

## DRAFT AGENDA

REGULAR COUNCIL MEETING  
TUESDAY  
DECEMBER 15, 2015

COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
4:00 P.M. AND 6:00 P.M.

### 4:00 P.M. MEETING

*Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.*

1. **CALL TO ORDER**

#### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

2. **ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS  
VICE MAYOR BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER PUTZOVA

3. **PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

#### MISSION STATEMENT

*The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.*

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

5. **PUBLIC PARTICIPATION**

*Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

**6. PROCLAMATIONS AND RECOGNITIONS**

None

**7. APPOINTMENTS**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body....., pursuant to A.R.S. §38-431.03(A)(1).*

**A. Consideration of Appointments: Personnel Board.****RECOMMENDED ACTION:**

Make one appointment to a term expiring October 2018.

**8. LIQUOR LICENSE PUBLIC HEARINGS****A. Consideration and Action on Liquor License Application: Andrea Lewkowitz, "Courtyard by Marriott", 2650 S. Beulah Blvd., Series 11 (Hotel/Motel), New License.****RECOMMENDED ACTION:**

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

**B. Consideration and Action on Liquor License Application: Andrea Lewkowitz, "Springhill Suites", 2455 S. Beulah Blvd., Series 10 (beer and wine store), New License.****RECOMMENDED ACTION:**

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

**9. CONSENT ITEMS**

*All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.*

None

**10. ROUTINE ITEMS****A. Consideration and Approval of Street Closure(s): Dew Downtown Flagstaff Winter Festival****RECOMMENDED ACTION:**

Approve the street closure at San Francisco Street (between Aspen Avenue and Cherry Avenue) and Birch Avenue (between Agassiz Street and Leroux Street) on January 28, 2016 at 8:00 p.m. through January 30, 2016 at 11:59 p.m. Approve the street closure at Aspen Avenue (between San Francisco Street and Leroux Street) on January 29, 2016 at 8:00 a.m. through January 30, 2016 at 11:59 p.m.

- B. Consideration and Adoption of Ordinance No. 2015-22:** An ordinance of the Mayor and Council of the City of Flagstaff amending qualifications for members who serve on certain Boards and Commissions (*Elimination of Specialty Appointments to Commissions*)

**RECOMMENDED ACTION:**

**At the Council Meeting of December 15, 2015**

- 1) Read Ordinance No. 2015-22 by title only for the first time
- 2) City Clerk reads Ordinance No. 2015-22 by title only (if approved above)

**At the Council Meeting of January 5, 2016**

- 3) Read Ordinance No. 2015-22 by title only for the final time
- 4) City Clerk reads Ordinance No. 2015-22 by title only (if approved above)
- 5) Adopt Ordinance No. 2015-22

**RECESS**

**6:00 P.M. MEETING**

**RECONVENE**

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

**11. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER PUTZOVA

**12. PUBLIC PARTICIPATION**

**13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

**14. PUBLIC HEARING ITEMS**

None

**15. REGULAR AGENDA**

None

**16. DISCUSSION ITEMS**

- A. Policy discussion on proposed amendments to Zoning Code Chapter 10-50 (*Supplemental to Zones*), except for Division 10-50.100 (*Sign Standards*).**
- B. Policy discussion on proposed amendments to Zoning Code Chapter 10-30 (*General to All*).**
- C. Policy discussion on proposed amendments to Zoning Code Chapters 10-60 (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps)**
- D. Discussion of Disabled-accessible Parking in Downtown.**

**17. FUTURE AGENDA ITEM REQUESTS**

*After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.*

- A. Future Agenda Item Request (F.A.I.R.): A request by Councilmember Putzova to place on a future agenda a discussion on affordable housing.**

**18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, FUTURE AGENDA ITEM REQUESTS**

**19. ADJOURNMENT**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 12/03/2015  
**Meeting Date:** 12/15/2015



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**TITLE:**

**Consideration of Appointments:** Personnel Board.

**RECOMMENDED ACTION:**

Make one appointment to a term expiring October 2018.

**Executive Summary:**

The Personnel Board consists of seven citizen members, and conducts hearings to ensure due process for regular, classified employees who are dismissed, demoted, or suspended without pay. The Board forwards all recommendations to the City Manager who has final authority in all personnel matters. There are currently two seats available. It is important to fill vacancies on the Board quickly so as to allow the Board to continue meeting as needed.

There is one application on file for consideration by the Council.

