

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, September 2, 2025

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a meeting open to the public on Tuesday, September 2, 2025, at 4:30 pm in the City Hall Council Chambers.

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- Please note that this is not a question/answer session.

PROCEDURES:

- It is strongly encouraged that public input on the agenda items be submitted by sending an e-mail to planning@SedonaAZ.gov in advance of the 4:30 Call to Order.
- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your Name and City of Residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

1. CALL TO ORDER, PLEDGE OF ALLEGIENCE, ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
 - a. August 5, 2025 (R)
 - b. August 5, 2025 (SV)
4. PUBLIC FORUM: *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further consideration and decision at a later date.)*
5. CONSIDERATION OF THE FOLLOWING ITEM(S) THROUGH PUBLIC HEARING PROCEDURES:
 - a. Public hearing to review, take public testimony, discuss, and possibly take action regarding proposed revisions to the Sedona Land Development Code. The proposed revisions include regulations Implementation of House Bill 2447 (Administrative Review of Development Review and Subdivision applications), Changes to appeal procedures, and Clarification of various code sections

Case Number: PZ25-00009 (LDC)
Applicant: City of Sedona
6. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, September 16, 2025
 - b. Tuesday, October 7, 2025
7. EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:
 - a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
 - b. Return to open session. Discussion/possible action on executive session items.
8. ADJOURNMENT

Physical Posting: August 28, 2025 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

Staff Report

PZ25-00009 (LDC)

LDC Revisions – Public Hearings, Appeal Procedures, General Clarifications



Community Development Department

102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • www.sedonaaz.gov/cd

Public Hearing Date:	September 2, 2025
Hearing Body:	Planning and Zoning Commission
Action Requested:	Recommendation of approval to City Council of revisions to the Land Development Code
Staff Recommendation:	Recommendation of approval to City Council
Applicant:	City of Sedona
Project Summary:	A City-initiated request for revisions to the Land Development Code (LDC)
Report Prepared by:	Cari Meyer, Planning Manager

Attachments:

1. Proposed Revisions to the LDC.....	6
2. Article 8 Changes Redlined.....	21
3. House Bill 2447	78

This agenda item provides for a public hearing and discussion/possible action regarding revisions to the Land Development Code (LDC).

BACKGROUND

The current LDC was adopted in November 2018 following a two year update process. The LDC update was the first comprehensive overhaul of the document since 1994 and represented a significant improvement over the previous Code. As thorough as the LDC review process was, staff committed to continuing to evaluate the LDC for potential changes to address changing conditions and needs within the City. Since the 2018 updates, additional proposed changes have been brought to the Planning and Zoning Commission and City Council as needed.

These proposed changes are in regards to new state legislation, direction from the City Attorney’s office, and minor clarifications requested by staff to help with enforcement of the code.

PUBLIC INPUT

Staff completed the public noticing for this project and has not received any responses as of writing this report.

DISCUSSION AND ANALYSIS

The proposed revisions are attached to this staff report. These revisions are organized by Article and Section in the same order as the LDC. This table includes the relevant section number, the current code language, the proposed code language, and an explanation of the purpose of the proposed change or any additional information relevant to the change.

[LDC Section 8.6.C\(4\)](#) provides approval criteria for text amendments to the LDC. The criteria state that 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 the LDC 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 the LDC.

The changes being proposed are outlined in [Attachment 1](#). Due to the amount of changes proposed to Article 8, [Attachment 2](#) is provided, with a red-lined format to show the changes in context.

Public Hearings for Development Review and Subdivision Applications (HB 2447)

During the latest legislative session, the Arizona State Legislature adopted HB 2447, amending ARS Section 9-500.49. For reference, the full text of this bill is included as [Attachment 3](#). These amendments will go into effect on December 31, 2025, and require cities to do the following:

- Authorize administrative personnel to review and approved site plans, development plans, design review plans, land divisions, lot line adjustments, lot ties, preliminary plats, final plats, and plat amendments without a public hearing.

Based on this, [LDC Sections 8.4 \(Development Permits\)](#) and [8.5 \(Subdivision Procedures\)](#) are required to undergo significant changes, as the Community Development Director, not the Planning and Zoning Commission or City Council, is required to be the approval authority. HB 2447 does not prohibit public notice of a project application, so minor changes are being made to LDC Section 8.3 (Common Review Procedures) to make the citizen participation and public notification procedures applicable to applications that do not require a public hearing.

Appeal Criteria

A number of projects have gone through the appeal process in the past couple of years. Through these processes, the City Attorney's office has identified several areas where the appeal criteria and processes need to be clarified. These changes are reflected in the proposed changes to [LDC Section 8.8.E](#).

Other Changes

In addition to the more significant changes to Article 8 outlined above, minor changes to other sections of the code for purposes of clarification are proposed, including the following:

1. [LDC Section 2.19.B: National Forest \(NF\) Lot and Building Standards](#)
 - a. Properties zoned NF are currently permitted to be developed based on the United States Forest Service's (USFS) development standards.
 - b. In response to discussions at the federal level regarding potential sale of forest lands, this amendment clarifies that, if a property zoned NF is not owned by the USFS, OS (Open Space) standards apply.
2. [LDC Section 5.7.F.2\(a\)7: Building Massing](#)
 - a. This proposed amendment codifies an interpretation of the massing standards that has created confusion on a number of recent permits.
3. [LDC Article 9: Rules of Construction and Definitions](#)
 - a. Updates to definitions to clarify the number of kitchens permitted in a single-family dwelling, to include wedding receptions in the list of activities that require a Temporary Use Permit, and to remove the definition of a "Quasi-Judicial Hearing" based on direction from the City Attorney's Office.

PLANNING AND ZONING COMMISSION PUBLIC HEARING

This item is agendaized for discussion and possible action for the September 2, 2025, Planning and Zoning Commission hearing. During this meeting, Commissioners will have the opportunity to discuss, ask questions, hear public testimony and act on the proposed revisions. The proposed revisions included with this packet are Staff’s recommendations and may be modified by the Commission.

The action of the Planning and Zoning Commission will be a recommendation (approval or denial) to City Council. While the Commission can typically choose to continue an item to a future meeting if they determine additional information is needed in order to take action, the changes based on HB 2447 (public hearings for development review and subdivisions) are required to go into effect by the end of 2025. Therefore, City Council must approve the changes by the end of November, as new ordinances do not go into effect until at least 30 days after approval. In order to ensure the City is in compliance with State law, a continuance for the changes related to HB 2447 cannot be supported by Staff.

Recommendation and Motion

PZ25-00009 (LDC)

LDC Revisions – Public Hearings, Appeal
Procedures, General Clarifications



Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

Staff Recommendation:

Staff recommends approval of case number PZ25-00009 (LDC Revisions – Public Hearings, Appeal Procedures, General Clarifications), consistent with the approval criteria in Section 8.6.C(4). of the LDC.

Recommended Motion for Approval:

I move to recommend to City Council approval of case number PZ25-00009 (LDC Revisions – Public Hearings, Appeal Procedures, General Clarifications), consistent with the approval criteria in Section 8.6.C(4). of the LDC.

