The Director of the City of Sedona Community Development or his or her designee for the city pursuant to Article 8: *Administration and Procedures*. The Director is also the Zoning Administrator for the city.

**Display Lot or Area**<sup>882</sup>

Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses shall occur: vehicle sales and leasing, equipment sales and rental, building materials and supply store, nursery or garden supply store, or assembly uses. Uses not on this list may be approved as display lot uses by the Director.

**Drainage Way**

See "*watercourse*."

**Driveway**

A private access road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

**Easement**

The portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on or above said lot or lots.

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<sup>882</sup> Revised for consistency with table of allowed uses.

**Erosion**

The wearing away of the ground surface as a result of the movement of wind, water or ice.

**Exception<sup>883</sup>**

A deviation from a required standard of this Code that does not require the obtainment of a minor modification or variance, and that is specifically authorized by the terms of this Code.

**Exception (subdivisions)**

Any parcel of land within the boundaries of the subdivision to be designated on the final plat as “not a part of this subdivision.”

**Existing Lot<sup>884</sup>**

Lots or parcels zoned or legally used and legally created and existing on the effective date of the ordinance codified in this Code, including developed and undeveloped lots or parcels.

**Façade<sup>885</sup>**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**Family<sup>886</sup>**

Any one of the following:

- a. One or more persons related by blood, marriage or adoption, with or without minor children; or
- b. One or more unrelated persons with disabilities residing in a group home licensed by the State of Arizona. A group home must maintain a copy of its current state license at the dwelling unit available for inspection by the Director of Community Development in order to qualify as a family pursuant to this definition. For purposes of this definition, a “family” may include a reasonable number of staff persons, who may or may not be domiciled with the family, providing support services, including but not limited to domestic, medical, or other similar services; or
- c. No more than a total of four unrelated adults with or without minor children, domiciled on a single residential lot.

**Fill**

A deposit of earth material placed by artificial means.

**Floodplain**

The total area required to pass the base flood through a natural watercourse, wash, canyon, ravine, arroyo or other potential flood hazard area.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot in height (as defined by FEMA).

**Frontage**

The width of a lot or parcel abutting a public right-of-way measured at the front property line.

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<sup>883</sup> Consolidated draft: New.

<sup>884</sup> Substantially simplified to remove references to the types of uses on such lots.

<sup>885</sup> New.

<sup>886</sup> Consolidated draft: New to the LDC draft, but from the current ordinance.

**Glare**

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

**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.

**Grade**

The vertical location of the ground surface.

**Grade, Existing**

The current grade of a site.

**Grade, Natural**

The grade prior to man-made disturbance of a site.

**Grade, Finished**

The final grade of the site conforming to an approved plan.

**Grading**

Excavating, filling or combination of such operations.

**Grading, Regular**

Grading less than 1,000 cubic yards for single-family residentially zoned parcels, or grading less than 250 cubic yards for multifamily and commercial zoned parcels.

**Ground Cover, Nonvegetative**

Rocks and small stones, cinders, granite, bark and natural red earth, not including pavement and concrete.

**Ground Floor<sup>887</sup>**

The first floor of a building that is level to or slightly elevated above the sidewalk at the main entry, excluding basements and cellars.

**Guestroom, Lodging<sup>888</sup>**

Any habitable room designed for overnight occupancy with a door to the exterior or common space.

**Habitable Space<sup>889</sup>**

A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**Hillside Development Area**

Any subdivision, portion of a subdivision, or any metes and bounds property within the city, located in terrain having an average slope exceeding 15 percent.

**Horizontal Articulation<sup>890</sup>**

Breaking down a building façade into horizontal modules, sub-parts, or major elements that are distinguished by changes in materials, texture, plane, or other architectural elements.

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<sup>887</sup> Consolidated draft: New.

<sup>888</sup> Consolidated draft: New.

<sup>889</sup> New. Definition taken from the International Residential Code (IRC).

<sup>890</sup> New.

**Hue**<sup>891</sup>

The basic name or family of a color, such as red, orange, yellow, green, blue, or purple.