Stanford (Stan) Nelson (new applicant)

**COUNCIL APPOINTMENT ASSIGNMENT:** Councilmember Overton.

**Financial Impact:**

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

**Connection to Council Goal and/or Regional Plan:**

There is no Council goal that specifically addresses appointments to Boards and Commissions; however, boards and commissions do provide input and recommendations based on City Council goals that may pertain to the board or commission work plan.

**Has There Been Previous Council Decision on This:**

None.

**Options and Alternatives:**

- 1) Appoint one Board Member: By appointing a member at this time, the Personnel Board will be at near full membership, allowing the group to meet and provide recommendations to the City Manager.
- 2) Table the action to allow for further discussion or expand the list of candidates.

**Community Benefits and Considerations:**

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

**Community Involvement:**

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the opening by Commission members and City staff has occurred, informing others of this vacancy through word of mouth.

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**Attachments:**    [Personnel Board Roster](#)  
                          [Personnel Board Authority](#)  
                          [Personnel Board - Applicant Roster](#)  
                          [Personnel Board Applications](#)



## City of Flagstaff, AZ

### PERSONNEL BOARD MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<b><u>Burns, Anita</u></b> Owner/Anita Burns Videography 9930 N. Montana Trail Flagstaff, AZ 86004 Cell Phone: 928-607-1148 Term: (1st 3/15-10/17)	<b>03/17/2015</b>	<b>10/17</b>	<b>04/20/2015</b>
<b><u>Davis, Terry</u></b> Retired P.O. Box 30547 Flagstaff, AZ 86003-0547 Cell Phone: 602-885-5218 Term: (1st 10/07-10/12; 2nd 10/12-10/17)	<b>10/16/2007</b>	<b>10/17</b>	<b>10/08/2008</b>
<b><u>Ringenberg, Corey</u></b> Sergeant/Coconino County 2488 W. Coronado Ave Flagstaff, AZ 86001 Cell Phone: 928-600-1023 Term: (1st 2/14-10/16)	<b>02/13/2014</b>	<b>10/16</b>	<b>10/27/2014</b>
<b><u>Sauer, Dietrich</u></b> Director of Human Resources/Flagstaff Unified School District 4981 S. Topaz Road Flagstaff, AZ 86001 Cell Phone: 928-221-3435 Term: (1st 10/07-10/12; 2nd 10/12 - 10/17)	<b>10/01/2013</b>	<b>10/17</b>	<b>10/08/2008</b>



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## City of Flagstaff, AZ

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**Snow, Cathy**

11/22/2011

10/16

03/12/2013

Asst. Director, Human Resources/Northern  
Arizona University  
4005 Lake Mary Rd. #13  
Flagstaff, AZ 86001  
Cell Phone: 928-853-1358  
Term: (1st 11/11-10/16)

**Z-VACANT,**

10/18

No

**Z-VACANT,**

10/20

No

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**Staff Representative: Shannon Anderson**

**As Of: December 03, 2015**

- D. Temporary employees may be dismissed at any time, without cause, without notice, and without a statement of reasons or access to the Personnel Board. However, temporary employees shall have the right to file formal grievances under the Grievance Procedure (Article 1-90).
- E. For those temporary employees who are assigned to work twenty (20) or more hours per week for a continuous period of one (1) year or more (i.e., grant personnel or military replacements) are eligible for employee benefits, however, they do not have access to the Personnel Board.

5. EMPLOYMENT STATUS

- A. Tenured Employees: Tenured employees are those who are in the Classified Service and who are assigned to work twenty (20) or more hours per week, occupy budgeted positions, and who are not serving a probationary period. (All City positions, with the exception of some grant-funded positions, are budgeted on a fiscal year basis.) Employees in this category are entitled to City-defined employee benefits. Employees in this category have the right to appeal to the Personnel Board as indicated in Article 1-10 and the right to the Grievance Procedure in Article 1-90.
- B. Probationary Employees: Probationary employees are those who have been hired as classified employees and have been employed for fewer than six (6) months or fewer than twelve (12) months for Public Safety and/or who are serving a subsequent probationary period in accordance with an extension of an initial probation. Time served while on temporary status does not count toward completion of probationary status time requirements. An employee who is completing his/her probationary period may be dismissed at any time and for any cause and does not have access to the Personnel Board. However, he/she may petition for review by the City Manager within five (5) calendar days from receipt of the notice of dismissal.

Employees who are completing an administrative review due to a promotion shall have access to the Personnel Board as outlined in Article 1-10-040.

