

RESOLUTION NO. 2023-13

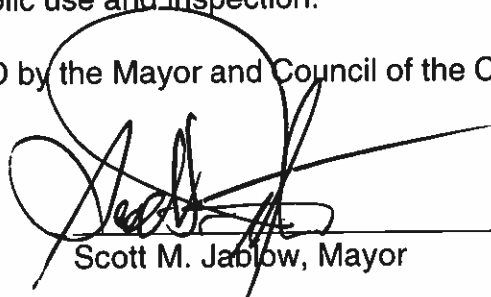
**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA,
ESTABLISHING AS A PUBLIC RECORD "EXHIBIT A - APRIL 25, 2023 – PROPOSED LAND
DEVELOPMENT CODE REVISIONS".**

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

That "Exhibit A, April 25, 2023 – Proposed Land Development Code Revisions", is hereby declared to be a public record to be incorporated by reference in Ordinance No. 2023-03.


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 25th day of April, 2023.



Scott M. Jablow, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

EXHIBIT A: PZ23-00002 (LDC)

April 25, 2023: Land Development Code Revisions

Article 1 – General Provisions:			
Section	Current Language	Proposed Change	Notes
<u>1.6.B(3): Maintenance and Minor Repair</u>	New subsection	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: e. <u>Repainting less than 50% of the exterior of the structure.</u>	Require repainting a compliant color if more than 50% of the house is repainted. Choosing a compliant color vs. repainting the same color should not have a cost difference and moves towards compliance with LDC requirements. See additional changes to Section 5.7.B(3)a.
<u>1.6.D: Nonconforming Structures</u>	New subsection	Nonconforming structures are subject to the following additional limitations: 5) <u>When 50% or more of a structure is being painted, the color shall be in full conformance with the standards of subsection 5.7.F(5)</u>	Require repainting a compliant color if more than 50% of the house is repainted. Choosing a compliant color vs. repainting the same color should not have a cost difference and moves towards compliance with LDC requirements. See additional changes to Section 5.7.B(3)a.
Article 2 – Zoning Districts:			
Section	Current Language	Proposed Change	Notes
<u>2.24.D(4), Table 2.6: Exceptions to Setback Requirements</u>	Exception for Ground-mounted solar and geothermal equipment	Add "Rainwater harvesting tanks" to exception	Allow rainwater harvesting tanks to have the same standards as solar.
Article 3 – Use Regulations:			
Section	Current Language	Proposed Change	Notes
<u>3.2.E: Table of Allowed Uses</u>	"School, Vocational or Trade" not currently listed as a permitted use	"School, Vocational or Trade" as a permitted use in M2, M3, CO, IN, and L	The LDC currently has separate parking requirements and definitions for "School, Public or Private" and "School, Vocational or Trade." However, "School, Vocational or Trade" is not listed as a permitted use.
<u>3.2.E: Table of Allowed Uses</u>	"Lodging, Fewer than Seven Units" currently listed as a permitted use in M1, M2, M3, CO, L, and OC	Remove "Lodging, Fewer than Seven Units" as a permitted use in any zone	This has caused properties to try to get around the requirements of the Lodging zone by splitting properties into smaller properties and constructing up to 6 lodging units per property. Removal of this as a permitted use ensures that all lodging projects are treated equally and reviewed using the same process.

