

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, March 21, 2023

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, March 21, 2023, 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 cnorlock@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. January 3, 2023 (R)
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. Update/discussion regarding the Community Plan Update.
6. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:
 - a. Public hearing/discussion/possible action regarding proposed revisions to the Sedona Land Development Code. The proposed revisions include revisions to better reflect the intent of the Code and goals of the Sedona Community Plan, typographical, clerical and other corrections, changes for purposes of clarification, and elimination of redundancies.

Case Number: PZ23-00002 (LDC)
Applicant: City of Sedona
7. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, April 4, 2023
 - b. Tuesday, April 18, 2023
8. 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.
9. ADJOURNMENT

Physical Posting: March 9, 2023 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.



Meeting Date:	Public Hearing: March 21, 2023
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). The proposed revisions include typographical and clerical corrections, changes for clarity, elimination of redundancies and other more substantive revisions to better reflect the intent of the LDC and goals of the Sedona Community Plan.
Report Prepared by:	Cari Meyer, Planning Manager
Attachments:	Proposed Revisions to the LDC

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 in September/October 2019, July/September 2020, and May/June 2021.

This series of proposed revisions reflect amendments that staff has evaluated and feel are appropriate to make at this time.

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.

Most of the proposed amendments are for clarity, correction or to provide consistency between the Code requirements and intent. Other changes are in response to staff's experience in working with the Code and a need for additional clarity. Still other changes are a result of discussions with other departments and staff members and proposes changes that will aid in accomplishing other goals of the City.

Off Highway Vehicle (OHV) Businesses

One change that is seen throughout the attachment is how off-highway vehicle (OHV) businesses are evaluated. There has been a significant amount of discussion over the past few years regarding the impacts of OHVs in the City and surrounding areas. While the LDC cannot address the impacts on the roads and Forest Service land, Staff has been evaluating what the LDC can do.

OHV businesses have historically been categorized with "Vehicle Sales and Leasing" and subject to the same development standards as businesses renting passenger vehicles. In evaluating this approach, it was determined that it is no longer appropriate to include OHV businesses in this category as the impacts they have are different than the impacts a passenger vehicle rental business has, primarily as it relates to traffic (number of trips in and out) and parking.

In order to ensure consistency throughout the code, changes for OHVs include changes to use requirements and use specific standards (Article 3), parking requirements (Article 5), and definitions (Article 9). While these are listed in their correct places in the overall list of changes, they are also grouped at the end of the document to highlight the various changes. The proposal would make OHV businesses a conditionally permitted use in Commercial (CO) and Lodging (L) zones and a permitted use in Industrial (IN) zones. Making these uses a conditionally permitted use allows for a public review process, evaluation of impacts based on the proposed location, and the ability to condition the approval appropriately based on the anticipated impacts. The proposal also includes requiring parking for these businesses based on the number of vehicles available for rent rather than the square footage of their office area.

Code Enforcement

A number of changes are proposed as a result of collaboration with Code Enforcement staff to clarify the code requirements applicable to their most common complaints and include the following:

- Require repainting to a compliant color if more than 50% of a structure is painted
- Clarify screening requirements for recreational vehicles
- Set a date of January 1, 2030 for all lighting to be code compliant (fully shielded/dark sky compliant)

Housing

Additional changes are being proposed as a result of discussions with Housing staff to address housing needs and include the following:

- Allow full kitchens in guest houses
 - Having a prohibition on kitchens has not reduced the number of guest houses being constructed, but has limited the ability of owners to convert them into long term rentals.
- Modify massing requirements for manufactured houses
 - Finding a manufactured house that meets LDC requirements has been difficult for homeowners. At 1,500 square feet, the house would be required to have a garage. Changing

the massing requirements to requiring a second mass at 1,500 square feet would allow the garage to count as the second mass and provide more options for which homes property owners can consider.

Approval Criteria

In Staff's opinion, all of these changes are consistent with the approval criteria in LDC Section 8.6.C(4). They are consistent with the general purpose and intent of the LDC as well as adopted plans and policies, are being proposed in response to community needs, and do not conflict with other LDC provisions. Where changes to one section have the potential to impact another section of the LDC, changes to both sections are proposed (for example, changes to definitions are proposed to reflect the changes in permitted uses).

