

**ORDINANCE NO. 2024-09**

**AN ORDINANCE OF THE OF THE CITY OF SEDONA, ARIZONA, DECLARING THE DOCUMENT TITLED “EXHIBIT A – NOVEMBER 12, 2024 PROPOSED LAND DEVELOPMENT CODE REVISIONS” AS A PUBLIC RECORD, ADOPTING THE SAME BY REFERENCE, AND AMENDING THE LAND DEVELOPMENT CODE (LDC) REGARDING ACCESSORY DWELLING UNITS, PRIMARY RESIDENCE, QUASI-JUDICIAL HEARINGS, AND RESIDENTIAL REZONING TIMEFRAMES; PROVIDING FOR PENALTIES, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, and general welfare of the residents of the City;

**WHEREAS**, this Ordinance was properly noticed for public hearings and the necessary hearings and opportunities for public input were completed;

**WHEREAS**, on October 1, 2024, the Planning and Zoning Commission held a public hearing and recommended approval of the proposed revisions; and

**WHEREAS**, the City Council held a public hearing on the proposed revisions on November 12, 2024; and

**WHEREAS**, the City Council hereby finds and determines that the proposed revisions are in the best interest of the residents of Sedona.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:**

**Section 1. Adoption.** The document titled “Exhibit A – November 12, 2024 Proposed Land Development Code Revisions” (“LDC Revisions”), of which one paper copy and one electronic copy are maintained, in compliance with A.R.S. § 44-701, on file in the office of the City Clerk as required by A.R.S. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record and said copies thereof are hereby ordered to remain on file with the City Clerk. The Sedona LDC is hereby amended as set forth in the LDC Revisions, which is hereby referred to, adopted, and made a part hereof as if fully set forth herein.

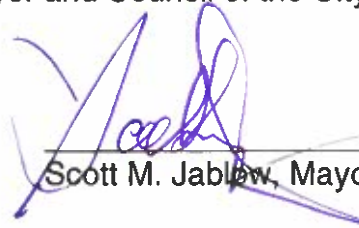
**Section 2. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 3. Repeal.** All other Code provisions, ordinances, parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict as of the effective date hereof.

**Section 4. Penalties.** Any violation of or failure or refusal to do or perform any act required by the provisions of this ordinance or of the Sedona Land Development Code as amended herein shall constitute a civil violation subject to a fine not to exceed \$2,500 per day, a class 1 misdemeanor, and be subject to the provisions of Sedona City Code Section 1.15.010.

Section 5. Effective Date. The effective date of this Ordinance shall be 30 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12<sup>th</sup> day of November, 2024.



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Scott M. Jablow, Mayor

ATTEST:



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JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



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Kurt W. Christianson, City Attorney

