

RESOLUTION NO. 2021-09

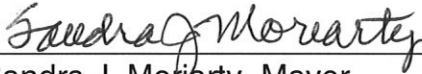
**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA,
ESTABLISHING AS A PUBLIC RECORD "EXHIBIT A - JUNE 8, 2021 – PROPOSED LAND
DEVELOPMENT CODE REVISIONS".**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA:

That "Exhibit A, June 8, 2021 – Proposed Land Development Code Revisions", is hereby declared to be a public record to be incorporated by reference in Ordinance No. 2021-03.


At least one (1) paper copy and one (1) electronic copy of these public documents shall be kept in the office of the City Clerk for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 8th day of June, 2021.



Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

EXHIBIT A

June 8, 2021 – Proposed Land Development Code Revisions

Article 2 – Zoning Districts:			
Section	Current Language	Proposed Change	Notes
1a	2.2.B through 2.10.B Residential Zoning Districts, Lot and Building Standards	Add note to B. Lot and Building Standards: <u>Any setback from National Forest or Open Space zoning districts shall be a minimum of 20 feet (per Section 2.24.D.(2)).</u>	Requirement is currently in 2.24.D(2) – adding this note ensures users of the code are aware of the setback requirement
1b	2.11.B through 2.16.B Non-residential Zoning Districts, Lot and Building Standards	Add note to B. Lot and Building Standards: <u>Any setback from National Forest or Open Space zoning districts shall be a minimum of 10 feet (per Section 2.24.D.(2)).</u>	Requirement currently in 2.24.D(2) – adding this note ensures users of the code are aware of the setback requirement
2	2.24.D(9) Setbacks, Double-Frontage Lots	Add the following sentence: <u>If one of the frontages is along a major collector, arterial street or highway and the property does not take access from that frontage, the property line along the major collector, arterial street or highway shall not be considered a front setback.</u>	Current language is creating a situation where it could be argued that properties that back up to highways 179 or 89A or a major collector route would not be able to build a 6 foot tall fence along their rear property line – limited to 4 feet because it’s a front setback.
Article 3 – Use Regulations:			
Section	Current Language	Proposed Change	Notes
3	3.2.E Table of Allowed Uses, Retail Sales and 3.3.C(19) Use-Specific Standards, Commercial Uses. Medical Marijuana Dispensary; Medical Marijuana Dispensary, Off-Site Cultivation Location	Section 3.2.E. ADD: <u>Recreational Marijuana Establishment Dual Licensee.</u> Section 3.3.C.19. Amend as Follows: a.1. <u>...shall apply to all medical marijuana dispensary and medical marijuana dispensary off-site cultivation locations and dual licensee, as defined in Sedona City Code Section 8.60.020,...</u> a.3. <u>Medical marijuana facilities and dual licensees shall comply with...</u> b. <u>...applicants for medical marijuana dispensary, medical marijuana dispensary off-site cultivation or dual licensee shall provide the following:</u> c. General Standards: c.1. A medical marijuana dispensary, or medical marijuana dispensary off-site cultivation location,	Update to be consistent with recreational use and clarification for dual licensees and limiting dispensaries to two within City limits. Added reference to SCC 8.60.020 to define “dual licensee” in the LDC.

			<p>or dual licensee shall provide proper disposal of marijuana by-products <u>by-products</u>, and not to be placed within the facility's exterior refuse containers.</p> <p>c.4. A medical marijuana dispensary or dual licensee shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.</p> <p>c.5. <u>Medical marijuana dispensaries and dual licensees shall be limited to the use of dispensing medical or recreation marijuana and marijuana products and shall be prohibited from any other or related use including a bookstore, spa, restaurant, or coffee shop.</u></p> <p>c.6. <u>No on-site consumption or smoking of any marijuana or marijuana product shall be allowed at any medical marijuana dispensary or dual licensee location.</u></p> <p>c.9 <u>The number of medical marijuana dispensaries within the Sedona City limits, if any, shall be limited to no more than two. Dual licensees may only operate at a medical marijuana dispensary.</u></p>	
4	<p>3.2.E Table of Allowed Uses, Accessory Uses and 3.4.D Additional Standards for Specific Accessory Uses and Structures</p>	<p>No current provision in the Code for use of parking areas at churches and other non-residential uses for overflow parking for trailheads.</p>	<p>Section 3.2.E. ADD: <u>Parking Facilities as Accessory with a Conditional Use Permit (CA) in residential districts.</u> ADD reference to Section 3.4.D.7.</p> <p>Section 3.4.D. ADD a new subsection <u>(7) Parking Facilities. Within residential districts, parking for non-residential uses may be used as parking for trailheads, provided that the total number of parking spaces is not being increased for this purpose.</u></p>	<p>Trailhead parking facilities are overflowing, and parking is occurring in neighborhoods. Some non-residential uses, such as churches, have offered to let their parking areas be used for additional parking, but there is no current provision in the LDC that would allow it. This change would allow consideration through a Conditional Use Permit for nonresidential uses in residential zones to provide overflow parking for trailheads, as long as parking areas are not being expanded for that purpose.</p>
4a	<p>3.4.D Additional Standards for Specific Accessory Uses and Structures</p>	<p>No use-specific standards for approval of parking facilities in residential zones</p>	<p>ADD the following to the new 3.4.D(7) subsection (see #4 above):</p>	<p>Based on public comment, the Planning and Zoning Commission recommended adding this as a conditionally permitted use, not a</p>