**Kitchenette**<sup>892</sup>

A space where food is cooked or prepared and contains a sink and a refrigerator, but does not include a gas or electric range or oven.

**Kitchen Facilities**<sup>893</sup>

A space where food is cooked or prepared and contains the facilities and equipment use in preparing and serving food, such as: A gas or electric range or oven, a kitchen sink, a refrigerator/freezer, kitchen cabinets, or an electric outlet for 220 voltage and/or plumbing or standpipes for equipment and facilities normally found in a kitchen.

**Land Division**

The division of improved or unimproved land into two or three tracts or parcels for sale or lease with no new streets. "Land division" includes "land splits" as defined by Arizona Revised Statutes (as the division of improved or unimproved land of 2-1/2 acres or less for the purpose of sale or lease), and any division of a parcel of improved or unimproved land which is greater than 2-1/2 acres in size.

**Land Surveyor**

A person registered in the State of Arizona in the field of land surveying.

**Landscape Architect**

A professional individual registered in the State of Arizona to practice in the field of landscape architecture.

**Light Reflectance Value**<sup>894</sup>

An expression (by percentage) of the lightness or darkness of a color equivalent to varying scale of grays. On a grayscale, an LRV value of 100 percent is equivalent to pure white (Munsell 10), and an LRV value of zero percent is equivalent to pure black (Munsell 0).

**Maximum Extent Feasible**

As determined by the Director, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

**Maximum Extent Practicable**

As determined by the Director, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

**Minor Modification**

A development approval authorizing limited deviations from certain provisions of this Code's dimensional or numerical development standards that is reviewed under 0,

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<sup>891</sup> From Article 10, Section 3.5.1.

<sup>892</sup> Consolidated draft: New.

<sup>893</sup> Replaces current definitions for "cooking facilities" and "kitchen facilities."

<sup>894</sup> From Article 10, Section 3.5.1.

*Minor Modification.*

**Motor Vehicle**

Any and all self-propelled vehicles as defined in the Motor Vehicle Ordinance of the State of Arizona, including all on-highway motor vehicles subject to registration under that Code (excluding motorcycles), all off-highway type motor vehicles subject to identification under that Code, all enclosed motor vehicles with 3 wheels or more exempted under that Code and all other types of self-propelled vehicles with 3 wheels or more when used in any other manner.

**Motorcycles**

Any and all self-propelled 2 and 3 wheeled unenclosed vehicles as defined in the Motor Vehicle Ordinance of the State of Arizona and any self-propelled 2 and 3 wheeled vehicles with ground contact and equipped with a saddle for the use of the operator. This definition includes, but is not limited to, motor scooters, mini-bikes and off-road vehicles.

**Munsell<sup>895</sup>**

Reference to the *Munsell Book of Color*, which is used to compare, evaluate, and classify paint and material colors. Munsell is a system that describes color in terms of three standardized attributes: hue (its basic color), value (its lightness or darkness), and chroma (intensity). Numerical values used in this Code define each attribute and the colors are arranged in the book in visual steps for each attribute.

**Mural<sup>896</sup>**

An artistic design or representation painted or drawn on the exterior surface of a structure that is otherwise not defined as a sign.

**MUTCD<sup>897</sup>**

Manual on Uniform Traffic Control Devices (*MUTCD*)

**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 of land, or of a building or structure, that lawfully existed prior to the effective date of this Code that fails to comply with the requirements set forth in this Code applicable to the district in which the use is located.

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<sup>895</sup> From Article 10, Section 3.5.1.

<sup>896</sup> New.

<sup>897</sup> Consolidated draft: New.

**On-Site Artworks<sup>898</sup>**

Public art provided on a subject development parcel.

**Operable**

For purposes of describing vehicles under this Code, an operable vehicle is one that holds all required licenses and insurance and is maintained in a roadworthy condition.

**Parapet Wall**

That part of any wall entirely above the roof line.

**Parking Area**

An area designed and constructed for the parking, storage and maneuvering of vehicles.

**Parking Area, Covered<sup>899</sup>**

An area that is designed and constructed for the parking, storage and maneuvering of vehicles and that is covered by a roof; this definition includes garages and carports.