- C. Exempt Employees: Exempt employees are those who are employed in an administrative, technical, or professional position or any other FLSA category (Unclassified Service). The grievance procedure and right of appeal to the Personnel Board do not apply to this group of employees.

**1-10-040. PERSONNEL BOARD**

A. The Personnel Board is appointed by the City Council. The Personnel Board is responsible for determining that the City has followed proper procedures in matters concerning the dismissal, demotion, or suspension without pay of ten (10) working days or more.

B. Membership and Responsibility of the Personnel Board

1. The City Council shall appoint seven (7) individuals to serve on the Personnel Board and the terms shall be for five years.
2. Any member who misses two consecutive hearings may cease to be a member of the Board, contingent upon Council action.
3. No member of the Personnel Board shall hold any other paid municipal position.
4. The Human Resources Director shall be an ex officio member of the Board and shall be allowed to take part in all actions of the Board, except for making motions and voting.
5. A majority of the Board shall constitute a quorum for the transaction of business.
6. The Personnel Board shall determine the order of business for the conduct of its meetings.
7. The Board shall meet on call by the Chair or Secretary or a majority of the members of the Board.
8. The Board shall hear appeals submitted by any tenured employee in the classified service in relation to dismissal, demotion, or suspension.
9. The provisions of this Section shall not apply to reductions in pay via reclassifications or other matters described in Article 1-90 (Grievance Procedure).

C. Request for Hearing

1. Any tenured employee in the classified service who has been dismissed, demoted, or suspended, and any classified employee who has been disciplined under Sections 1-40-090, 1-40-110, or 1-40-120, shall be entitled to a written statement of the reasons for such action.
2. The employee shall have up to seven (7) calendar days from receipt of reasons to answer the charges and request a hearing before the Personnel

Board. The response must be in writing and state why the employee believes the discipline is improper and the relief requested and must be submitted to the Human Resources Director.

3. Upon the filing of an appeal, the Human Resources Director shall set a date and place, with concurrence of the Board Chair, for a hearing on the appeal, not less than ten (10) calendar days nor more than thirty (30) calendar days from the date of filing. The Human Resources Director shall notify all interested parties of the date, time, and place of hearing.

D. Form of Hearing

1. The employee shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of the hearing. Hearings shall be conducted by rules set by the Personnel Board and approved by the City Council. All such rules shall be reviewed by the City Attorney and forwarded to the Council with comments.
2. The employee has the right to be represented by any willing person of his/her choice; however, the City is not liable for any cost or expense incurred for such representation. The employee must notify the Human Resources Director as to whom, if anyone, will be representing him/her at the hearing at least two (2) working days prior to the commencement of the hearing.
3. When a case is brought before the Personnel Board, the Department Head or a City representative, shall prepare and present the City's case to the Personnel Board.

E. Witnesses and Exhibits

1. The Board, shall have the power to examine witnesses under oath when conducting a hearing.
2. The Chair or Acting Chair of the Personnel Board shall have the power to administer oaths to witnesses.
3. A list of witnesses must be submitted to the Human Resources Director prior to the hearing. Once both parties have provided their witness lists, copies will be exchanged between the employee and the supervisor.
4. All documents/exhibits that will be presented as evidence during the hearing will be submitted to the Human Resources Director prior to the hearing. Once these documents/exhibits have been submitted they will be provided to both parties.

F. Closing Decision

1. Upon conclusion of the hearing the findings and recommendations of the Personnel Board shall be forwarded to the City Manager or designee for action. The City Manager or designee shall accept in whole or in part, or deny, said findings and recommendations. The decision of the City Manager or designee shall be final. No additional evidence, testimony, or comments will be considered by the City Manager or designee once the hearing has been officially closed. When the hearing is closed, only the evidence, testimony, and comments made prior to the official closing will be considered.

G. Disposition of Records

1. All records pertaining to the hearing will be maintained by the Human Resources Division and will not become part of the employee's personnel record. All documents provided to the City Manager or designee and/or Board shall be returned to the Human Resources Division at the completion of the process.

**1-10-050. POSITION CLASSIFICATION PLAN**

- A. The Human Resources Director shall be responsible for the classification of all positions on the basis of the kind and level of the duties and responsibilities of the positions, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same method of evaluation for competence, and the same salary range.

1. A job class may contain one or more positions.
2. Classification of all positions shall require a study and recommendation by the Human Resources Director and approval of the City Manager.