PLANNING AND ZONING COMMISSION PUBLIC HEARING

This item is agendaized for discussion and possible action for the March 21, 2023, 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. The Commission can also choose to continue this item to a future meeting if they determine additional information is needed in order to take action on the proposal.

Recommendation and Motion
PZ23-00002 (LDC Revisions)



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

Staff Recommendation:

Staff recommends approval of case number PZ23-00002 (LDC Revisions), 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 PZ23-00002 (LDC Revisions), consistent with the approval criteria in Section 8.6.C(4). of the LDC.

Proposed LDC Changes:

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

3.2.E: Table of Allowed Uses: Off-Highway Vehicle Sales and Rentals	N/A (New use category)	Conditionally Permitted Use in CO & L; Permitted in IN	Separate OHV from Vehicle Sales and Leasing to address the impacts of OHV businesses
3.3.C(29): Use Specific Standards, Commercial Uses, Off-Highway Vehicle Sales and Rental (new subsection)	New subsection – addressing OHVs as a new category	Outside display of vehicles for sale or lease shall be subject to the same standards as Vehicle Sales and Leasing (LDC Section 3.3.C(26)).	New use category to address the impacts OHV impacts
3.4.C(2).a.1: Accessory Buildings, Use	A maximum of one accessory building on a lot may be used as habitable space, and may include a kitchenette but not a kitchen. No other accessory buildings shall include habitable space, bathtubs, or showers. Each accessory structure shall comply with the standards of this LDC.	A maximum of one accessory building on a lot may be used as habitable space, and may include ~~a kitchenette but not a~~ kitchen. No other accessory buildings shall include habitable space, bathtubs, or showers. Each accessory structure shall comply with the standards of this LDC.	Allow full kitchens in guest houses.
3.4.D(5)b.3: Outside Storage, Accessory	LDC Section 3.4.D(5)b.3: ... shall be screened from adjacent properties and streets by a wall or fence at least six feet in height and 100 percent opaque...	LDC Section 3.4.D(5)b.3: ... shall be screened from adjacent properties and streets by an <u>opaque</u> wall or fence at least six feet in height and ~~100 percent opaque~~ ... <u>The Director may waive or modify screening requirements when the vehicle to be screened is located more than 50 feet from a property line and existing vegetation and/or structures obscure the vehicle.</u>	CODE ENFORCEMENT Addresses enforcement issues where the fence is accomplishing the intent of the code to screen an RV, but portions of the RV are still visible through small slits in the fence. Allows for some discretion when the vehicle is far from the property line and obscured by existing vegetation or buildings.

Article 5 – Development Standards:			
Section	Current Language	Proposed Change	Notes
5.5.D, Table 5.2: Required Off-Street Parking Spaces	No current parking requirement for “Conference/Meeting Facility”	Conference/Meeting Facility: 1 space per 50 square feet of meeting area	There is no parking requirement. Since the definition of indoor recreation facility includes meeting facilities, the parking requirement would be 1/300 square feet. A meeting facility has a higher occupancy than an indoor recreation facility and should have a different requirement. The proposal mirrors the parking requirement for religious uses, based on the size of the meeting room, as a full meeting room represents the highest occupancy. A change to the definition of indoor recreation facility is also proposed.
5.5.D, Table 5.2: Required Off-Street Parking Spaces	No current parking requirement for “Off-Highway Vehicles Sales and Rentals”	One (1) space for each OHV rented out of the location, plus one (1) space per 500 square feet of sales floor area. OHVs for sale or rent shall not be parked in required parking spaces.	One of the key issues identified for OHV businesses is the lack of on-site parking for customers. In the vehicle sales and leasing category (which OHVs currently fall under), parking is only required for the sales floor area, as customers renting passenger vehicles either don’t come with a vehicle or can leave their vehicle in the space the rental car was in. This has not worked for OHV businesses, as OHVs are smaller and they tend to fit as many OHVs on site as possible, limiting the ability for customers to leave their cars parked where the rental vehicle was. Tying parking to the number of OHVs will ensure sufficient customer parking.
5.6.D(1)d: Screening, Roof-Mounted Equipment	Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements when it can be clearly demonstrated that required screening will clearly restrict their efficient operation.	Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements ~~when it can be clearly demonstrated that required screening will clearly restrict their efficient operation.~~	Screening for solar panels has never been enforced, as solar is almost always installed after construction of the house and requiring screening would require changes to the structure that would increase the cost of installation of solar. Screening requirements are intended to reduce the visual impact of equipment and, though solar panels are mechanical equipment, they do not have the same visual impact of other rooftop mechanical equipment (HVAC).