**Parking Bay**

A widened area designated for vehicular parking, including an area allowing for safe ingress and egress, and located parallel to a roadway off the designated travel way, but within the road right-of-way. A parking bay shall not extend for more than half a block or 50 feet, whichever is less. The ends of the parking bay are to be clearly delineated.

**Parking Space**

A space within a public or private parking area, exclusive of driveways, ramps, columns, offices and work areas, which is for the temporary parking or storage of one motor vehicle.

**Partially Shielded Light Fixture**

A fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this Code.

**Pedestrian Way**

A dedicated public walk or path.

**Permeable Surface<sup>900</sup>**

An area of ground that, by reason of its physical characteristics and the characteristics of materials covering it, is able to absorb rain or surface water at a rate equal or greater than that of lawn turf. Examples include natural vegetation, landscape beds, gardens, mulch, decorative gravel, and some types of porous pavements.

**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 8.6.B, *Rezoning to Planned Development District*.

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<sup>898</sup> New.

<sup>899</sup> Consolidated draft: New.

<sup>900</sup> Consolidated draft: New.

**Planning and Zoning Commission**

The Planning and Zoning Commission of the City of Sedona.

**Plat**

A map of a subdivision and associated required information which provides for changes in land use or ownership or which describes existing uses.

**Plat, Conceptual**

A design prepared for review and comment at a pre-application conference and by the Commission. It is not a preliminary plat submittal.

**Plat, Preliminary**

A tentative plat, including supporting data, indicating a proposed subdivision design, prepared by a civil engineer, land surveyor, landscape architect, architect or land planner in accordance with these regulations and the statutes of the State of Arizona. A preliminary Site Plan for a condominium development shall be considered a preliminary plat.

**Plat, Preliminary Revised**

A plat reflecting revisions to the preliminary plat and the associated conditions of approval for review and comment by the Director before formal submittal of a final plat.

**Plat, Final**

A plat of all or part of a subdivision in substantial conformance with the revised preliminary plat, prepared by a civil engineer or a land surveyor in accordance with this Code and the statutes of the State of Arizona.

**Plat, Recorded**

A final plat, including all of the certificates of approval required by this Code, the statutes of the State of Arizona and recorded in the Yavapai or Coconino County Recorder's Office.

**Plat, Amended Final**

A plat of all or part of a recorded subdivision proposing a change of design, lot lines, size of lots, number of lots, or street alignments.

**Porch, Open**

A deck, landing or balcony in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than 54 inches above the natural grade line adjacent to it. The porch is to be used solely for ingress and egress and not for occupancy.

**Porous Pavement<sup>901</sup>**

Pavement, concrete, or pavers with a high permeability that allow rainwater to pass through it into the ground below.

**Principal Use**

The principal purpose for which land or a building is arranged, designed, intended, occupied, and maintained.

**Professional Artist<sup>902</sup>**

An individual professionally trained in the arts and/or that receives compensation for works of art.

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<sup>901</sup> Consolidated draft: New.

<sup>902</sup> New.

**Private Access Way**

A common driveway providing immediate access from a public right-of-way or private street to a residence or small group of residences or divided interests in air rights exempt from management, maintenance and liability responsibilities of the city.

**Public Area**

Any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, rights-of-way, highways, transportation facilities, schools, places of amusement, parks, playgrounds and the outdoor common areas of public and private buildings and facilities.

**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.

**Regulatory Flood Elevation**

One foot above the base flood elevation for a watercourse.

**Religious Institution**<sup>903</sup>

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Examples include churches, mosques, synagogues, and temples.

**Revegetation**

The reestablishment of native vegetation on previously disturbed land for the purpose of stabilization and the reestablishment of pre-disturbance conditions.

**Revegetation Area**

An area that has been disturbed by prior construction or development activity and that has had native plants and native rock material reintroduced.

**Rezoning**

A change in the zoning district classification applied to land by the Official Zoning Map, reviewed, and decided by the City Council under 8.6.A, *Rezoning (Zoning Map Amendment)*.