			<p>In addition to any other conditions required by the <u>Conditional Use Permit, Parking Facilities shall include:</u></p> <ol style="list-style-type: none"> <u>Provisions for restroom facilities</u> <u>A traffic control plan and signage</u> <u>Management of trash pickup and recycling</u> <u>Hours of operation</u> <u>Evaluation of possible implementation of shuttle service.</u> <u>Any other conditions deemed necessary to mitigate impacts on the residential area</u> 	<p>permitted use. This will allow each request to be considered on a case-by-case basis, with a public hearing, public notification, and the opportunity for public comment. To clarify the purpose of the CUP process, staff recommends adding use-specific standards for uses that wish to provide trailhead parking.</p>
5	<p><u>3.2.E</u> Table of Allowed Uses, Temporary Uses. <u>3.5.E(1)</u> Additional Standards for Specific Temporary Uses and Structures.</p>	<p>Christmas Tree and Pumpkin Sales not permitted in residential zoning districts.</p>	<p>3.2.E. Table of Allowed uses. ADD as Permitted (P) in residential districts.</p> <p>3.5.E.(1): Add the following sentence: <u>Christmas tree and pumpkin sales shall not be located on the same property as a single-family residential use.</u></p>	<p>Christmas tree and pumpkin sales have traditionally taken place at churches in residential zones, we realized this year this wasn't technically permitted with the way the code is written. Adding as an accessory use ensures the churches (primary uses) that host these sales can continue to do so.</p>
6	<p><u>3.3.C(9)</u> Use-Specific Standards, Commercial Uses. Mobile Food Vending</p>	<p>Includes sunset of mobile food vending standards, other provisions that need to be updated based on staff's experience with mobile food vending businesses.</p>	<p>Delete: paragraph a. (the sunset clause) and re-letter remaining paragraphs b. and c. as a. and b. Replace b. as follows: b.1. <u>No person shall engage in mobile food vending without obtaining a business license.</u> <u>Mobile food vending business license applications shall comply with SCC Chapter 5.05 and shall be accompanied by the nonrefundable business license fee for the first business location and for each additional location where the mobile food vendor intends to operate as listed in the city consolidated fee schedule. A separate license is required for each mobile food vending unit.</u> <u>Business license shall be available with the unit on site for inspection by government officials. If operated on public property (including City rights-of-way), mobile food vendors shall provide proof of liability insurance in conjunction with their business license application...."</u></p>	<p>Originally adopted with a 3-year sunset clause. Mobile food vending has not resulted in significant complaints or code enforcement issues. Additional changes include clarification on business licenses and locations within parking spaces.</p>

7	<p><u>3.3.C(22)</u> Use-Specific Standards, Commercial Uses, Fleet Services.</p>	<p>Currently landscaping and dense live plant material are allowed to be used for screening.</p>	<p>b.2. No change. b.3. No change b.4. No change b.5.: <u>“Mobile food vendors shall obey all parking and traffic laws. All of the mobile food vending unit shall fit within one parking space. No part of the mobile food vending shall obstruct adjacent parking stalls. During events, mobile food vendors may be restricted from parking sites with insufficient parking capacity”.</u> b.6. No change b.7. No change</p>	
8	<p><u>3.3.C(26)</u></p>	<p>See #7 above</p>	<p>Amend as follows: c. Where parking of fleet vehicles 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. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u> e. Where a parking area for fleet vehicles is adjacent to a residentially-zoned parcel, the following apply: 1. Screening by means of a wall or fence or dense live plant material shall be provided at a height of six feet adjacent to the rear and side setback areas and three feet adjacent to front setback areas of the abutting parcel. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u></p>	<p>Using vegetation for screening has generally not worked very well since newly-planted vegetation is typically not mature enough to provide sufficient screening. The proposed change would still allow for the use of vegetation in some circumstances (e.g. existing, mature trees) on a case-by case basis. See also items: #8, 11, 16, 17</p>
8	<p><u>3.3.C(26)</u></p>	<p>See #7 above</p>	<p>Amend as follows:</p>	<p>See #7 above.</p>