- B. The classification plan of all positions shall provide class titles, descriptions of duties and responsibilities, qualifications, and other requirements as deemed necessary by the Human Resources Director. The plan shall be amended as the duties, responsibilities, and employment conditions change. The plan shall be audited as required for changes which may have occurred.

1. The Human Resources Division shall maintain copies of current specifications for all classes of employment.
2. The specifications shall include title; example of work performed; distinguishing features of work; required knowledge, skills, and abilities;



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## City of Flagstaff, AZ

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### PERSONNEL BOARD APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<b><u>Nelson, Stanford (Stan)</u></b> Adoption Inv-Appt by Superior Court/Retired/Part time Investigations 2000 N. Rio de Flag Dr. Flagstaff, AZ 86004 Cell Phone: 310-850-6392			No

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**Staff Representative: Shannon Anderson**

**As Of: December 03, 2015**

## Stacy Saltzburg

**From:** noreply@civicplus.com  
**Sent:** Wednesday, October 21, 2015 6:19 AM  
**To:** Elizabeth Burke; Stacy Saltzburg  
**Subject:** Online Form Submittal: Board/Commission Application

**Categories:** Green Category

If you are having problems viewing this HTML email, click to view a [Text version](#).

## Board/Commission Application

### Important Notice:

The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

### Application to Serve on a Board/Commission

#### Please note that this information is public information.

Date:\* 10/21/2015  
Board/Commission you wish to serve on:\* Personnel  
If applicable, type of seat for which you are qualified: Commissioner and Chairperson

#### Your Information

Name:\* Stanford E. Nelson (Stan) Home Phone:\* (928) 526-0199  
Home Address:\* 2000 N. Rio de Flag Drive Zip:\* 86004  
Mailing Address (If different from above):  
Employer:\* Retired/part time Investigations Job Title:\* Adoption Inv-Appt by Superior Court  
Business Phone: (310) 850-6392 Cell: (310) 850-6392  
E-mail:\* stannels@aol.com  
Indicate preferred telephone:\*  Home  Cell  
 Work  
Please indicate age group:\*  18-34  55+  
 35-54  
Please indicate education:\*  High School  Post Graduate  
 College  
Number of years living in the Flagstaff area:\* 11 years

#### Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

47 yrs law enforcement State/Federal-Reviewed many personnel cases, files,backgrounds.appeals, internal investigations and Hearing Boards -7 Yrs Redondo Beach Public Safety Commission-two as Chairperson So Bay, Cal Pres of Lutheran Churches 5 yrs-personnel review, pastor performances etc

Why do you want to serve on the board or commission you listed?

I feel the need to return to Community Service and desire to maintain a healthy climate for employees of the City and a relationship with the community. My wife is a manager of Performance Staffing, the only in City employment agency and she is supportive of this as this is exactly what she represents for the community.

By submitting this electronic form, I acknowledge that any information provided above is public information, and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

Please note that all board and commission meetings are streamed live for public viewing.

\* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://az-flagstaff3.civicplus.com/Admin/FormHistory.aspx?SID=19282>

The following form was submitted via your website: Board/Commission Application

Date:: 10/21/2015

Board/Commission you wish to serve on:: Personnel

If applicable, type of seat for which you are qualified:: Commissioner and Chairperson

Name:: Stanford E. Nelson (Stan)

Home Phone:: (928) 526-0199

Home Address:: 2000 N. Rio de Flag Drive

Zip:: 86004

Mailing Address (If different from above)::

Employer:: Retired/part time Investigations

Job Title:: Adoption Inv-Appt by Superior Court

Business Phone:: (310) 850-6392

Cell:: (310) 850-6392

E-mail:: stannels@aol.com

Indicate preferred telephone:: Cell

Please indicate age group:: 55+

Please indicate education:: College

Number of years living in the Flagstaff area:: 11 years

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: 47 yrs law enforcement State/Federal-Reviewed many personnel cases, files,backgrounds.appeals, internal investigations and Hearing Boards  
-7 Yrs Redondo Beach Public Safety Commission-two as Chairperson  
So Bay, Cal Pres of Lutheran Churches 5 yrs-personnel review, pastor performances etc

Why do you want to serve on the board or commission you listed?: I feel the need to return to Community Service and desire to maintain a healthy climate for employees of the City and a relationship with the community. My wife is a manager of Performance Staffing, the only in City employment agency and she is supportive of this as this is exactly what she represents for the community.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 12/03/2015  
**Meeting Date:** 12/15/2015



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**TITLE:**

**Consideration and Action on Liquor License Application:** Andrea Lewkowitz, "Courtyard by Marriott", 2650 S. Beulah Blvd., Series 11 (Hotel/Motel), New License.