Attachment 1
Proposed Revisions to the LDC

PZ25-00009 (LDC) Proposed LDC Changes

As proposed by Staff for consideration by the Planning and Zoning Commission at a public hearing on September 2, 2025

Proposed changes for the following:

- Implementation of HB2447 (requirement for administrative review of Development Review and Subdivision applications)
- Changes to appeal procedures from City Attorney’s Office
- Other changes proposed by Staff for purposes of clarification of various code sections

Article 2 – Zoning Districts:																																				
Section	Current Language	Proposed Change	Notes																																	
2.19.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.	For properties owned by the USFS, property development standards as prescribed by the USFS shall apply to all land and buildings permitted in the NF district. For properties not owned by the USFS, property development standards as prescribed by the OS (Open Space) zone shall apply.	Clarify what is permitted on properties zoned NF if the USFS ever sells any of the property they own within City limits.																																	
Article 5 – Development Standards:																																				
Section	Current Language	Proposed Change	Notes																																	
5.7.F(2)a.7: Building Massing	n/a (new subsection)	<u>7. Spaces/voids between masses shall meet the same dimensional standards as masses for the area on either side of the space/void to be considered as separate visual building masses for the purpose of meeting this requirement.</u>	Clarify how masses are reviewed to eliminate confusion.																																	
Article 8 – Administration and Procedures:																																				
Section	Current Language	Proposed Change	Notes																																	
8.2, Table 8.1: Summary Table of Review Procedures	<table border="1"> <thead> <tr> <th colspan="2">Development Permits</th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Development</td> <td>Minor</td> <td>8.4</td> <td></td> <td></td> <td>✓</td> <td>D [1]</td> <td></td> <td>< A ></td> <td></td> <td></td> </tr> <tr> <td>Review</td> <td>Major</td> <td>8.4</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>R</td> <td>< R > [5]</td> <td>< D ></td> <td>< A ></td> <td></td> </tr> </tbody> </table>	Development Permits											Development	Minor	8.4			✓	D [1]		< A >			Review	Major	8.4	✓	✓	✓	R	< R > [5]	< D >	< A >		<ul style="list-style-type: none"> • Remove the Minor/Major distinction and delete the “Major” line. • Add a “check” in all 3 notice boxes • Delete the [1] footnote reference from the “Staff Review” box as well as the footnote from the bottom of the table. • Renumber the rest of the footnotes to reflect that [1] no longer exists 	HB 2447 Staff is required to do administrative review for these applications.
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<p>8.3.C(6): Determination of Application Completeness</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. b. Residential rezoning applications shall be processed in compliance with A.R.S. § 9-462.10.</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. b. Residential rezoning applications shall be processed in compliance with A.R.S. § 9-462.10. <u>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.</u></p>	<p>This section was mistakenly changed at some point in the past and currently reads exactly the same as 8.3.C(5). This changes it back to the correct language.</p>																																																						
<p>8.3.D(2): Applicability</p>	<p>Every applicant who is proposing a project that requires a public hearing, except for those application types listed in subsection 8.3.D(2)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.</p>	<p>Every applicant who is proposing a project that requires a public hearing, <u>a development review approval, or a subdivision approval</u>, except for those application types listed in subsection 8.3.D(2)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.</p>	<p>HB 2447 – Cannot require public hearings for development review or subdivisions, but leaving outreach requirements the same</p>																																																						

8.3.D(7): Citizen Participation Report	<p>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.</p>	<p>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), <u>or, if no public hearing is required, prior to a final decision being made on the application.</u> The Citizen Participation Report shall include the information specified in the Administrative Manual.</p>	<p>HB 2447 – Cannot require public hearings, leaving outreach requirements the same</p>
8.3.F(3)a.1: Published and Mailed Notice	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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 <u>(if a public hearing is required)</u>; v. Identify where and when the application and associated materials may be inspected; and vi. Indicate opportunity to appear at the public hearing <u>(if a public hearing is required)</u>. 	<p>HB 2447 – public hearings no longer required, but maintaining noticing requirements.</p>
8.3.F(3)a.2: Published and Mailed Notice	<p>Published notice shall appear in a newspaper of general circulation in the City at least 15 days prior to the scheduled hearing.</p>	<p>Published notice shall appear in a newspaper of general circulation in the City at least 15 days prior to the scheduled hearing, <u>or, if a hearing is not required, at least 15 days prior to a decision being made.</u></p>	<p>HB 2447 – public hearings no longer required, but maintaining noticing requirements.</p>
8.3.F(3)b.1: Posted Notice	<p>Required posted notice shall include at least one sign on the subject property at least 15 days prior to the public hearing. The City is responsible for posting the sign(s). The applicant is responsible for maintaining the sign(s) once erected. The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.</p>	<p>Required posted notice shall include at least one sign on the subject property at least 15 days prior to the public hearing, <u>or, if a hearing is not required, at least 15 days prior to a decision being made.</u> The City is responsible for posting the sign(s). The applicant is responsible for maintaining the sign(s) once erected. The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing, <u>or, if a hearing is not required, until after a decision is made.</u></p>	<p>HB 2447 – public hearings no longer required, but maintaining noticing requirements.</p>


8.3.F(3)b.3: Posted Notice	<p>Required posted notice shall:</p> <ul style="list-style-type: none"> 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. 	<p>Required posted notice shall:</p> <ul style="list-style-type: none"> 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, <u>or, if a hearing is not required, the deadline for submitting comments to the Director;</u> and iv. Identify a telephone number for additional information. 	<p>HB 2447 – public hearings no longer required, but maintaining noticing requirements.</p>
8.3.F(5): Additional Notice	<p>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.</p>	<p>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.</p>	<p>HB 2447 – public hearings no longer required, but maintaining noticing requirements.</p>
8.3.G(1)e: Hearing, Review, and Decision	<p>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.</p>	<p><i>Delete Section</i></p>	<p>Updates from City Attorney’s Office</p>
8.3.G(1)f & g: Hearing, Review, and Decision		<p><i>Renumber sections f & g to e & f based on deletion above</i></p>	<p>Updates from City Attorney’s Office</p>
8.3.H(2): Appeal	<p>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 Section 8.8.E, Appeal.</p>	<p>The applicant, <u>the owner of the property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this Code</u> or any member of the general public may file a written appeal <u>on a form provided by the Director</u> regarding a decision made under this article, clearly stating the reasons for such appeal, within 15 days of the final action, pursuant to Section 8.8.E, Appeal.</p>	<p>Updates from City Attorney’s Office</p>

8.4.A(2)a.2.iii: Activities Subject to Development Review	Projects that fall underneath the thresholds for minor development review in Table 8.2.	Projects that fall underneath the thresholds for minor development review in Table 8.2.	HB 2447 – no longer making a distinction between minor and major development review.
8.4.A(2)b: Thresholds for Development Plan Review	Thresholds for Development Plan Review Development plan review is conducted by the Director or the Planning and Zoning Commission, based on the thresholds in Table 8.2 below:	Thresholds for Development Plan Review Development plan review is conducted by the Director or the Planning and Zoning Commission , based on the thresholds in Table 8.2 below:	HB 2447 – development review no longer can require a public hearing and must be reviewed by staff
8.4.A(2)b, Table 8.2: Applicability Thresholds for Development Review		<ul style="list-style-type: none"> • Delete “Minor Development Review (Director)” Column • Delete “Type of Development” Row • Change Multifamily residential threshold to “5 or more dwelling units” and Nonresidential threshold to “2,000 or more square feet...” 	HB 2447 – development review no longer can require a public hearing
8.4.A(2)b, Table 8.2: Applicability Thresholds for Development Review	Notes: See exceptions to development review thresholds in Section 8.4.A(2)c. Projects with fewer than five residential units are reviewed pursuant to Section 8.4.C, Single-Family Residential Review. Projects with less than 2,000 nonresidential square feet are reviewed as part of the building permit application.	Notes: See exceptions to development review thresholds in Section 8.4.A(2)c. Projects <u>below the noted thresholds</u> with fewer than five residential units are reviewed pursuant to Section 8.4.C, Single-Family Residential Review. Projects with less than 2,000 nonresidential square feet are reviewed as part of the building permit application.	HB 2447 – note needs to change based on change in thresholds.
8.4.A(2)c: Exceptions to Development Review Thresholds		Delete entire subsection.	HB 2447 – This section outlines what the director can refer to the Planning and Zoning Commission; P&Z review is not permitted by the state.