	Use-Specific Standards, Commercial Uses, Vehicle Sales and Leasing		<p>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. Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</p> <p>c. Where an area of outside display is adjacent to a residentially-zoned parcel, the following apply:</p> <p>1. Screening by means of a wall or fence or dense live plant material shall be provided at a height of six feet adjacent to the rear and side setback areas and three feet adjacent to front setback areas of the abutting parcel. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options...</u></p>	
9	3.4.D(2)c.2.iv Urban Agriculture, Standards for Keeping of Chickens, Chicken Coop Standards.	Chicken coops can be no higher than six feet in height.	<p>Amend as follows:</p> <p>iv. "The coop height shall not exceed six feet in height <u>within the side or rear setback areas and shall not exceed eight feet in height outside the setback areas</u>".</p>	Height requirements should be less restrictive if the coop is outside the side and rear setbacks.
10	3.4.D(4)c Home Occupation, Operations		<p>c.5. ADD: <u>All parking associated with the home occupation shall be on the property or within the property frontage. No person shall, as part of a home occupation activity, park, or cause or allow to be parked, a motor vehicle that is visible from a street or adjacent property unless such vehicle is parked upon a driveway on the property that is surfaced with asphaltic concrete, pavement bricks, cement concrete, or a material that is paved, compacted, or chemically stabilized to prevent fugitive particulate matter; provided, however, parking on grass or turf areas shall not be allowed in any circumstance.</u></p>	Clarification that parking associated with a Home Occupation is to be on the property. Also include clarification regarding business license requirements and hours of operation.

11	<p><u>3.4.D(5)b.3</u> Outside Storage, Accessory, Mobile homes, Trailers, and Recreational Vehicles.</p>	<p>No timeframe given for temporary RV parking on-site. Currently landscaping and dense live plant material are allowed to be used for screening.</p>	<p>ADD New item c.8. <u>A business license from the City shall be obtained, as per Chapter 5.05 of the City Code.</u></p> <p>ADD New item c.9. <u>Hours of operation shall be limited to no earlier than 7 am and no later than 10 pm for any activity which is visible or audible off the property.</u></p> <p>Amend as follows: 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 <u>with the exception of loading or unloading</u>, shall be screened from adjacent properties and streets by a wall <u>or fence or dense vegetation</u> at least six feet in height and 100 percent opaque, subject to the limitations of fence and wall heights in Section 5.6.E. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options.</u></p> <p>4. For loading or unloading, such vehicles may be parked on a driveway or street for no longer than 48 consecutive hours during loading and unloading only.</p>	<p>Clarify timeframes for RVs to be parked/not stored on site. Using vegetation for screening has generally not worked very well since newly-planted vegetation is typically not mature enough to provide sufficient screening. The proposed change would still allow for the use of vegetation in some circumstances (e.g. existing, mature trees) on a case-by case basis.</p>
12	<p><u>3.5.E(4)a.1</u> Temporary Uses and Structures, Additional Standards for Specific Temporary Uses and Structures, Special Event Frequency and Duration.</p>	<p>Allows for a maximum of ten special events per calendar year but does not provide for any time period between those events on a given lot or parcel.</p>	<p>Amend as follows: Each lot or parcel is allowed a maximum of 10 separate events per calendar year, each lasting a maximum of three days. <u>At least 10 days must elapse between the end of one event and the beginning of the next on each lot or parcel.</u></p>	<p>Concerns over continuous back-to back special events has prompted taking another look at event frequency and duration. Recommend at least a ten-day period between events on each lot or parcel.</p>

Article 5 – Development Standards:

	Section	Current Language	Proposed Change	Notes
13	5.5.E(1)c Parking Alternatives, Credits, and Adjustments, Uptown In-Lieu Fee	Refers to Resolution No. 2020-08 and Ordinance No. 2020-02	Update to Resolution No. 2020-17 and Ordinance No. 2020-05	Update Resolution and Ordinance numbers.
14	5.5.E(2)c.1.i.c Parking Alternatives, Credits and Adjustments, Parking Agreement Required		Add the following new item "c." <u>An accompanying site plan depicting the exact location and number of shared parking spaces.</u>	Provides a very important clarification.
15	5.6.D(3)b Screening; Loading, Service and Refuse Areas.	See #7 above.	3.b. Amend as Follows: 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. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options.</u> (See Figure 5-7).	See #7 above.