**RECOMMENDED ACTION:**

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

**Executive Summary:**

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 11 license allows the sale and service of spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises.

The Courtyard by Marriott is currently operating with a Series 11 liquor license but recently went through a change in ownership which requires a new liquor license to be issued. The property has been posted as required, and the Community Development, and Sales Tax divisions have reviewed the application with no concerns noted. The Police Department is still conducting its background investigation and a final report will be submitted with the final agenda.

**Financial Impact:**

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

**Connection to Council Goal and/or Regional Plan:**

Liquor licenses are a regulatory action and there is no Council goal that applies.

**Has There Been Previous Council Decision on This:**

Not applicable.

**Options and Alternatives:**

- 1) Table the item if additional information or time is needed.
- 2) Make no recommendation.
- 3) Forward the application to the State with a recommendation for approval.
- 4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Key Considerations:**

Because the application is for a new license, consideration may be given to both the applicant's personal qualifications and the location.

The deadline for issuing a recommendation on this application is December 16, 2015.

**Community Benefits and Considerations:**

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

**Community Involvement:**

The application was properly posted on November 23, 2015. No written protests have been received to date.

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**Attachments:**    [Courtyard - Letter to Applicant](#)  
                          [Hearing Procedures](#)  
                          [Series 11 Description](#)  
                          [Courtyard - Code Memo](#)  
                          [Courtyard - Tax Memo](#)

OFFICE OF THE CITY CLERK

December 2, 2015

Courtyard by Marriott  
Attn: Andrea Lewkowitz  
2600 N. Central Ave., Suite 1775  
Phoenix, AZ 85004

Dear Ms. Lewkowitz:

Your application for a New Series 11 liquor license for Courtyard by Marriott at 2650 S. Beulah Blvd., was posted on November 23, 2015. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, December 15, 2015 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on December 14, 2015 and the application may be removed from the premises at that time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg  
Deputy City Clerk

Enclosure



# City of Flagstaff

## Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. The presiding officer will then close the public hearing.
8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

## **R19-1-702. Determining Whether to Grant a License for a Certain Location**

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
  2. Number and types of licenses within one mile of the proposed premises;
  3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
  4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
  5. Residential and commercial population density within one mile of the proposed premises;
  6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
  7. Effect on vehicular traffic within one mile of the proposed premises;
  8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
  9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
  10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
  11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
  12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

## License Types: Series 11 Hotel/Motel License (with Restaurant)

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

### PURPOSE:

Allows the holder of a hotel/motel license to sell and serve spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises.

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a hotel/motel license must file a copy of its restaurant menu with the application.

A hotel/motel licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

The restaurant on the licensed premises must derive at least forty percent (40%) of its gross revenue from the sale of food.

A hotel or motel with a Series 11 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and **not** furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m. Monday through Saturday and 2:00 a.m. and 10:00 a.m. on Sundays.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women must be posted in each room on the inside of the door **or** on a menu (or similar item).

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.



## Planning and Development Services Memorandum

**November 17, 2015**

**TO:** Stacy Saltzburg, Deputy City Clerk

**THROUGH:** Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

**FROM:** Tom Boughner, Code Compliance Mgr.

**RE:** Application for Liquor License #11033054  
2650 South Beulah Blvd. Flagstaff, Arizona 86001  
Assessor's Parcel Number 103-24-010L  
Andrea Lewkowitz on behalf of Courtyard by Marriott