<p>8.4.A(3): Minor Development Review</p>	<p>Minor Development Review: Application Submittal and Review Procedure Figure 8-2 identifies the applicable steps from Section 8.3, Common Review Procedures, that apply to minor development review. Additions or modifications to the common review procedures are noted below.</p>	<p>Minor Development Review: Application Submittal and Review Procedure Figure 8-2 identifies the applicable steps from Section 8.3, Common Review Procedures, that apply to minor development review. Additions or modifications to the common review procedures are noted below.</p>	<p>HB 2447 – Development review cannot require a public hearing so the established procedures for minor development review will be used for all development review.</p>
<p>8.4.A(3), Figure 8-2: Minor Development Review</p>	<p>Figure 8-2: Minor Development Review</p>	<p>Figure 8-2: Minor Development Review</p> <ul style="list-style-type: none"> • 3 – Citizen Review Process is required, “un-grey”, add “Required” to box on 2nd row • 4 – Staff Review and Action – Change 2nd row to “Review and Notice by Director” • 6 – Review and Decision – “un-grey”, add “Director” to box on 2nd row 	<p>HB 2447</p>
<p>8.4.A(3)b: Application Submittal and Handling</p>	<p>The minor development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 8.3.C, Application Submittal and Handling.</p>	<p>The minor development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 8.3.C, Application Submittal and Handling.</p>	<p>HB 2447 – Development review cannot require a public hearing so the established procedures for minor development review will be used for all development review.</p>
<p>New subsection after 8.4.A(3)b: 8.4.(3)c: Citizen Review Process</p>	<p>n/a – new subsection</p>	<p>c. Citizen Review Process The applicant shall prepare and implement a Citizen Participation Plan pursuant to Section 8.3.D, <i>Citizen Review Process</i>.</p>	<p>HB 2447 – public hearings no longer required, but maintaining outreach requirements.</p>
<p>8.4.A(3)c: Staff Review and Action</p>	<p>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 or right-of-way. 2. The Director shall review the minor</p>	<p>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 or right-of-way in accordance with <u>the notice requirements of Sections 8.3.F(2) and (3).</u></p>	<p>HB 2447 – Development review cannot require a public hearing.</p>

	<p>development review application and approve, approve with conditions, or deny the application in accordance with Section 8.3.E, Staff Review and Action, based on the general approval criteria in Section 8.3.E(5), Approval Criteria Applicable to all Applications.</p> <p>3. Alternatively, the Director may refer the application to the Planning and Zoning Commission pursuant to Section 8.4.A(2)c.1, Director Referral to Planning and Zoning Commission.</p>	<p>2. The Director shall review the minor development review application and approve, approve with conditions, or deny the application in accordance with Section 8.3.E, Staff Review and Action, based on the general approval criteria in Section 8.3.E(5), Approval Criteria Applicable to all Applications.</p> <p>3. Alternatively, the Director may refer the application to the Planning and Zoning Commission pursuant to Section 8.4.A(2)c.1, Director Referral to Planning and Zoning Commission.</p>	
<p>8.4.A(3)c: Staff Review and Action</p>	<p>c. Staff Review and Action</p>	<p>c. d. Staff Review and Action</p>	<p>HB 2447 – re-letter based on new section c above</p>
<p>8.4.A(4): Major Development Review</p>		<p>Delete entire subsection</p>	<p>HB 2447 – Cannot require a public hearing so the procedures for minor development review will be used for all development review.</p>
<p>8.4.A(5): Post-Decision Actions and Limitations for Development Review</p>	<p>5. Post-Decision Actions and Limitations for Development Review (Minor and Major)</p>	<p>5. 4. Post-Decision Actions and Limitations for Development Review (Minor and Major)</p>	<p>HB 2447 – No difference between Minor and Major; renumber based on deletion of subsection (4)</p>
<p>8.5.A(3), Figure 8-7: Preliminary Plat</p>		<p>4. Director Review and Recommendation Notice</p> <p>5. Written, published, and mailed notice required</p> <p>6. Planning and Zoning Commission recommendation, City Council <u>Director</u> decision</p>	<p>HB 2447 – Preliminary Plats do not require public hearings</p>
<p>8.5.A(3)b.1: Conceptual Plat for Subdivisions of More than 10 Units</p>		<p>Delete entire subsection</p>	<p>HB 2447 – Plats do not require public hearings, this section is hearing procedures for conceptual plats.</p>

<p>8.5.A(3)b.2: Preliminary Plat Submission</p>	<p>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 Section 8.3.C, Application Submittal and Handling.</p>	<p>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 Section 8.3.C, Application Submittal and Handling.</p>	<p>HB 2447 – no conceptual review is required, subsection b does not have multiple sections, so “2” and a title are not necessary.</p>
<p>8.5.A(3)d: Staff Review and Action</p>	<p>The Director shall review the application and prepare a staff report and recommendation in accordance with Section 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.</p>	<p>The Director shall review the application and prepare a staff report and recommendation <u>approve or deny the application</u> in accordance with Section 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; and <u>3. Provide notice of the application in accordance with the notice requirements of Sections 8.3.F(2) and (3).</u></p>	<p>HB 2447 – Director will approve or deny</p>
<p>8.5.A(3)e-g</p>	<p>e. Schedule and Notice of Public Hearings f. Planning and Zoning Commission Review and Recommendation g. City Council Review and Decision</p>	<p>Delete all 3 subsections</p>	<p>HB 2447 – No public hearing required.</p>
<p>8.5.A(3)h.1: Refiling Following Denial</p>	<p>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.</p>	<p>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.</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.A(3)h.3: Expiration of Preliminary Plat Approval</p>	<p>The approval of a preliminary plat shall expire 24 months from the date approved by the Council, subject to the following:</p>	<p>The approval of a preliminary plat shall expire 24 months from the date <u>of approval</u> approved by the Council, subject to the following:</p>	<p>HB 2447 – Director to approve/deny plats</p>

<p>8.5.A(3)h.4: Amendments to Approved Preliminary Plats</p>	<p>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.</p>	<p>The actions taken by the Director 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 Director 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.</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.A(3): Application Submittal and Review Procedure</p>		<p>Re-letter all subsections to reflect appropriate lettering</p>	<p>HB 2447</p>
<p>8.5.B(2)b: Applicability</p>	<p>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 shall be subject to the design and improvement standards applicable at the time of the final plat application.</p>	<p>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 shall be subject to the design and improvement standards applicable at the time of the final plat application.</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.B(3), Figure 8-8: Final Plat</p>		<p>6. Review and Decision: City Council <u>Director Decision</u></p>	<p>HB 2447 – Director to approve/deny plats</p>

8.5.B(3)b.1: Staff Review and Action	... 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.	... 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.	HB 2447 – Director to approve/deny plats
New subsections after 8.5.B(3)b.2: 8.5.B(3)b.3-6: Staff Review and Action	n/a – New Subsections	<ol style="list-style-type: none"> 3. Upon receipt of a complete application for a final plat, the Director shall approve or deny the plat. 4. If the Director approves the plat, the Clerk shall transcribe a Certificate of Approval on the plat, first making sure that all required certifications have proper signatures. 5. When the Certificate of Approval 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. 6. The Director shall authorize the final plat to be recorded in the office of the county recorder of Yavapai and/or Coconino County. 	HB 2447 – Director to approve/deny plats
8.5.B(3)c: Review and Decision (City Council)		Delete entire subsection	HB 2447 – Director to approve/deny plats
8.5.B(3)d: Post-Decision Actions and Limitations	d. Post-Decision Actions and Limitations	d-c. Post-Decision Actions and Limitations	HB 2447 – Re-letter based on deletion of subsection c
8.5.B(3)d.1: Approved Plat Required for Development	The applicant shall not record a plat unless the plat has been approved by the Council...	The applicant shall not record a plat unless the plat has been approved by the Council Director...	HB 2447 – Director to approve/deny plats
8.5.B(3)d.5: Amendments to the Final Plat	All improvements required for the development of the subdivision shall comply substantially with the plans approved and adopted by the City Council...	All improvements required for the development of the subdivision shall comply substantially with the plans approved and adopted by the City Council Director...	HB 2447 – Director to approve/deny plats