5.7.B(3)a: Exterior Renovation	Any exterior renovation of a building shall comply with the site and building design standards of this Section 5.7 for that renovation. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure.	Any exterior renovation of a building shall comply with the site and building design standards of this Section 5.7 for that renovation. If the renovation is proposed for only a portion of a building, the Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure. <u>Repainting more than 50% of the structure shall require the entire structure be painted a compliant color (Section 5.7.F(5)).</u>	Require repainting a compliant color if more than 50% of the house is repainted. Choosing a compliant color vs. repainting the same color should not have a cost difference and moves towards compliance with LDC requirements. See additional proposed changes to Section 1.6.
5.7.F(2)a.1.i.c: Massing (Single-Family Residential)	New Subsection	All manufactured homes 1,500 square feet or greater in gross floor area shall be composed of at least two visual building masses of differing heights and at least two visual building masses of differing planes.	HOUSING: Different massing requirements for manufactured homes. It is difficult and more expensive to find a manufactured home that meets massing requirements. At 1,500 square feet, the house would be required to also have a garage, which, when placed within 5 feet of the main house, would qualify as the second mass.
5.7.F(2)a: Massing	5.7.F(2)a.2.iii & 3.v: The structures permitted in Section 2.24.D(4), Exceptions to Setback Requirements, shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection.	5.7.F(2)a.6: The structures permitted in Section 2.24.D(4), Exceptions to Setback Requirements, <u>and Section 2.24.E(3), Exceptions to Height Requirements (except pitched, gable, or hip roof)</u> , shall not be considered as a separate visual building mass for the purpose of meeting the requirements of this subsection.	Remove from massing requirements for multifamily and commercial, add to general section to apply to all development and add in that elements granted additional height (elevators, mechanical equipment, etc.) don't count as masses

5.8.C(2)b: Exterior Lighting, Applicability	Cumulative modification, replacement, or repair of outdoor lighting constituting 25 percent or more of the permitted lighting output level for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting to comply with this Code. For purposes of this section, replacement of burned out lamps with new lamps or fixtures of the same type and lighting output level is not considered a modification, replacement or repair.	Cumulative modification, replacement, or repair of outdoor lighting constituting 25 percent or more of the permitted lighting output level for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting to comply with this Code. ~~For purposes of this section, replacement of burned out lamps with new lamps or fixtures of the same type and lighting output level is not considered a modification, replacement or repair.~~	CODE ENFORCEMENT Moved to new Non-Conforming Lighting section (Proposed Section 5.8.C(4))
5.8.C(4): Non-Conforming Lighting	New section to address Non-Conforming Lighting	a. All lighting that does not conform to all provisions of this Code shall be brought into compliance by January 1, 2030. Until this time, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Code, except that identical lamp replacement is allowed. b. In the event that an outdoor lighting fixture is abandoned or damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.	CODE ENFORCEMENT Lighting complaints are one of the highest volume of complaints received by the Code Enforcement Team. Trying to determine which lights might have a legal non-conforming status can be time consuming and complicated and does not contribute to the City's goals of being a dark sky city. The City first adopted a dark sky lighting ordinance in 2001. Having a requirement that non-compliant fixtures be replaced will further the City's dark sky goals and make enforcement of dark sky requirements a more straightforward matter.
Article 6 – Signs:			
Section	Current Language	Proposed Change	Notes
6.10: Permanent Signs (State Route 89A Character District)	For properties that have been identified in the <u>Sedona Main Street and Character Districts Design Manual</u> as being part of the <u>State Route 89A Character District</u> , the design standards applicable to commercial signs will apply with the following exceptions:	For properties that have been identified in the <u>Administrative Manual (Appendix C)</u> as being part of the <u>Uptown 89A Character District</u> , the design standards applicable to commercial signs will apply with the following exceptions:	Update Reference, this section refers to Sedona Main Street and Character Districts Design Manual, which no longer exists, as it was incorporated into the LDC in the 2018 rewrite. A map of the area affected by this code section is included in Appendix C of the Administrative Manual.
Article 7 – Subdivisions:			