**Right-of-Way**

Denotes an area of land property or interests usually located in a strip dedicated and accepted by the city or other entities, or otherwise required or devoted to uses such as highways, roads, streets, utilities, drainages, or pedestrian, bicycle, or equestrian ways.

**Roof**<sup>904</sup>

The cover of any building intended to provide weather protection and design loads, including assembly components and the eaves and similar projections.

**Roof Line**

The highest point of a structure, including parapets, but not including spires, chimneys or heating or cooling mechanical devices.

**Semi-Public Use**

A use or building located on private land to serve public benefits.

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<sup>903</sup> Adoption draft: new.

<sup>904</sup> New.

**Site Plan**

A plan drawn to scale showing uses and structures proposed for a lot, including all associated submittal materials specified in this Ordinance.

**Slope**

The vertical rise measured over a horizontal distance expressed as a percentage. A geographic information system (GIS) which uses TIN 3D modeling techniques is available at the Public Works or Information Technology Department and is recommended for use in calculating a slope analysis for any particular lot or parcel. The use of any other method of slope analysis shall be subject to review and approval by the City Engineer.

**Soil**

Naturally occurring surficial deposits overlaying bedrock.

**Specified Anatomical Areas**

Human genitals, pubic hair, vulva, mons veneris, anus, cleft of the buttocks, female breasts below the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities**

Actual or simulated sexual intercourse, masturbation, fellatio, cunnilingus, sodomy, flagellation, bestiality, fondling or touching of human genitals, pubic region, buttocks or the female breast, or any combination of the foregoing.

**Spill<sup>905</sup>**

See "*light trespass*."

**Statutory Dedication**

Dedication of land for open space, public rights-of-way, easements, utilities and the like required by Article 7: *Subdivision*, as a condition to acceptance of a subdivision plat for filing.

**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.

**Street**

Any existing or proposed street, road, avenue, boulevard, land, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown on a plat approved pursuant to law or a street on a plat filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, drainage appurtenances, parking space, bridges and viaducts.

**Street, Arterial**

A street, as designated by the City Engineer, that provides through traffic with limited access to abutting properties and includes major streets or highways having regional continuity.

**Street, Boundary (half-width street)**

A half-width local or collector street, constructed with one edge coincident with a tract boundary which will be the future centerline of the street.

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<sup>905</sup> New.

**Street, Collector**

A street that provides traffic movement between and within neighborhoods and between arterials and local streets and access to abutting property.

**Street, Cul-De-Sac**

A street having only one outlet for vehicular traffic, with a turnaround at the closed end which is not intended to be extended or continued to serve future subdivisions or provide access to other adjacent lands.

**Street, Dead-End**

A street open at one end only, without permanent provision for turning around, and that may be further extended into adjoining property.

**Street, Local**

A street that provides direct access to abutting property or for low volume local traffic movements and which connects to collector streets.

**Street, Private**

Any collector or local street in a recorded public easement in which the city reserves the right to install and maintain, or permit to be installed and maintained, utilities in the rights-of-way, including surface use for refuse collection, but which has been excluded from management, maintenance and liability by the city.

**Structural Alteration**

Any alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls or similar components.

**Structure<sup>906</sup>**

The result of arranging materials and parts together, such as buildings, tanks, and fences (but not including tents or vehicles) and placing them or attaching them to a lot. It shall also mean a mobile home, anything constructed or erected, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas, walks, tennis courts, and similar outdoor areas and fences or walls three feet or less in height are excepted.

**Subdivider**

The individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with Article 7: *Subdivision*, and the regulations and statutes of the state. A person serving as agent for such legal entity is not a subdivider, and the subdivider need not be the owner of the property as defined by this regulation. The Council may prepare or have prepared a plat for the subdivision of land under municipal ownership.

**Subdivision**

Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into 2 or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or

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<sup>906</sup> *Adoption draft: Carried forward the adopted general "structure" definition and deleted the additional adopted definition from the newly adopted preservation ordinance.*

similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located on it. Plats of such projects need not show the buildings or the manner in which the buildings or air rights above the property shown on the plat are to be divided. "Subdivision" does not include the following:

- (a) The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots;
- (b) The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership;
- (c) The leasing of apartments, offices, stores, or similar space within a building or trailer park, or mineral, oil or gas leases.