<p>8.5.B(3)d.5.i.a: Major Amendments</p>	<p>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.</p>	<p>The Director shall bring review 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.</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.B(3)d.5.ii.b-d: Minor Amendments</p>	<p>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.</p>	<p>b. The Director shall assemble the recommendations of the various reviewing officers <u>and</u> 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 <u>Council Director</u> shall approve or deny the final plat amendment at this meeting. d. If the <u>Council Director</u> approves the plat <u>amendment</u>, the Clerk shall transcribe a Certificate of Approval on the plat, first making sure that all required certifications have proper signatures.</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.E(1): Reversion to Acreage, Purpose and Applicability</p>	<p>Any subdivided lands may revert to acreage upon approval by the Council according to this section.</p>	<p>Any subdivided lands may revert to acreage upon approval by the <u>Council Director</u> according to this section.</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.E(2), Figure 8-10: Reversion to Acreage</p>		<p>4. Director Review and Recommendation Notice 5. Written, published, and mailed notice required 6. Planning and Zoning Commission recommendation, City Council Director decision</p>	<p>HB 2447 – Director to approve/deny plats</p>
<p>8.5.E(2)d: Staff Review and Action</p>	<p>The Director shall review the application and prepare a staff report and recommendation in accordance with Section 8.3.E, Staff Review and Action.</p>	<p>1. <u>The City shall provide notice of the application in accordance with the notice requirements of Sections 8.3.F(2) and (3).</u> 2. The Director shall review the application and prepare a staff report and recommendation <u>approve, approve in modified form, or deny the application</u> in accordance with Section 8.3.E, Staff Review and Action, <u>and based on the findings in Section 8.5.E(3), Reversion to Acreage Findings.</u></p>	<p>HB 2447 – Director to approve/deny plats</p>

8.5.E(2)e & f: Scheduling and Notice of Public Hearings; Review and Decision		Delete both subsections	HB 2447 – Director to approve/deny plats
8.5.E(2)g: Post-Decision Actions and Limitations	g. Post-Decision Actions and Limitations	g.e. Post-Decision Actions and Limitations	HB 2447 – Director to approve/deny plats, re-letter based on section deletions
8.5.E(3): Reversion to Acreage Findings	Any action to recommend approval shall be based on all of the following findings:	Any action to recommend approval approve shall be based on all of the following findings:	HB 2447 – Director to approve/deny plats
8.8.E(1) Appeal, Purpose	The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Director, City Engineer, City Commission, or Board in administering this Code to appeal that decision.	The appeal procedure establishes an administrative mechanism for <u>the applicant, the owner of the property, or any other persons claiming to have been</u> aggrieved by a decision of the Director, City Engineer, City Commission, or Board in administering this Code to appeal that decision.	Updates from City Attorney’s Office
8.8.E(3)a.1: Burden of Proof on Appellant	The person or group or persons making the appeal (the appellant)...	The person or group or persons making the appeal (the appellant)...	Updates from City Attorney’s Office
New Subsection after 8.8.E(3)a.1 8.8.E(3)a.2: Standard of Proof	n/a – new subsection	2. Standard of Proof The standard of proof the appellant is required to prove to warrant approval of an appeal by the appropriate decision-making body is by a preponderance of the evidence.	Updates from City Attorney’s Office
8.8.E(3)a.2: Time Limit	2. Time Limit 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.	2 3. Time Limit The appeal shall be filed within 15 days of the decision, by the applicant, <u>the owner of the property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this Code.</u> 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.	Updates from City Attorney’s Office
8.8.E(3)a.3: Stay of Proceedings	3. Stay of Proceedings	3 4. Stay of Proceedings	Updates from City Attorney’s Office

8.8.E(3)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:	The appropriate decision-making body <u>shall review the written appeal and the record, including the application, plans, and related project materials that were the subject of the original decision, any additional materials as may be presented at the appeal hearing, any written correspondence submitted after the appeal has been filed, and</u> shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:	Updates from City Attorney’s Office
New Subsection after 8.8.E(3)e 8.8.E(3)f: Standard of Review for Appeals	n/a – new subsection	f. Standard of Review for Appeals When reviewing any decision on appeal, the appropriate decision-making body shall apply the same standards and criteria as were required for the original decision.	Updates from City Attorney’s Office
8.9.B: City Council	The City Council is the legislative body for the City and has the following powers and duties under these regulations:	The City Council is the legislative body for the City and has the following <u>legislative and administrative</u> powers and duties under these regulations:	Updates from City Attorney’s Office
Article 9 – Definitions:			
Section	Current Language	Proposed Change	Notes
9.4.A: Residential Uses, Household Living	Uses characterized by residential occupancy of a dwelling unit by a “family.” Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:	Uses characterized by residential occupancy of a dwelling unit by a “family.” Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, hobbies, and resident parking. <u>Each dwelling unit may contain a maximum of one kitchen.</u> Specific use types include:	Clarify that a single family house cannot have multiple kitchens.
9.4.G: Temporary Uses, Special Event	“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.	“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, <u>wedding receptions</u> , conferences, retreats, trainings, and other organized community events.	To address issues encountered in short term rental enforcement.

<p>9.9: Other Defined Terms</p>	<p><i>Quasi-Judicial Hearing</i> A 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><i>Quasi-Judicial Hearing</i> A 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>Updates from City Attorney’s Office</p>
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Attachment 2
Article 8 Changes Redlined

8.3. Common Review Procedures

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

(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.

(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

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

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 Section [8.3.F](#), *Scheduling and Notice of Public Hearings*.

C. Application Submittal and Handling**(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.

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- 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 meeting, if required per Table 8.1, Summary Table of Review Procedures.
 - d. Applications will not be accepted from property owners/applicants who are:
 - 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.

(2) Application Content

- 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

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

- a. Application fees shall be paid at the time of submittal according to the type of application on the development review fee schedule. The fee schedule shall be established by resolution of the City Council and reviewed periodically.
- b. In the event the Director determines that it is necessary to utilize the services of a consultant not on staff, the Director may impose additional fees associated with such outside consultant. 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

- 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.
- b. Residential rezoning applications shall be processed in compliance with A.R.S. § [9-462.10](#).

(6) Determination of Application Completeness

~~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.~~

~~Residential rezoning applications shall be processed in compliance with A.R.S. §.~~

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

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 meeting and may be subject to additional fees.

(8) Minor Application Revisions

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

- 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 prior to preparation of any official written comments.

(10) Concurrent Review

- 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. [Ord. 2024-09 § 1 (Exh. A), 11-12-24].

D. Citizen Review Process

(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.

(2) Applicability

- a. Every applicant who is proposing a project that requires a public hearing, [a development review, or a subdivision approval](#), except for those application types listed in subsection [8.3.D\(2\)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:

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- 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 Community Development Department informed on the status of their citizen participation efforts.

(5) Public Notice

These requirements are in addition to public notice provisions required by Section [8.3.F](#), *Scheduling and Notice of Public Hearings*.