Section	Current Language	Proposed Change	Notes
7.3.C(1)b: Lot Planning, Number of Lots Created	For a lot split, the lots created shall comply with the maximum lot size limits set forth for the applicable zoning district in Article 2: Zoning Districts.	For a lot split, the lots created shall comply with the ~~maximum~~ <u>minimum</u> lot size limits set forth for the applicable zoning district in Article 2: Zoning Districts.	Clean up item – Article 2 has minimum, not maximum lot sizes.
7.3.C(2)f: Lot Planning, Lot Size and Configuration	No lot shall be divided by a city, county, school district, or other taxing agency boundary	No lot shall be divided by a city, county, school district, ~~or~~ other taxing agency boundary, <u>or zoning or Community Plan designation boundary</u>	Prevent formation of lots with split zoning. This has created issues with application of permitted uses, setbacks, height standards, building design standards, etc. Also proposing a change to the findings needed for a land division.
Article 8 – Administration and Procedures:			
Section	Current Language	Proposed Change	Notes
8.3.H(1): Post-Decision Actions and Limitations	... an appeal has been filed with the Director pursuant to Section 8.8.D, Appeal.	... an appeal has been filed with the Director pursuant to Section 8.8. <u>E</u> , Appeal.	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
8.3.H(2): Post-Decision Actions and Limitations	...within 15 days of the final action, pursuant to Section 8.8.D, Appeal.	... within 15 days of the final action, pursuant to Section 8.8. <u>E</u> , Appeal.	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
8.4.B(3)g.1.ii.c: Conditional Use Permit	The decision shall become final 15 days following the date on which the conditional use permit was revoked unless an appeal has been filed with the Director within the prescribed 15-day appeal period, in which case the Council shall render a final decision.	Keep same language, move to 8.4.B(3)f.3	Move effective date of CUP to appropriate section.
8.5.C(4): Land Division Required Findings	None	g. Lots proposed to be combined have the same zoning designation.	Prevent formation of lots with split zoning, in conjunction with proposed change to LDC Section 7.3.C(2)f
8.8.E(1): Appeal, Purpose	... aggrieved by a decision of the Director or City Engineer...	... aggrieved by a decision of the Director, ~~or~~ City Engineer, <u>City Commission, or Board...</u>	Applies to all city decisions, not just director and engineer. Rest of code has procedures for appeal of all decisions
8.8.E(2)a.1 & 2: Appeal, Applicability	... shall follows the procedure in Section 8.8.D(4) below ... shall follow the procedure in Section 8.8.D(3) below	... shall follow the procedure in Section 8.8. <u>E</u> (4) below ... shall follow the procedure in Section 8.8. <u>E</u> (3) below	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.
8.8.E(4)b.1: Appeals	...shall notify property owners of their right to appeal the City's action, pursuant to Section 8.8.D(4)a above...	...shall notify property owners of their right to appeal the City's action, pursuant to Section 8.8. <u>E</u> (4)a above...	Code reference was not updated when the Affordable Housing Alternative Standards Request section was added to 8.8.

Article 9 – Definitions:			
Section	Current Language	Proposed Change	Notes
9.4.B: Use Related Definitions, Public, Institutional, and Civic Uses	No current definition for conference/meeting facility	Conference/Meeting Facility: Meeting rooms, business centers, assembly halls, auditoriums, and other related facilities used to facilitate and accommodate conferences, seminars, meetings and similar gatherings.	New definition, also removing conference center, auditorium, and assembly hall from definition of indoor recreation facility
9.4.C: Use Related Definitions, Commercial Uses	Indoor Recreation Facility: A commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, and tennis courts. Accessory uses may include limited retail, concessions, and maintenance facilities.	Indoor Recreation Facility: A commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, ~~assembly halls~~ , athletic and health clubs, ~~auditoriums~~ , community centers, ~~conference centers~~ , exhibit halls, gymnasiums, swimming pools, and tennis courts. Accessory uses may include limited retail, concessions, and maintenance facilities.	Limit this definition to the true “recreation” uses. Assembly halls, auditoriums, and conference center moved to separate definition.
9.4.C: Use Related Definitions, Commercial Uses	Vehicle Sales and Leasing: The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs/OHVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.	Vehicle Sales and Leasing: The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ~~ATVs/OHVs, snowmobiles~~ , and recreational vehicles, <u>but not off-highway vehicles (OHVs) or similar vehicles</u> . This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.	The impacts of ATV/OHV rentals are different than typical vehicle rentals, so there has been a need identified to remove ATVs/OHVs from this definition, define them separately, and create different standards for them to address the impacts differently.