16	5.6.D(4)a and b Screening; Outdoor Storage	See #7 above.	4.a. and b. Amend as follows: 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. <u>Dense, mature landscaping may be used to satisfy the screening requirement with approval by the director, providing the screening achieves a similar level of screening as the previous options.</u> b. The walls or fence or vegetative screen shall be a minimum of six feet in height, but in any event the walls or fence or vegetative screen shall be higher than the screened outdoor storage and 100% opaque.”	See #7 above.
17	5.6.E(3)c Fences and Walls, Height and Location, Corner Lots. First sentence.	Code is silent on fence height in exterior side yards from the front of primary structure to the front setback	Amend as follows: In single-family residential districts, walls and fences located in exterior (street) side setback areas between the front of a primary structure to the rear property line, shall not exceed six feet in height, <u>and shall not exceed four feet in height between the front of a primary structure and the front property line.”</u>	Clarify that fences within exterior side setbacks on corner lots cannot exceed a height of four feet in front of the house. (shall comply with height limitations applicable to front setback area walls)
18	5.6.E(7)a.3 Fences and Walls, Materials and Design, Compatible Design.	There is no requirement for posts and rails on picket fences to face the interior of the lot.	ADD: the following new item 3. <u>Posts and rails on solid wood fences shall face the interior of the lot when the fence faces a public street.</u>	Recommend that posts and rails on picket fences face the interior of the lot when the fence faces a public street.

19	<p><u>5.6.E(7)c</u> Fences and Walls, Materials and Design, Articulation and Alignment</p>	<p>Doesn't apply to walls in rear setbacks that are visible from the selected locations.</p>	<p>Delete the following: Portions of walls or fences that exceed four feet in height and are within the exterior side setback area and face any public street right-of-way, public open space, or public trail shall incorporate the following features to break up the massing...</p> <p>(7)c.2. First sentence: Amend to read: ..., if the wall or fence exceeds 40 feet in length, architectural features that provide visual breaks, such as <u>trees</u>, columns or vertical pilasters, changes in wall alignment, or terracing of walls shall be provided a minimum of every 40 feet.</p> <p>Amend as follows: If a free-standing 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: 1. <u>The combined height of a solid, free-standing fence or wall on top of a retaining wall shall not exceed eight feet when measured from the low side of the finish grade and shall not exceed the height limit for fences when measured from the high side of the finish grade. A solid freestanding wall or fence shall be no more than three feet six inches in height.</u></p>	<p>Apply the same standards for fences regardless of which setback they're in if they're facing a public right-of way or street.</p> <p>This is to address instances where a fence taller than four feet may be allowed in a rear setback facing a major collector or arterial street or highway or a front setback in RS-35 or 70. Will also allow for use of a tree (existing or new) as an option for providing a visual break.</p>
20	<p><u>5.6.E(8)d and d.1</u> Fences and Walls, Retaining Walls, Fence or Wall on top of Retaining Wall.</p>	<p>For retaining walls under six feet in height, the combined height of the retaining wall and a fence on top of the retaining wall is only limited by the height of the fence on the high side of finish grade. This also needs clarification.</p>	<p>Need clarification on retaining wall height vs. fence height within setbacks (i.e. on the unretained side), the fence can be higher than a regular fence that is not retaining anything. Also recommend a combined height limit of eight feet which is also consistent with retaining wall heights before terracing is required.</p>	<p>Clarification.</p>
21	<p><u>5.7.F(2)a</u> Building Design, Building Form, Building Massing: 1.ii.c. – Single-family Residential 2.ii.c. – Multifamily Residential, and 3.iii – Commercial.</p>	<p>Does not specify width.</p>	<p>ADD the following: ...a minimum <u>width and depth</u> of six feet...</p>	<p>Clarification.</p>