(6) Additional Meetings

The Director may require the applicant to hold additional citizen participation meetings based on:

- a. The length of time between the last citizen participation meeting and the date of the submittal of the application;
- b. The extent of changes that have occurred to the development proposal since the last citizen participation meeting was held; and/or
- c. The length of time between last public hearing (such as a conceptual review hearing) and the date of submittal for further development application consideration.

(7) Citizen Participation Report

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), or, if no public hearing is required, prior to a final decision being made on the application.~~ The Citizen Participation Report shall include the information specified in the Administrative Manual.

E. Staff Review and Action

(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

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

The Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review at least seven calendar days prior to the hearing at which the application is scheduled to be heard.

(4) Applications Subject to Staff Decision

- a. If an application is subject to staff review and a final decision by the Director, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or conditions of approval.
- b. Appeals of administrative decisions may be made pursuant to Section [8.8.D](#), *Appeal*.

(5) Approval Criteria Applicable to All Development, Subdivision and Rezoning Applications

a. Generally

Unless otherwise specified in this Code, City review and decision-making bodies shall review all development, subdivision and rezoning applications submitted pursuant to this article for compliance with the general review criteria stated below.

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 and conform to the Sedona Community Plan, Community Focus Area plans, 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 and Other Applicable Regulations

The proposed development shall be consistent with the purpose statements of this Code and comply with all applicable standards in this Code and all other applicable regulations, requirements and plans, 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. Minimizes Impacts on Surrounding 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 surrounding property owners in the immediate neighborhood as defined in the Citizen Participation Plan for the specific development project, if such a plan is required.

f. 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.

g. 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, storm water management, wildlife habitat, soils, and native vegetation.

h. Minimizes Adverse Fiscal Impacts

The proposed development shall not result in significant adverse fiscal impacts on the City.

i. 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.

j. Provides Adequate Road Systems and Traffic Mitigation

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. The proposed development shall also provide appropriate traffic improvements based on traffic impacts.

k. 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.

l. 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

- 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.
 - 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. [Res. 2019-19 Exh. A, 10-8-19].

F. Scheduling and Notice of Public Hearings

(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 Section [8.3.E](#), *Staff Review and Action*.

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings required by this Code shall be preceded by the notices identified in Table 8.1, Summary Table of Review Procedures. Persons with specific issues or concerns regarding a proposed application are encouraged to contact the

Community Development Department in writing, by phone, or in person prior to the hearing.

b. Responsibility for Notice

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.

(3) Notice Format and Content

a. Published and Mailed Notice

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 (if a public hearing is required);
 - v. Identify where and when the application and associated materials may be inspected; and
 - vi. Indicate opportunity to appear at the public hearing (if a public hearing is required).
2. Published notice shall appear in a newspaper of general circulation in the City at least 15 days prior to the scheduled hearing or, if a hearing is not required, at least 15 days prior to a decision being made.
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 or, if a hearing is not required, at least 15 days prior to a decision being made. The City is responsible for

posting the sign(s). The applicant is responsible for maintaining the sign(s) once erected. The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing, or, if a hearing is not required, until after a decision is made.

2. The Director may require additional signs based on access and configuration of the property.
3. Required posted notice shall:
 - 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, or, if a hearing is not required, the deadline for submitting comments to the Director; and
 - iv. Identify a telephone number for additional information.

(4) Constructive Notice

a. Minor Defects in Notice Shall Not Invalidate Proceedings

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

As provided in A.R.S. § [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.

G. Review and Decision

(1) Hearing, Review, and Decision

- 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 Section [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).
- 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.e. 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 Section [8.3.E\(6\)](#), *Conditions of Approval*.
- g.f. 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

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

Any furtherance of pre-development activity engaged in by or in behalf of the developer while an application is pending shall in no instance be construed as having been undertaken in reliance of an approval of such application.

H. Post-Decision Actions and Limitations

(1) Effective Date of Approval

Unless otherwise provided in this article, a decision made under this article shall be final 15 days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Director pursuant to Section [8.8.E, Appeal](#).

(2) Appeal

The applicant, the owner of the property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this code ~~or any member of the general public~~ may file a written appeal on a form provided by the Director ~~regarding a decision made under this article~~, clearly stating the reasons for such appeal, within 15 days of the final action, pursuant to Section [8.8.E, Appeal](#).

(3) Expiration and Revocation of Approval

a. Expiration of Approval

Approval under this article may be granted subject to a schedule of development or set time period for development of specific improvements, and/or establishment of a specific use or uses for which the approval is requested. Approval shall expire at the end of this period or, if a specific time period is not specified, after two years 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 Section [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 Section [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 Section [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 Section [8.6.A](#), *Rezoning (Zoning Map Amendment)*.

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 subsection [H\(4\)a](#) of this section 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

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

A. 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

1. Development review is required prior to the issuance of a building permit and construction of physical improvements. Development review is required for all development subject to this Code, including signs, landscaping, site layout, and use associated with:
 - i. New building construction;
 - ii. Newly established uses of land;
 - iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, semi-public, and multifamily residential uses of property within the City that result in increased occupancy or intensity of use; and
 - iv. Creation or expansion of any vehicular parking area.
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 Section [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

Development ~~plan~~ review is conducted by the Director ~~or the Planning and Zoning Commission~~, based on the thresholds in Table 8.2 below:

Type of Development	Minor Development Review (Director)	Major Development Review (Planning and Zoning Commission)
RESIDENTIAL		
Multifamily residential	Between 5 and 10 dwelling units	11 <u>5</u> or more dwelling units
NONRESIDENTIAL		
Any new building		
Any newly established use of land	Between 2,000 and 5,000 square feet gross floor area	5 <u>2</u> ,000 or more square feet gross floor area (individually
Any expansion, alteration, or modification of existing structure or site	(individually or cumulatively)	or cumulatively)

Notes: See exceptions to development review thresholds in Section [8.4.A\(2\)c](#). Projects ~~below noted thresholds with fewer than five residential units are reviewed pursuant to Section 8.4.C, Single-Family Residential Review. Projects with less than 2,000 nonresidential square feet~~ are reviewed as part of the building permit application.

~~—~~ ***Exceptions to Development Review Thresholds***

0. 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:~~

- ~~— Signs;~~
- ~~— Fences or walls;~~
- ~~— Exterior stairways, porches, or balconies;~~
- ~~— Exterior repair or replacement of existing siding and trim;~~
- ~~— Reroofing;~~
- ~~— Exterior painting; and/or~~
- ~~— Other similar minor improvements as determined by the Director.~~

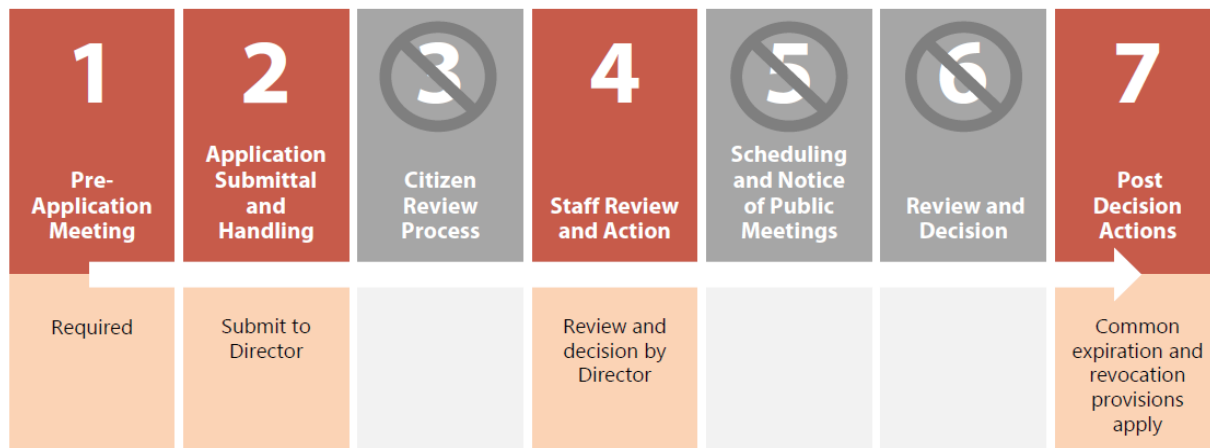
0. Director Approval of Certain Major Projects

- ~~— 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:~~
- ~~— Interior alterations or modifications that do not increase the overall gross floor area of a building; and/or~~
- ~~— 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.~~
- ~~— Notwithstanding subsection 8.4.A(2)c.2.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.~~

(18)(3) Minor Development Review: Application Submittal and Review Procedure

Figure 8-2 identifies the applicable steps from Section 8.3, *Common Review Procedures*, that apply to ~~minor~~ development review. Additions or modifications to the common review procedures are noted below.