<p><u>3.2.E: Table of Allowed Uses: Off-Highway Vehicle Sales and Rentals</u></p>	<p>N/A (New use category)</p>	<p>Conditionally Permitted Use in CO, L, & IN</p>	<p>Separate OHV from Vehicle Sales and Leasing to address the impacts of OHV businesses</p>
<p><u>3.3.C(29): Use Specific Standards, Commercial Uses, Off-Highway Vehicle Sales and Rental (new subsection)</u></p>	<p>New subsection – addressing OHVs as a new category</p>	<p>Outside display of vehicles for sale or lease shall be subject to the same standards as Vehicle Sales and Leasing (LDC Section 3.3.C(26)).</p>	<p>New use category to address the impacts OHV impacts</p>
<p><u>3.4.D(5).b.3: Outside Storage, Accessory</u></p>	<p>LDC Section 3.4.D(5).b.3: ... shall be screened from adjacent properties and streets by a wall or fence at least six feet in height and 100 percent opaque...</p>	<p>LDC Section 3.4.D(5).b.3: ... shall be screened from adjacent properties and streets by an <u>opaque wall or fence</u> at least six feet in height and 100 percent opaque... <u>The Director may waive or modify screening requirements when the vehicle to be screened is located more than 50 feet from a property line and existing vegetation and/or structures obscure the vehicle.</u></p>	<p>CODE ENFORCEMENT Addresses enforcement issues where the fence is accomplishing the intent of the code to screen an RV, but portions of the RV are still visible through small slits in the fence. Allows for some discretion when the vehicle is far from the property line and obscured by existing vegetation or buildings.</p>
<p>Article 5 – Development Standards:</p>			
<p>Section</p>	<p>Current Language</p>	<p>Proposed Change</p>	<p>Notes</p>
<p><u>5.5.D. Table 5.2: Required Off-Street Parking Spaces</u></p>	<p>No current parking requirement for “Conference/Meeting Facility”</p>	<p>Conference/Meeting Facility: One (1) space per 50 square feet of meeting area.</p>	<p>There is no parking requirement. Since the definition of indoor recreation facility includes meeting facilities, the parking requirement would be 1/300 square feet. A meeting facility has a higher occupancy than an indoor recreation facility and should have a different requirement. The proposal mirrors the parking requirement for religious uses, based on the size of the meeting room, as a full meeting room represents the highest occupancy. A change to the definition of indoor recreation facility is also proposed.</p>

<p><u>5.5.D. Table 5.2: Required Off-Street Parking Spaces</u></p>	<p>No current parking requirement for "Off-Highway Vehicles Sales and Rentals"</p>	<p>One (1) space for each one (1) OHVs stored or rented out of the location, plus one (1) space per 500 square feet of sales floor area. OHVs for sale or rent shall not be parked in required parking spaces.</p>	<p>One of the key issues identified for OHV businesses is the lack of on-site parking for customers. In the vehicle sales and leasing category (which OHVs currently fall under), parking is only required for the sales floor area, as customers renting passenger vehicles either don't come with a vehicle or can leave their vehicle in the space the rental car was in. This has not worked for OHV businesses, as OHVs are smaller and they tend to fit as many OHVs on site as possible, limiting the ability for customers to leave their cars parked where the rental vehicle was. Tying parking to the number of OHVs will ensure sufficient customer parking.</p>
<p><u>5.5.D(1)d: Screening, Roof-Mounted Equipment</u></p>	<p>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.</p>	<p>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.</p>	<p>Screening for solar panels has never been enforced, as solar is almost always installed after construction of the house and requiring screening would require changes to the structure that would increase the cost of installation of solar. Screening requirements are intended to reduce the visual impact of equipment and, though solar panels are mechanical equipment, they do not have the same visual impact of other rooftop mechanical equipment (HVAC).</p>
<p><u>5.7.B(3)a: Exterior Renovation</u></p>	<p>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.</p>	<p>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.</p> <p><u>Repainting more than 50% of the structure shall require the entire structure be painted a compliant color (Section 5.7.F(5)).</u></p>	<p>Require repainting a compliant color if more than 50% of the house is repainted. Choosing a compliant color vs. repainting the same color should not have a cost difference and moves towards compliance with LDC requirements. See additional proposed changes to Section 1.6.</p>