22	<u>5.7.F.(2)c.5.iii</u> Building Design, Building Form, Building Articulation, Transparency.	No allowance for continuous glass walls longer than 20 feet.	ADD the following sentence: Storefront-type glass walls shall not extend in a continuous unbroken façade longer than 20 feet. <u>The Director may waive this requirement if the design of the site and/or building provides a break in the visual appearance of the façade</u>	The Code does not make an allowance for a continuous, unbroken glass wall longer than 20 feet even though the design of a building itself may create the desired break. For example, the intent of this section could be met by the wall being recessed under an oversized overhang, posts and railings in the foreground, or landscaping between a wall and the street.
Article 6 – Signs:				
	Section	Current Language	Proposed Change	Notes
23	<u>6.9.C(2)e.6</u> Drive Thru Board Signs	A maximum of one sign per drive thru restaurant is permitted.	Delete “Restaurant”	There are other types of drive-thrus
Article 8 – Administration and Procedures:				
	Section	Current Language	Proposed Change	Notes
24	<u>8.6.B(3)g.4.ii.c.g.h.</u> Rezoning to Planned Development District, PD Plan Amendments, minor amendments	Criteria for defining a PD amendment as a minor amendment includes that the gross square footage of non- residential building area shall not be increased by more than 10%.	Add the following: c. The gross square footage of non-residential building area shall not be increased by more than 10 percent or <u>2,000 square feet, whichever is less.</u> g. <u>No prior minor amendments have been approved.</u> h. <u>The number of lodging units shall not be changed.</u>	There is a need to provide better defined parameters over what constitutes a minor amendment. Place a square footage limit on non- residential expansion, clarify that adding lodging units is not a minor amendment, limit the number of times a PD minor amendment may be considered.
25	<u>Section 8.8.B(5)</u> Minor Modification, Approval Criteria	Says “Variance” Instead of “Minor Modification”	Change “variance” to “minor modification” throughout this subsection	Typographical error

Article 9 – Definitions:			
Section	Current Language	Proposed Change	Notes
26	<p><u>9.3</u> Terms of Measurement – Fence Height</p>	<p>ADD the following: Height, Fence. Fence height is measured as the vertical distance from the average elevation of the finish grade within six feet of the base of the fence to the top of the fence exclusive of any filling, berming, mounding or landscaping.</p>	<p>Clarify how fence height is measured and that additional berming for purposes of increasing the fence height is not permitted.</p>
28	<p><u>9.4.C</u> Commercial Use Definitions, Lodging, High Density</p>	<p>Lodging, High Density Revise the first sentence as follows: A building, or portion of a building containing or buildings consisting of seven or more units offered for transient lodging accommodations at a daily rate and that meets the standards in Section 3.3.C(14)c</p> <p>Revise the third sentence as follows: This use includes hotels, motels, timeshares, boarding house, bed and breakfast, cottages, bungalows and similar lodging, but does not include foster homes, sheltered care homes, nursing homes, or primary health care facilities</p>	<p>These changes are to be consistent with changes made to low and medium density lodging definitions.</p>
29	<p><u>9.4.C</u> Commercial Use Definitions, Retail Sales – Dual Licensee</p>	<p>ADD the following: Dual Licensee Dual licensee means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.</p>	<p>Update to be consistent with recreational use and clarification for dual licenses and limiting dispensaries to two within City limits.</p>
30	<p><u>9.9</u> Other Defined Terms – Kitchenette</p>	<p>Kitchenette Amend as follows: A space where food is cooked or prepared that contains only a sink and a refrigerator, and does not include a gas connection, built-in stove or, oven, any other built-in appliances, or an electric outlet for 220 voltage.</p>	<p>Need to amend based on new 110 appliances.</p>

31	<p><u>9.9</u> Other Defined Terms – Inoperable Vehicle</p>	<p>There is no definition for inoperable vehicle in the Code.</p>	<p>ADD the following new term: <u>Inoperable Vehicle</u> <u>A vehicle which exhibits one or more of the following conditions: physically incapable of operation, wrecked or partially dismantled or with broken windows, on jacks, blocks or similar equipment, abandoned, unable to be legally and safely operated, deflated tires, or from which the chassis, engine, wheels or tires have been removed.</u></p> <p>CHANGE: Inoperable cars to inoperable vehicles in Sections 3.3.C(23), (24), (25), (27)</p>	<p>The term inoperable car is used in the Code and there are at least a couple references to vehicles needing to be operable, but no definition is given.</p>
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