Figure 8-2: ~~Minor~~ Development Review



Changes to Figure 8-2:

3: Citizen Review Process: Un-Grey, add "Required" to box on 2nd row

4: Staff Review and Action: Change 2nd row to "Review and Notice by Director"

6: Review and Decision: Un-Grey, add "Director" to box on 2nd row

b.a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section [8.3.B](#), *Pre-Application Meeting*.

c.b. Application Submittal and Handling

The ~~minor~~ development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [8.3.C](#), *Application Submittal and Handling*.

c. Citizen Review Process

The applicant shall prepare and implement a Citizen Participation Plan pursuant to Section 8.3.D, *Citizen Review Process*.

d. Staff Review and Action

1. While no ~~notice of~~ public hearing is required, the City shall provide notice of all ~~minor~~ development review applications in accordance with the notice requirements of Section 8.3.F(2) and (3). to the owners of all properties adjacent to the subject property, including those across a street or right-of-way.
2. The Director shall review the ~~minor~~ development review application and approve, approve with conditions, or deny the application in accordance with Section [8.3.E](#), *Staff*

Review and Action, based on the general approval criteria in Section 8.3.E(5), Approval Criteria Applicable to all Applications.

~~0. Alternatively, the Director may refer the application to the Planning and Zoning Commission pursuant to Section 8.4.A(2)c.1, Director Referral to Planning and Zoning Commission.~~

~~(20) Major Development Review: Application Submittal and Review Procedure~~

~~Figure 8-3 identifies the applicable steps from Section 8.3, Common Review Procedures, that apply to major development review. Additions or modifications to the common review procedures are noted below.~~

Figure 8-3: Major Development Review



~~Pre-Application Meeting~~

~~0. A pre-application meeting shall be held in accordance with Section 8.3.B, Pre-Application Meeting.~~

~~0. 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 Section 8.3.E, Scheduling and Notice of Public Hearings.~~

~~Application Submittal and Handling~~

~~The major development review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 8.3.C, Application Submittal and Handling.~~

~~— **Citizen Review Process**~~

~~The applicant shall prepare and implement a Citizen Participation Plan pursuant to Section 8.3.D, *Citizen Review Process*.~~

~~— **Staff Review and Action**~~

~~0. The Director may review and approve, approve with conditions, or deny those types of projects submitted for major development review as listed in Section 8.4.A(2)c.2, *Director Approval of Certain Major Projects*.~~

~~0. For all other major development review applications, the Director shall review the application and prepare a staff report and recommendation in accordance with Section 8.3.E, *Staff Review and Action*.~~

~~— **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 Section 8.3.F, *Scheduling and Notice of Public Hearings*.~~

~~— **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 Section 8.3.G, *Review and Decision*, based on the general approval criteria in Section 8.3.E(5), *Approval Criteria Applicable to all Applications*.~~

(38)(4) Post-Decision Actions and Limitations for Development Review (Minor and Major)

All common procedures in Section 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 Section [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

(1) Purpose

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. 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 Section 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 Section 8.3.B, *Pre-Application Meeting*.

b. Application Submittal and Handling

The conditional use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [8.3.C](#), *Application Submittal and Handling*.

c. Citizen Review Process

The applicant shall prepare and implement a Citizen Participation Plan pursuant to Section [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 Section [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 Section [8.3.F](#), *Scheduling and Notice of Public Hearings*.

f. Review and Decision

1. The Planning and Zoning Commission shall review the conditional use permit application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained. The Commission shall approve, approve with conditions, or deny the application in accordance with Section [8.3.G](#), *Review and Decision*, based on the general approval criteria in Section [8.3.E\(5\)](#), *Approval Criteria Applicable to all Applications*.
2. A conditional use permit may be granted for a limited time period or may be granted subject to such conditions as the Commission may prescribe, effective upon the satisfaction of certain conditions.
3. 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.

g. Post-Decision Actions and Limitations

All common procedures in Section [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**

If the use for which the conditional use permit was approved ceases for a period of two years, the permit shall automatically expire.

ii. Failure to Comply with Conditions

If a use permit is granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended automatically, may invoke enforcement per Section [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).

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*

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. [Ord. 2023-03 § 1 (Exh. A), 4-25-23; Res. 2019-19 Exh. A, 10-8-19].

C. Single-Family Residential Review**(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*

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 Section [8.3](#), *Common Review Procedures*, that apply to single-family residential review. Additions or modifications to the common review procedures are noted below.

Figure 8-5: Single-Family Residential Review



a. Application Submittal and Handling

The single-family residential review application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [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

The Director shall review the single-family residential review application based on the general approval criteria in Section [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 Section [8.3.H](#), *Post-Decision Actions and Limitations*, shall apply.

D. Temporary Use Permit

(1) Purpose

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures of limited duration to ensure compliance with applicable standards of this Code, including Section [3.5](#), *Temporary Uses and Structures*.

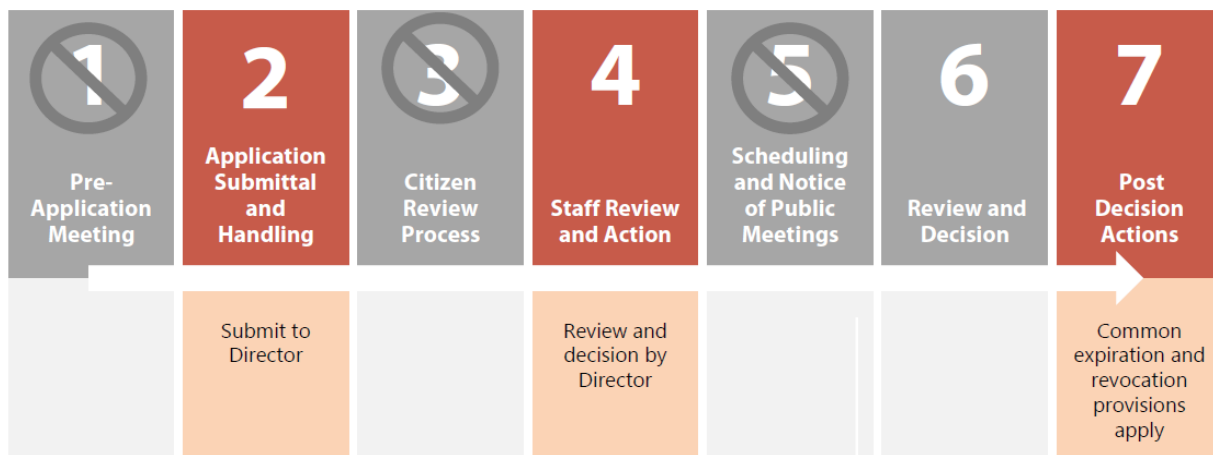
(2) Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in Section 3.5, *Temporary Uses and Structures*.