**Subdivision Design**

Street alignment, grades and widths; alignment and widths of easements and rights-of-way for drainage; sanitary sewers, public utilities, streets, roads, pedestrian ways; the arrangement and orientation of lots; locations of buildings; and provision for refuse collection and maintenance easements in condominium developments.

**Trail<sup>907</sup>**

An access way or path, whether paved or unpaved, that is intended to serve multiple modes of non-motorized travel.

**Trailer<sup>908</sup>**

Any vehicle without motive power standing on wheels, designed to be towed or hauled by a private passenger motor vehicle or truck or other vehicle, and used for short-term human occupancy; carrying of materials, goods, or objects; or as a temporary office.

**Tree**

Any self-supporting, woody plant of a species which grows at maturity to an overall height of a minimum of 10 feet, has a single trunk or multiple trunks which are, in combination, four inches in diameter or has a circumference greater than 12 inches at a height of four and one-half feet above natural grade.

**Turnarounds**

Areas of sufficient alignment and dimensions as to allow fire trucks to turn around with no more than one backing movement required. The alignment and dimensions shall be subject to the approval of the Sedona Fire District and the City of Sedona City Engineer.

**Turnout**

A widened area designated as a no parking area, including an aisle for ingress and egress, located parallel to and immediately off the designated travel way, but within the road right-of-way. The ends of the turnout are to be clearly delineated. The turnout may be designed for use by emergency vehicles, such as fire trucks.

**Unrelieved Building Plane**

Any vertical surface, or the projection to a vertical plane of an inclined or curved surface, or wall of a structure that, when viewed in elevation, incorporates no overhangs, offsets, projections, decks, ramadas, loggias, or similar architectural features that would produce shadow patterns or otherwise serve to visually blend the structure into its natural background. Windows and doors do not in themselves provide

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<sup>907</sup> New.

<sup>908</sup> Consolidated draft: New.

relief, but if they project or recede a minimum of 12 inches they may be considered as providing visual relief.

**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.

**Vertical Articulation**<sup>909</sup>

Breaking down a building façade into vertical modules, sub-parts, or major elements, which are distinguished by changes in materials, texture, plane, or other architectural elements.

**Watercourse**

A creek, stream, brook, wash, arroyo, channel, or other topographic feature through which water flows intermittently or perennially. The term may include specifically designated areas in which substantial flood damage may occur.

**Window**

Any single window pane, or a series of adjacent window panes separated by a mullion(s) of 12 inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation.

**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.

**Visible**

Capable of being seen, whether or not capable of being read, without visual aid by a person of normal acuity.