9.4.C: Use Related Definitions, Commercial Uses	No current definition for ATV/OHV rentals	Off-Highway Vehicle Sales and Rentals: The sale, display, lease, rental, or storage of all-terrain vehicles (ATVs) off-highway vehicles (OHVs), snowmobiles, and similar vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.	The impacts of ATV/OHV rentals are different than typical vehicle rentals, so there has been a need identified to define ATVs/OHVs separately and create different standards for them to address the impacts differently.
9.4.G: Use Related Definitions, Temporary Uses, Special Events	A temporary use on public or private property that extends beyond the normal uses and standards allowed by this Code. “Special events” include, but are not limited to, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.	A temporary use on public or private property that extends beyond the normal uses and standards allowed by this Code. “Special events” include, but are not limited to, fundraising activities, educational, historic, religious and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, <u>weddings, conferences, retreats, trainings,</u> and other organized community events.	Adding more uses to the definition of Special Events to clarify that these uses are considered special events and addresses issues with STRs being used as wedding, conference, retreat, and training venues.

Proposed Changes Regarding OHVs			
Section	Current Language	Proposed Change	Notes
3.2.E: Table of Allowed Uses: Off-Highway Vehicle Sales and Rentals	N/A (New use category)	Conditionally Permitted Use in CO & L; Permitted in IN	Separate OHV from Vehicle Sales and Leasing to address the impacts of OHV businesses
3.3.C(29): Use Specific Standards, Commercial Uses, Off-Highway Vehicle Sales and Rental (new subsection)	New subsection – addressing OHVs as a new category	Outside display of vehicles for sale or lease shall be subject to the same standards as Vehicle Sales and Leasing (LDC Section 3.3.C(26)).	New use category to address the impacts OHV impacts
5.5.D, Table 5.2: Required Off-Street Parking Spaces	No current parking requirement for “Off-Highway Vehicles Sales and Rentals”	One (1) space for each OHV rented out of the location, plus one (1) space per 500 square feet of sales floor area. OHVs for sale or rent shall not be parked in required parking spaces.	One of the key issues identified for OHV businesses is the lack of on-site parking for customers. In the vehicle sales and leasing category (which OHVs currently fall under), parking is only required for the sales floor area, as customers renting passenger vehicles either don’t come with a vehicle or can leave their vehicle in the space the rental car was in. This practice has not worked for OHV businesses, as OHVs are smaller than the typical car and OHV businesses tend to fit as many OHVs on site as possible, limiting the ability for customers to leave their cars parked where the rental vehicle was. Tying parking to the number of OHVs will ensure sufficient customer parking.
9.4.C: Use Related Definitions, Commercial Uses	Vehicle Sales and Leasing: The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs/OHVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.	Vehicle Sales and Leasing: The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ~~ATVs/OHVs, snowmobiles,~~ and recreational vehicles, <u>but not off-highway vehicles (OHVs) or similar vehicles.</u> This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.	The impacts of ATV/OHV rentals are different than typical vehicle rentals, so there has been a need identified to remove ATVs/OHVs from this definition, define them separately, and create different standards for them to address the impacts differently.

9.4.C: Use Related Definitions, Commercial Uses	No current definition for ATV/OHV rentals	Off-Highway Vehicle Sales and Rentals: The sale, display, lease, rental, or storage of all-terrain vehicles (ATVs) off-highway vehicles (OHVs), snowmobiles, and similar vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.	The impacts of ATV/OHV rentals are different than typical vehicle rentals, so there has been a need identified to define ATVs/OHVs separately and create different standards for them to address the impacts differently.
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