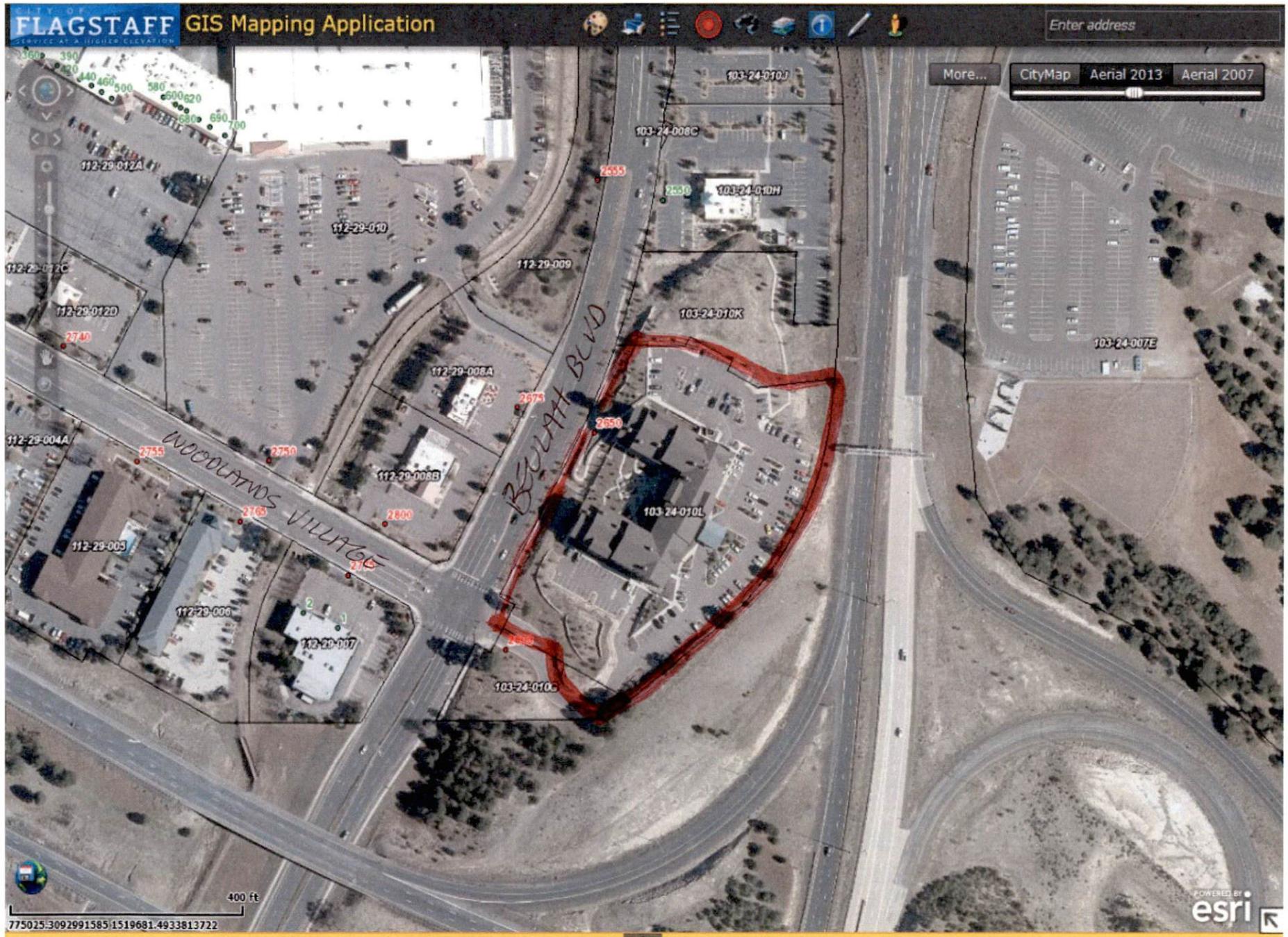
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This application is a request for a new, Series 11 Hotel/Motel Restaurant liquor license, by Andrea Dahlman Lewkowitz on behalf of Courtyard by Marriott. This hotel restaurant is located within the Highway Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

This liquor license is recommended for approval.





# Liquor License Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Sandy Corder, Interim Revenue Director

Date: November 19, 2015

Re: Series 11 Liquor License – Courtyard by Marriott

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I have reviewed our records for Courtyard by Marriott and I have no objection to approval of this liquor license.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 12/03/2015  
**Meeting Date:** 12/15/2015



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**TITLE:**

**Consideration and Action on Liquor License Application:** Andrea Lewkowitz, "Springhill Suites", 2455 S. Beulah Blvd., Series 10 (beer and wine store), New License.

**RECOMMENDED ACTION:**

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

**Executive Summary:**

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 10 license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

The Springhill Suites is currently operating with a Series 10 liquor license but recently went through a change in ownership which requires a new liquor license to be issued. The property has been posted as required, and the Community Development, and Sales Tax divisions have reviewed the application with no concerns noted. The Police Department is still conducting its background investigation and a final report will be submitted with the final agenda.

**Financial Impact:**

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

**Connection to Council Goal and/or Regional Plan:**

Liquor licenses are a regulatory action and there is no Council goal that applies.

**Has There Been Previous Council Decision on This:**

Not applicable.