(3) Application Submittal and Review Procedure

Figure 8-6 identifies the applicable steps from Section 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

The Director may require or the applicant may request a pre-application consultation in accordance with Section 8.3.B, *Pre-Application Meeting*, based on the size and scope of the event.

b. Application Submittal and Handling

The temporary use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 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 Section 8.3.E, *Staff Review and Action*, based on the general approval criteria in Section 8.3.E(5), *Approval Criteria*

Applicable to all Applications, and the specific criteria in Section [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 Section [8.3.H](#) shall apply, with the following modifications:

1. *Effect of Approval*

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

2. *Expiration of Approval*

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit.

3. *Removal and Restoration*

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

4. *Failure to Comply with Conditions of Approval*

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 Section [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, odor, and disruption of the natural environment; and
- c.** Complies with all requirements and conditions of approval of any prior development permits or approvals.

8.5. Subdivision Procedures

A. Preliminary Plat

(1) Purpose

- a. 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

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 Section [8.5.C](#), *Land Division or Combination*.

b. Zoning Compliance Required

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 Section [8.3](#), *Common Review Procedures*, that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

Figure 8-7: Preliminary Plat



Changes to Figure 8-7:
4: Director review and notice
5: Not required/Grey out
6: Director decision

a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section [8.3.B](#), *Pre-Application Meeting*.

b. Application Submittal and Handling

~~**1. Conceptual Plat for Subdivisions of More than 10 Units**~~

~~— 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.~~

~~i. The Commission shall hold at least one public meeting on each conceptual plat, which shall be noticed pursuant to Section [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 Section [8.3.C, Application Submittal and Handling](#).

c. Citizen Review Process

The applicant shall prepare and implement a Citizen Participation Plan pursuant to Section [8.3.D, Citizen Review Process](#).

d. Staff Review and Action

The Director shall review the application and ~~prepare a staff report and recommendation~~ [approve or deny the application](#) in accordance with Section [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.
- 2.3. [Provide notice of the application in accordance with the notice requirements of Section 8.3.F\(2\) and \(3\).](#)

~~**e. Scheduling and Notice of Public Hearings**~~

~~The Commission shall hold at least one public hearing on each preliminary plat. The hearing shall be noticed in accordance with Section [8.3.E, Scheduling and Notice of Public Hearings](#).~~

~~**g. Planning and Zoning Commission Review and Recommendation**~~

~~0. 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 Section [8.3.E\(5\), Approval Criteria Applicable to all Applications](#).~~

- ~~0. 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.~~
- ~~0. 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.~~

~~**k. City Council Review and Decision**~~

- ~~0. The staff shall refer the written recommendations of the Commission on the preliminary plat to the Council.~~
- ~~0. 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 Section 8.3.E(5), *Approval Criteria Applicable to all Applications*.~~

n.e. Post-Decision Actions and Limitations

All common procedures in Section [8.3.H](#), *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

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

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 from the date ~~approved by the Council of approval~~, subject to the following:

- i. It shall be the responsibility of the applicant to monitor elapsed time.

4. Amendments to Approved Preliminary Plats

The actions taken by the ~~Commission and Council~~Director 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~~Director. The amended plat shall show all of the information required by this section concerning any changes that may have been made on the plat.

B. Final Plat

(1) Purpose

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

(2) Applicability

- 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 shall be subject to the design and improvement standards applicable at the time of the final plat application.

(3) Final Plat Procedure

Figure 8-8 identifies the applicable steps from Section [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



Changes to Figure 8-8:

6: Director Decision

a. Application Submittal and Handling

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [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 Section [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.

b. ~~Review and Decision (City Council)~~

~~4.3.~~ 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. No public hearing or notice is required. The Council~~ the Director shall approve or deny the plat ~~at this meeting~~.

~~5.4.~~ If the ~~Council~~ Director approves the plat, the Clerk shall transcribe a Certificate of Approval on the plat, first making sure that all required certifications have proper signatures.

~~6.5.~~ 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.

~~7.6.~~ The Director shall authorize the final plat to be recorded in the office of the county recorder of Yavapai and/or Coconino County.

c. *Post-Decision Actions and Limitations*

All common procedures in Section [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~~ Director. 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 applicant;
- 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 Section [8.5.B\(3\)d.3](#).

3. Assurance of Construction

- i. To ensure construction of the required improvements as set forth in this Code, except those utility facilities defined in Section [7.4.G\(4\)](#), *Utilities*, the applicant shall deposit with the City Engineer an amount in cash or financial assurance or other legal instrument equal to 100 percent of the cost of all work plus the fees established in the Administrative Manual to cover administrative costs, or of each approved phase (as determined by the City Engineer), guaranteeing that all work will be completed in accordance with City plans and specifications in a form acceptable to the City Attorney.
- ii. When the improvement of a street by a governmental agency is imminent, the applicant 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 applicant, 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 applicant until other security satisfactory to the City has been deposited which will cover the obligations remaining to be completed by the applicant.

4. Assurance of Construction through Loan Commitments

- i. Instead of providing assurance of construction in the manner provided in Section [8.5.B\(3\)d.2](#), the applicant may provide assurance of construction of required improvements (except those utility facilities defined in Section [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 applicant. 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 applicant in the course of

development of the subdivision, and approved by the City Engineer shall be deposited with such approved lending institution by the applicant.

- ii. The agreement shall provide that the approved funds are specifically allocated and will be used by the applicant, or on his behalf, only for the purpose of installing the subdivision improvements. The City shall be the beneficiary of such agreement, or the applicant's rights thereunder shall be assigned to the City, and the City Engineer shall approve each disbursement from these funds. The agreement may also contain terms, conditions, and provisions normally included by such lending institutions in loan commitments for construction funds or necessary to comply with statutes and regulations applicable to such lending institutions.

5. Amendments to the Final Plat

All improvements required for the development of the subdivision shall comply substantially with the plans approved and adopted by the City Council. 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.

i. Major Amendments

- a. The Director shall ~~bring review~~ 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, ~~and~~ 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 Director shall approve or deny the final plat amendment at this meeting.~~
- d. If the ~~Council Director~~ 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.

C. Land Division or Combination

(1) Purpose

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 Engineering Standards Manual.

(2) Applicability

a. Land Division Permit Required

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.

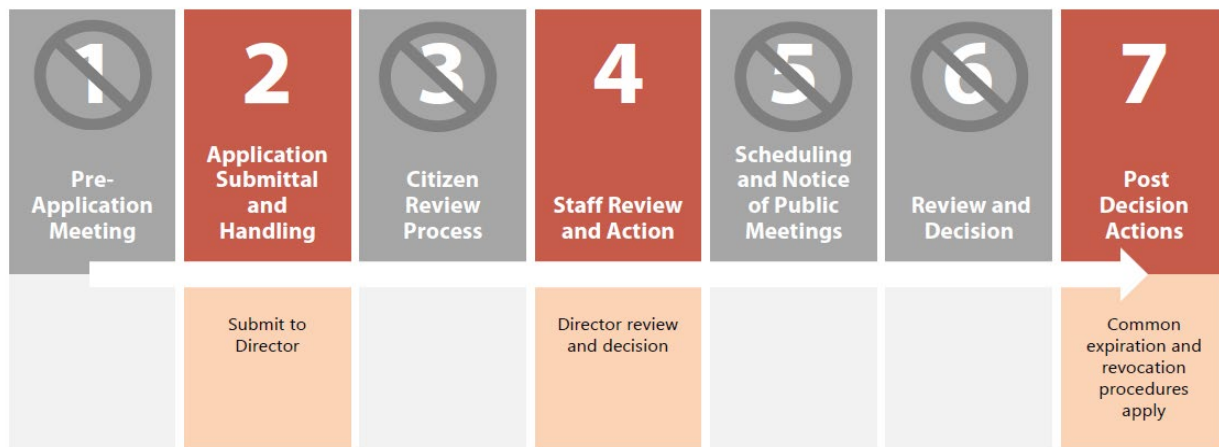
b. When a Land Division Is Deemed a Subdivision

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 Section 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 Section 8.3.C, *Application Submittal and Handling*, with the following modification: The application shall describe the property involved, including existing and proposed lot lines and access and utility easements, identification of all parties of interest to the division, and the manner in which the divided parcels are to obtain access.

b. Staff Review and Action

Upon receipt of a complete application, the Director shall approve or deny the land division based on the findings in Section [8.5.C\(4\)](#) below.