**Zoning District**<sup>910</sup>

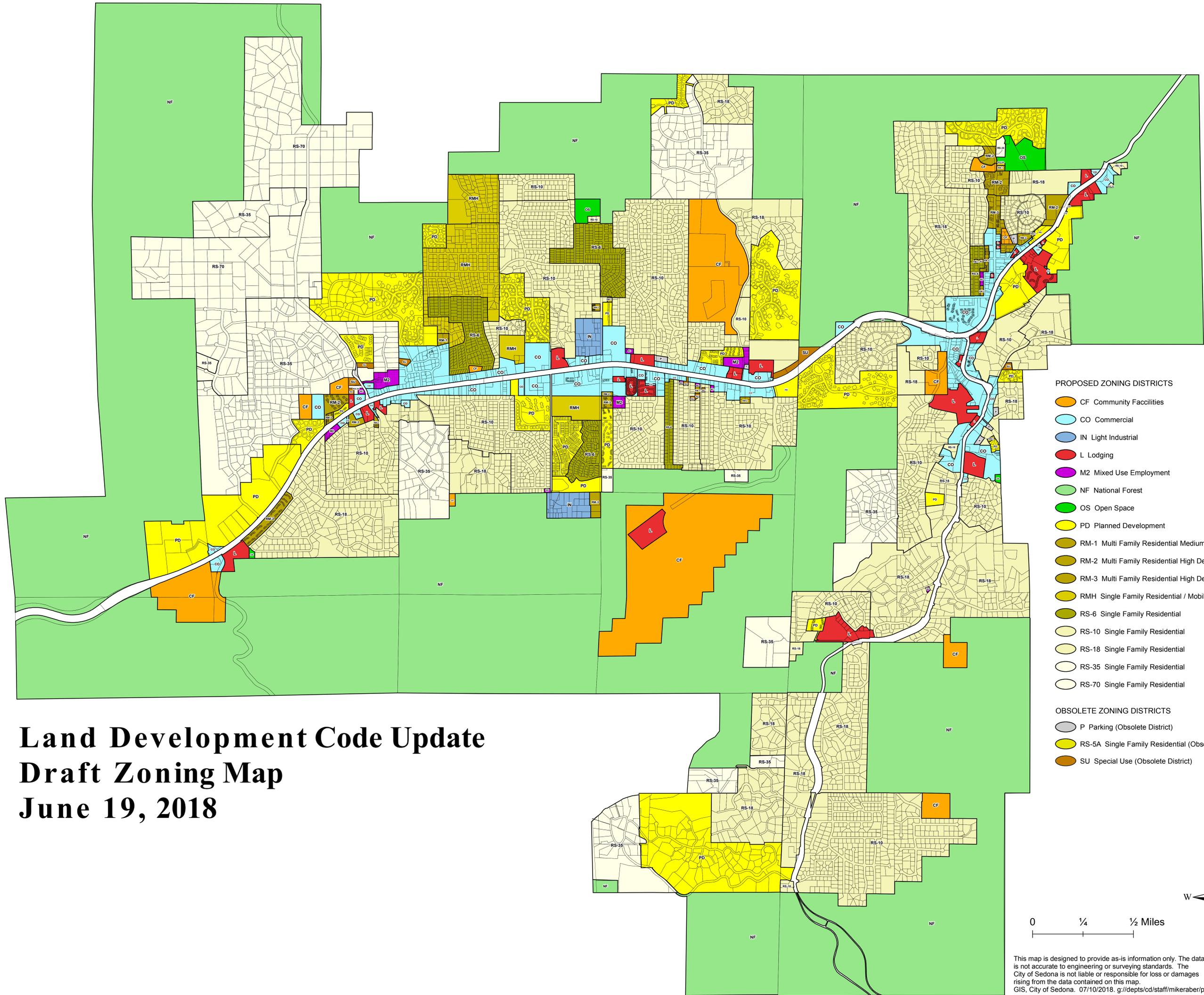
A classification established by this Code that limits or permits various and specific uses at specified lot and building standards.

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<sup>909</sup> New.

<sup>910</sup> Revised to add "at specified lot and building standards."

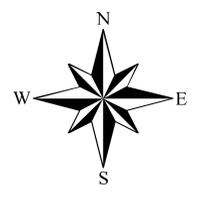
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# Land Development Code Update Draft Zoning Map June 19, 2018

- PROPOSED ZONING DISTRICTS**
- CF Community Facilities
  - CO Commercial
  - IN Light Industrial
  - L Lodging
  - M2 Mixed Use Employment
  - NF National Forest
  - OS Open Space
  - PD Planned Development
  - RM-1 Multi Family Residential Medium Density
  - RM-2 Multi Family Residential High Density
  - RM-3 Multi Family Residential High Density
  - RMH Single Family Residential / Mobile Home
  - RS-6 Single Family Residential
  - RS-10 Single Family Residential
  - RS-18 Single Family Residential
  - RS-35 Single Family Residential
  - RS-70 Single Family Residential
- OBSOLETE ZONING DISTRICTS**
- P Parking (Obsolete District)
  - RS-5A Single Family Residential (Obsolete District)
  - SU Special Use (Obsolete District)

0 ¼ ½ Miles



This map is designed to provide as-is information only. The data is not accurate to engineering or surveying standards. The City of Sedona is not liable or responsible for loss or damages arising from the data contained on this map.  
GIS, City of Sedona. 07/10/2018. g://depts/cd/staff/mikeraber/proposedzoning/mxds

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