**Exhibit A – November 12, 2024 Proposed Land Development Code Revisions**

As recommended for approval by Planning and Zoning Commission, October 1, 2024

As approved by City Council, November 12, 2024

Section	Current Language	Approved Change
<p><u>3.2.E (Table of Allowed Uses)</u></p>	<p>Accessory Uses: Guest Quarters</p>	<p>Accessory Uses: <del>Guest Quarters</del> Accessory Dwelling Units</p>
<p><u>3.4.C(2)a.1 (Accessory Buildings, Use)</u></p>	<p>A maximum of one accessory building on a lot may be used as habitable space, and may include a kitchenette but not a kitchen. No other accessory buildings shall include habitable space, bathtubs, or showers. Each accessory structure shall comply with the standards of this LDC.</p>	<p>A maximum of one accessory building on a lot may be used as habitable space, and may include a kitchenette but not a kitchen, but at a minimum shall include a kitchenette. No other accessory buildings shall include habitable space, bathtubs, or showers. Each accessory structure shall comply with the standards of this LDC.</p>
<p><u>3.4.D(3) (Guest Quarters)</u></p>	<p>Guest Quarters</p> <p>a. No more than one guest quarter use may be permitted per lot or parcel.</p> <p>b. Guest quarters shall be architecturally compatible with the principal dwelling on the lot.</p> <p>c. Mobile and manufactured homes, travel trailers, and recreational vehicles shall not be used as guest quarters.</p> <p>d. Guest quarters shall not contain a kitchen and shall be connected to the same utility services as the single-family dwelling.</p> <p>e. Guest quarters shall only be held in ownership by the owner of the principal dwelling.</p> <p>f. Detached structures used for guest quarters shall meet the setback requirements of the principal building.</p>	<p><del>Guest Quarters</del> Accessory Dwelling Units (ADUs)</p> <p>a. No more than one guest quarter use <u>ADU</u> may be permitted per lot or parcel.</p> <p><del>b. Guest quarters shall be architecturally compatible with the principal dwelling on the lot.</del></p> <p><del>c. Mobile and manufactured homes, travel trailers, and recreational vehicles shall not be used as guest quarters ADUs.</del></p> <p><del>d. Guest quarters shall not contain a kitchen and shall be connected to the same utility services as the single-family dwelling.</del></p> <p><del>e. Guest quarters ADUs shall only be held in ownership by the owner of the principal dwelling.</del></p> <p><del>f. Detached structures used for guest quarters ADUs shall meet the setback, lot coverage, and height requirements of the principal building.</del></p> <p><u>f. An ADU that is issued a certificate of occupancy on or after September 14, 2024, shall not be used as a vacation rental or short-term rental unless the property owner's primary residence is the primary structure on the same property as the ADU.</u></p>

		<p>g. Vehicular access to an ADU from the nearest public or private street shall be provided by a common driveway with the primary dwelling. No parking space shall encroach upon fire truck access or obstruct driveway access to the primary dwelling.</p> <p>h. ADUs shall comply with all requirements of the IRC as adopted by the City.</p>
<b>Section</b>	<b>Current Language</b>	<b>Proposed Change</b>
<p><u>8.3.C(5) (Application Review Timeline)</u></p>	<p>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.</p>	<p>a. 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.</p> <p>b. Residential rezoning applications shall be processed in compliance with ARS 9-462.10</p>
<b>Section</b>	<b>Current Language</b>	<b>Proposed Change</b>
<p><u>9.4.F (Accessory Uses)</u></p>	<p><b>Guest Quarters</b></p> <p>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.</p>	<p><b><del>Guest Quarters; Accessory Dwelling Unit:</del></b></p> <p>A self-contained living unit on the same lot or parcel as a single-family dwelling, attached or unattached to a principal dwelling, <del>used to house guests of the occupants of the principal dwelling,</del> that includes its own entrance to the outside, sleeping and sanitation facilities, a kitchenette or that may include its own kitchen facilities, and is held in ownership by the owner of the principal dwelling.</p>
<p><u>9.9 (Other Defined Terms)</u></p>	<p>n/a – New Definition</p>	<p><b>Habitable Space</b></p> <p>A space in a building or structure for living, sleeping, eating, or cooking.</p>
<p><u>9.9 (Other Defined Terms)</u></p>	<p>n/a – New Definition</p>	<p><b>Nonhabitable Space</b></p> <p>A space in a building or structure that is not permitted to be used as habitable space. It shall not include bathrooms, bedrooms, sleeping rooms, kitchens, or kitchenettes.</p>

<p><u>9.9 (Other Defined Terms)</u></p>	<p>n/a – New Definition</p>	<p><b><u>Residential Rezoning</u></b>  A rezoning application in which the requested change is from any zoning district classification to a single-family designation, a multifamily designation, or Planned Development designation in which a minimum of 50% of the square footage is proposed to be used for Residential Uses, as defined by LDC Section 9.4.A.</p>
<p><u>9.9 (Other Defined Terms)</u></p>	<p><b><u>Quasi-Judicial Hearing</u></b>  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.</p>	<p><b><u>Quasi-Judicial Hearing</u></b>  A public board of adjustment 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.</p>
<p><u>9.9 (Other Defined Terms)</u></p>	<p>n/a – New Definition</p>	<p><b><u>Primary Residence</u></b>  The dwelling unit an individual: (1) occupies for 6 months plus one day of each year, (2) lists on their voter registration if they are registered to vote, (3) lists on their driver’s license if they have a driver’s license, and (4) lists on their motor vehicle registration if they have a motor vehicle.</p>