(4) Land Division Required Findings

The Director shall review and approve a land division that conforms to the following findings:

- a. The parcels resulting from the division conform to applicable zoning regulations;
- b. The division of land would not result in a “subdivision” as defined by this Code;
- c. None of the resulting parcels would be landlocked;
- d. The street design requirements of Section [7.3.F](#) have been met;
- e. The wastewater requirements as determined by the City Engineer have been met; and
- f. The storm water requirements as determined by the City Engineer have been met.
- g. Lots proposed to be combined have the same zoning designation. [Ord. 2023-03 § 1 (Exh. A), 4-25-23].

D. Condominiums and Condominium Conversions

(1) Purpose

This section establishes the requirements for condominium developments and condominium conversions (airspace planning).

(2) Applicability

Final plats for condominiums shall be recorded before the 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.
- 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.

(5) *Special Conditions*

- a. Copies of the condominium documents 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

(1) *Purpose and Applicability*

Any subdivided lands may revert to acreage upon approval by the [Council Director](#) according to this section.

(2) *Application Submittal and Review Procedure*

Figure 8-10 identifies the applicable steps from Section [8.3](#), *Common Review Procedures*, 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



Changes to Figure 8-10:

4: Director review and notice

5: Grey Out/Not required

6: Director Decision

a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section [8.3.B](#), *Pre-Application Meeting*.

b. Application Submittal and Handling

The application for reversion to acreage shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [8.3.C](#), *Application Submittal and Handling*.

c. Citizen Review Process

The applicant shall prepare and implement a Citizen Participation Plan pursuant to Section [8.3.D](#), *Citizen Review Process*.

d. Staff Review and Action

1. The City shall provide notice of the application in accordance with the notice requirements of Section [8.3.F\(2\)](#) and (3)

~~1.2.~~ The Director shall review the application and ~~prepare a staff report and recommendation~~ approve, approve in modified form, or deny the application in accordance with Section [8.3.E](#), *Staff Review and Action*, and based on the findings in [8.5.E\(3\)](#), *Reversion to Acreage Findings*.

~~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 Section 8.3.F, *Scheduling and Notice of Public Hearings*.~~

~~**f. Review and Decision**~~

~~All common procedures in Section 8.3.G, *Review and Decision*, shall apply, with the following modifications:~~

~~**1. Planning and Zoning Commission Review and Recommendation**~~

~~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 Section 8.5.E(3), *Reversion to Acreage Findings*.~~

~~**2. City Council Review and Decision**~~

~~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 Section 8.5.E(3), *Reversion to Acreage Findings*.~~

g.e. Post-Decision Actions and Limitations

All common procedures in Section 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~~approve shall be based on all of the following findings:

- a. That the subdivided lands to revert to acreage are under one ownership entity;
- b. That 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.

E. Appeal

(1) Purpose

The appeal procedure establishes an administrative mechanism for the applicant, the owner of the property, or any other persons ~~claiming to have been~~ aggrieved by a decision of the Director, City Engineer, City Commission, or Board 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 subsection [8.8.E\(4\)](#).
2. An appeal of all other decisions of an administrative office, agency, or commission made in the administration or enforcement of this Code shall be made to either the Board of Adjustment or City Council, as indicated in Table 8.1, Summary Table of Review Procedures, and shall follow the procedure in subsection [8.8.E\(3\)](#).

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 Section [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

The appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [8.3.C, Application Submittal and Handling](#), with the following modifications:

1. Burden of Proof on Appellant

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. Standard of Proof

The standard of proof the appellant is required to prove to warrant approval of an appeal by the appropriate decision-making body is by a preponderance of the evidence.

2.3. Time Limit

The appeal shall be filed within 15 days of the decision, by the applicant, the owner of the property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this Code, 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.

3.4. Stay of Proceedings

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 Section [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 Section [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 Section [8.8.E\(3\)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 review the written appeal and the record, including the application, plans, and related project materials that were the subject of the original decision, any additional materials as may be presented at the appeal hearing, any written correspondence submitted after the appeal has been filed, and 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.

f. Standard of Review for Appeals

When reviewing any decision on appeal, the appropriate decision-making body shall apply the same standards and criteria as were required for the original decision.

(4) Appeals of Municipal Actions Concerning Dedications or Exactions

a. Applicability

Pursuant to A.R.S. § [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
2. The adoption or amendment of a zoning regulation that creates a taking of property in violation of A.R.S. § [9-500.13](#).

b. Procedure

1. The Community Development Department shall notify property owners of their right to appeal the City's action, pursuant to subsection [8.8.E\(4\)a](#), 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. § [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.

Attachment 3
House Bill 2447

self-certification program; administrative review

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 31
HOUSE BILL 2447

AN ACT

AMENDING SECTION 9-500.49, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ADMINISTRATIVE REVIEWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-500.49, Arizona Revised Statutes, is amended
3 to read:
4 9-500.49. Administrative review and approval;
5 self-certification program; expedited approval;
6 definitions
7 A. Notwithstanding any other law, the legislative body of a city or
8 town ~~may~~ SHALL by ordinance do the following:
9 1. Authorize administrative personnel to review and approve site
10 plans, development plans, land divisions, lot line adjustments, lot ties,
11 preliminary plats, final plats and plat amendments without a public
12 hearing.
13 2. Authorize administrative personnel to review and approve design
14 review plans based on objective standards without a public hearing.
15 ~~3. Adopt a self-certification program allowing registered~~
16 ~~architects and professional engineers to certify and be responsible for~~
17 ~~compliance with all applicable ordinances and construction standards for~~
18 ~~projects that the ordinance identifies as being qualified for~~
19 ~~self-certification.~~
20 ~~4.~~ 3. Allow at-risk submittals for certain on-site preliminary
21 grading and drainage work or infrastructure.
22 ~~5.~~ 4. Allow applicants with a history of compliance with building
23 codes and regulations to be eligible for expedited permit review.
24 B. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF A CITY OR
25 TOWN MAY BY ORDINANCE ADOPT A SELF-CERTIFICATION PROGRAM ALLOWING
26 REGISTERED ARCHITECTS AND PROFESSIONAL ENGINEERS TO CERTIFY AND BE
27 RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND CONSTRUCTION
28 STANDARDS FOR PROJECTS THAT THE ORDINANCE IDENTIFIES AS BEING QUALIFIED
29 FOR SELF-CERTIFICATION.
30 ~~B.~~ C. Applications for a license pursuant to this section are
31 subject to chapter 7, article 4 of this title.
32 ~~C.~~ D. For the purposes of this section: ~~;~~
33 1. "LICENSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-831.
34 2. "Objective" means not influenced by personal interpretation,
35 taste or feelings of a municipal employee and verifiable by reference to
36 an adopted benchmark, standard or criterion available and knowable by the
37 applicant or proponent.
38 Sec. 2. Effective date
39 This act is effective from and after December 31, 2025.

APPROVED BY THE GOVERNOR MARCH 31, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2025.