<p><u>5.7.F(2)a.1.i.c:</u> <u>Massing (Single-Family Residential)</u></p>	<p>New Subsection</p>	<p>All manufactured homes 1,500 square feet or greater in gross floor area shall be composed of at least two visual building masses of differing heights and at least two visual building masses of differing planes.</p>	<p>HOUSING: Different massing requirements for manufactured homes. It is difficult and more expensive to find a manufactured home that meets massing requirements. At 1,500 square feet, the house would be required to also have a garage, which, when placed within 5 feet of the main house, would qualify as the second mass.</p>
<p><u>5.7.F(2)a: Massing</u></p>	<p>5.7.F(2)a.2.iii & 3.v: The structures permitted in Section 2.24.D(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.</p>	<p>5.7.F(2)a.6: The structures permitted in Section 2.24.D(4), Exceptions to Setback Requirements, <u>and Section 2.24.E(3), Exceptions to Height Requirements (except pitched, gable, or hip roof)</u>, shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection.</p>	<p>Remove from massing requirements for multifamily and commercial, add to general section to apply to all development and add in that elements granted additional height (elevators, mechanical equipment, etc.) don't count as masses</p>
<p><u>5.8.C(2)b: Exterior Lighting, Applicability</u></p>	<p>Cumulative modification, replacement, or repair of outdoor lighting constituting 25 percent or more of the permitted lighting output level for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting to comply with this Code. For purposes of this section, replacement of burned out lamps with new lamps or fixtures of the same type and lighting output level is not considered a modification, replacement or repair.</p>	<p>Cumulative modification, replacement, or repair of outdoor lighting constituting 25 percent or more of the permitted lighting output level for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting to comply with this Code. For purposes of this section, replacement of burned-out lamps with new lamps or fixtures of the same type and lighting output level is not considered a modification, replacement or repair.</p>	<p>CODE ENFORCEMENT Moved to new Non-Conforming Lighting section (Proposed Section 5.8.C(4))</p>

<p><u>5.8.C(4): Non-Conforming Lighting</u></p>	<p>New section to address Non-Conforming Lighting</p>	<p>a. All lighting that does not conform to all provisions of this Code shall be brought into compliance by January 1, 2028. Until this time, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Code, except that identical lamp replacement is allowed.</p> <p>b. In the event that an outdoor lighting fixture is abandoned or damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.</p>	<p>CODE ENFORCEMENT Lighting complaints are one of the highest volume of complaints received by the Code Enforcement Team. Trying to determine which lights might have a legal non-conforming status can be time consuming and complicated and does not contribute to the City's goals of being a dark sky city. The City first adopted a dark sky lighting ordinance in 2001. Having a requirement that non-compliant fixtures be replaced will further the City's dark sky goals and make enforcement of dark sky requirements a more straightforward matter.</p>
<p>Article 6 – Signs:</p>			
<p>Section <u>6.10: Permanent Signs (State Route 89A Character District)</u></p>	<p>Current Language For properties that have been identified in the <u>Sedona Main Street and Character Districts Design Manual</u> as being part of the <u>State Route 89A Character District</u>, the design standards applicable to commercial signs will apply with the following exceptions:</p>	<p>Proposed Change For properties that have been identified in the <u>Administrative Manual (Appendix C)</u> as being part of the <u>Uptown 89A Character District</u>, the design standards applicable to commercial signs will apply with the following exceptions:</p>	<p>Notes Update Reference, this section refers to Sedona Main Street and Character Districts Design Manual, which no longer exists, as it was incorporated into the LDC in the 2018 rewrite. A map of the area affected by this code section is included in Appendix C of the Administrative Manual.</p>
<p>Article 7 – Subdivisions:</p>			
<p>Section <u>7.3.C(1)b: Lot Planning, Number of Lots Created</u></p>	<p>Current Language For a lot split, the lots created shall comply with the maximum lot size limits set forth for the applicable zoning district in Article 2: Zoning Districts.</p>	<p>Proposed Change For a lot split, the lots created shall comply with the maximum <u>minimum</u> lot size limits set forth for the applicable zoning district in Article 2: Zoning Districts.</p>	<p>Notes Clean up item – Article 2 has minimum, not maximum lot sizes.</p>
<p><u>7.3.C(2)f: Lot Planning, Lot Size and Configuration</u></p>	<p>No lot shall be divided by a city, county, school district, or other taxing agency boundary</p>	<p>No lot shall be divided by a city, county, school district, or other taxing agency boundary, or zoning or <u>Community Plan designation boundary</u></p>	<p>Prevent formation of lots with split zoning. This has created issues with application of permitted uses, setbacks, height standards, building design standards, etc. Also proposing a change to the findings needed for a land division.</p>