**Options and Alternatives:**

- 1) Table the item if additional information or time is needed.
- 2) Make no recommendation.
- 3) Forward the application to the State with a recommendation for approval.
- 4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Key Considerations:**

Because the application is for a new license, consideration may be given to both the applicant's personal qualifications and the location.

The deadline for issuing a recommendation on this application is December 16, 2015.

**Community Benefits and Considerations:**

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

**Community Involvement:**

The application was properly posted on November 23, 2015. No written protests have been received to date.

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**Attachments:**    [Springhill - Letter to Applicant](#)  
                          [Hearing Procedures](#)  
                          [Series 10 Description](#)  
                          [Springhill - Code Memo](#)  
                          [Springhill - Tax Memo](#)

OFFICE OF THE CITY CLERK

December 2, 2015

Springhill Suites  
Attn: Andrea Lewkowitz  
2600 N. Central Ave., Suite 1775  
Phoenix, AZ 85004

Dear Ms. Lewkowitz:

Your application for a New Series 10 liquor license for Springhill Suites at 2455 S. Beulah Blvd., was posted on November 23, 2015. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, December 15, 2015 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on December 14, 2015 and the application may be removed from the premises at that time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg  
Deputy City Clerk

Enclosure



# City of Flagstaff

## Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. The presiding officer will then close the public hearing.
8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

## **R19-1-702. Determining Whether to Grant a License for a Certain Location**

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
  2. Number and types of licenses within one mile of the proposed premises;
  3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
  4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
  5. Residential and commercial population density within one mile of the proposed premises;
  6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
  7. Effect on vehicular traffic within one mile of the proposed premises;
  8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
  9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
  10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
  11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
  12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

## License Types: Series 10 Beer and Wine Store License (Beer and wine only)

Non-transferable

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

### PURPOSE:

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.



## Planning and Development Services Memorandum

**November 17, 2015**

**TO:** Stacy Saltzburg, Deputy City Clerk

**THROUGH:** Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

**FROM:** Tom Boughner, Code Compliance Mgr.

**RE:** Application for Liquor License #10033212  
2455 South Beulah Blvd. Flagstaff, Arizona 86001  
Assessor's Parcel Number 103-32-004B  
Andrea Lewkowitz on behalf of The Springhill Suites

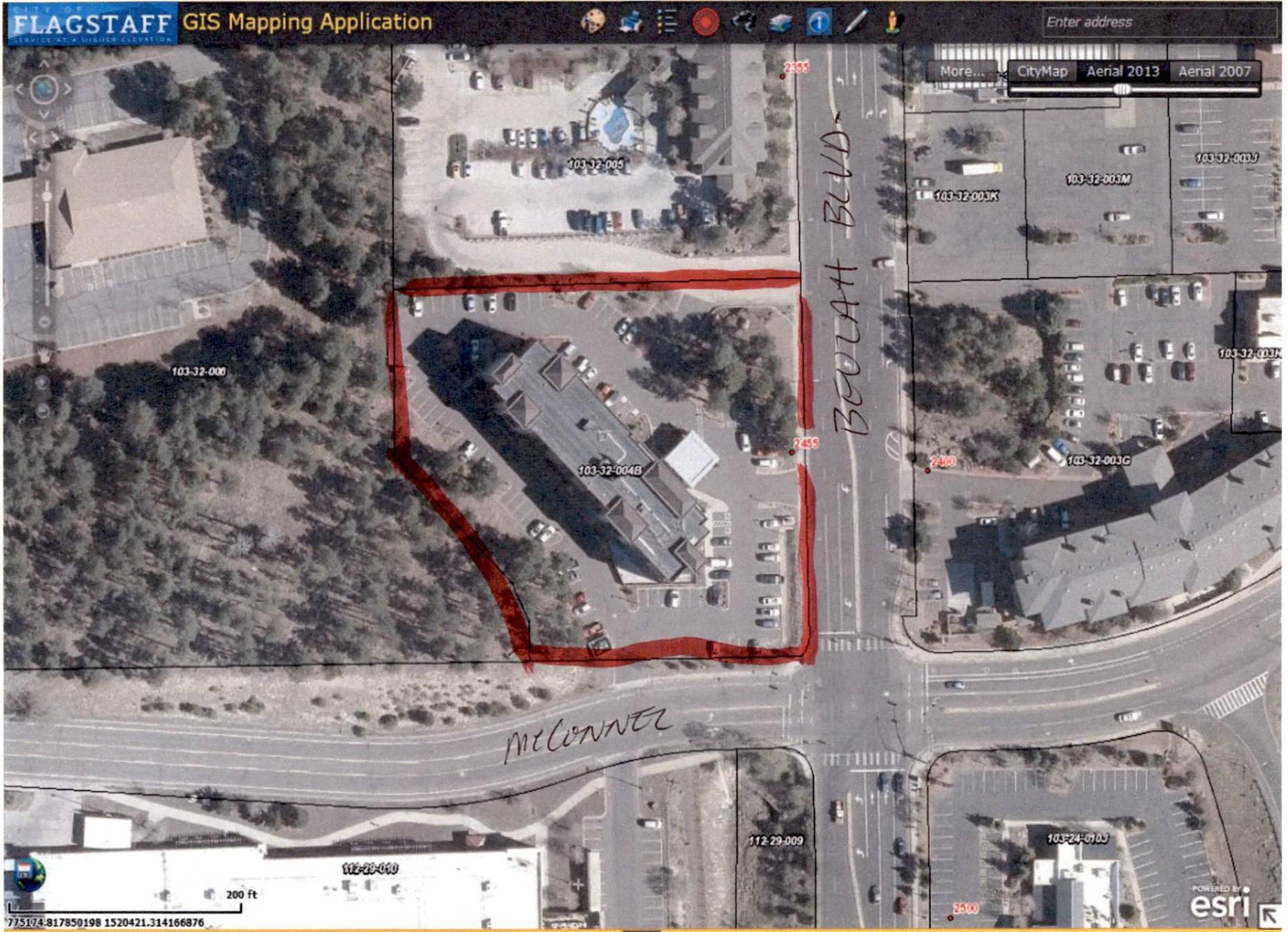
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This application is a request for a new, Series 10, Beer and Wine Store, liquor license by Andrea Dahlman Lewkowitz on behalf of Springhill Suites. This hotel is located within the Highway Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