Article 8 – Administration and Procedures:			
Section	Current Language	Proposed Change	Notes
<u>8.3.H(1): Post-Decision Actions and Limitations</u>	... an appeal has been filed with the Director pursuant to Section 8.8.D, Appeal.	... an appeal has been filed with the Director pursuant to Section 8.8.E, Appeal.	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
<u>8.3.H(2): Post-Decision Actions and Limitations</u>	...within 15 days of the final action, pursuant to Section 8.8.D, Appeal.	... within 15 days of the final action, pursuant to Section 8.8.E, Appeal.	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
<u>8.4.B(3)g.1.ii.c: Conditional Use Permit</u>	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.	Keep same language, move to 8.4.B(3)f.3	Move effective date of CUP to appropriate section.
<u>8.5.C(4): Land Division Required Findings</u>	None	g. Lots proposed to be combined have the same zoning designation.	Prevent formation of lots with split zoning, in conjunction with proposed change to LDC Section 7.3.C(2)f
<u>8.8.E(1): Appeal Purpose</u>	... aggrieved by a decision of the Director or City Engineer...	... aggrieved by a decision of the Director, or City Engineer, <u>City Commission, or Board...</u>	Applies to all city decisions, not just director and engineer. Rest of code has procedures for appeal of all decisions
<u>8.8.E(2)a.1 & 2: Appeal, Applicability</u>	... shall follow the procedure in Section 8.8.D(4) below ... shall follow the procedure in Section 8.8.D(3) below	... shall follow the procedure in Section 8.8.E(4) below ... shall follow the procedure in Section 8.8.E(3) below	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
<u>8.8.E(4)b.1: Appeals</u>	...shall notify property owners of their right to appeal the City's action, pursuant to Section 8.8.D(4)a above...	...shall notify property owners of their right to appeal the City's action, pursuant to Section 8.8.E(4)a above...	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
Article 9 – Definitions:			
Section	Current Language	Proposed Change	Notes
<u>9.4.B: Use Related Definitions, Public, Institutional, and Civic Uses</u>	No current definition for conference/meeting facility	Conference/Meeting Facility: Meeting rooms, business centers, assembly halls, auditoriums, and other related facilities used to facilitate and accommodate conferences, seminars, meetings and similar gatherings.	New definition, also removing conference center, auditorium, and assembly hall from definition of indoor recreation facility

<p><u>9.4.C: Use Related Definitions, Commercial Uses</u></p>	<p>Indoor Recreation Facility: A commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, 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.</p>	<p>Indoor Recreation Facility: 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.</p>	<p>Limit this definition to the true "recreation" uses. Assembly halls, auditoriums, and conference center moved to separate definition.</p>
<p><u>9.4.C: Use Related Definitions, Commercial Uses</u></p>	<p>Vehicle Sales and Leasing: 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.</p>	<p>Vehicle Sales and Leasing: 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, <u>but not off-highway vehicles (OHVs) or similar vehicles</u>. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.</p>	<p>The impacts of ATV/OHV rentals are different than typical vehicle rentals, so there has been a need identified to remove ATVs/OHVs from this definition, define them separately, and create different standards for them to address the impacts differently.</p>
<p><u>9.4.C: Use Related Definitions, Commercial Uses</u></p>	<p>No current definition for ATV/OHV rentals</p>	<p>Off-Highway Vehicle Sales and Rentals: The sale, display, lease, rental, or storage of all-terrain vehicles (ATVs) off-highway vehicles (OHVs), snowmobiles, and similar vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.</p>	<p>The impacts of ATV/OHV rentals are different than typical vehicle rentals, so there has been a need identified to define ATVs/OHVs separately and create different standards for them to address the impacts differently.</p>

9.4.G: Use Related Definitions, Temporary Uses, Special Events

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.

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, weddings, conferences, retreats, trainings, and other organized community events.

Adding more uses to the definition of Special Events to clarify that these uses are considered special events and addresses issues with STRs being used as wedding, conference, retreat, and training venues.