This liquor license is recommended for approval.





# Liquor License Memo

To: Stacy Saltzberg, Deputy City Clerk  
From: Sandy Corder, Interim Revenue Director  
Date: November 19, 2015  
Re: Series 10 Liquor License – Springhill Suites

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I have reviewed our records for Springhill Suites and I have no objection to approval of this liquor license.

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Glorice Pavey, Recreation Supervisor  
**Co-Submitter:** Rebecca Sayers, Interim Recreation Director  
**Date:** 11/10/2015  
**Meeting Date:** 12/15/2015




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**TITLE:**

**Consideration and Approval of Street Closure(s):** Dew Downtown Flagstaff Winter Festival

**RECOMMENDED ACTION:**

Approve the street closure at San Francisco Street (between Aspen Avenue and Cherry Avenue) and Birch Avenue (between Agassiz Street and Leroux Street) on January 28, 2016 at 8:00 p.m. through January 30, 2016 at 11:59 p.m. Approve the street closure at Aspen Avenue (between San Francisco Street and Leroux Street) on January 29, 2016 at 8:00 a.m. through January 30, 2016 at 11:59 p.m.

**Executive Summary:**

Special events are important to our community. They bring excitement to our city and enhance our quality of life. If done correctly by addressing parking, trash, noise and congestion, a community event street closure has the potential to enhance business in the surrounding area.

The City of Flagstaff office of community events brings forward requests for street closures on behalf of the event organizer. The office encourages the event organizer to conduct outreach and address any concerns that the community may have regarding this event. As this is a joint effort, outreach has been conducted by the city, the Downtown Business Alliance (DBA) and the event organizer. As a courtesy, the community event's office produces a monthly newsletter for downtown residents and business owners to inform them of upcoming City Council meetings, street closures and events at Heritage Square.

**Financial Impact:**

Street closures change traffic patterns for local businesses and may have the potential to affect sales.

**Connection to Council Goal and/or Regional Plan:**

**COUNCIL GOALS:** Does not meet a Council goal.

**REGIONAL PLAN:** Economic Development

Goal ED.3. Regional economic development partners support the start-up, retention, and expansion of existing business enterprises.

Goal ED.6. Tourism will continue to provide a year-round source for the community, while expanding specialized tourist resources and activities.

Goal ED.7. Continue to promote and enhance Flagstaff's unique sense of place as an economic

development driver.

### **Has There Been Previous Council Decision on This:**

City Council approved street closures for the Dew Downtown Festival in 2012, 2013, 2014 and 2015.

### **Options and Alternatives:**

Deny the request to close the proposed down streets and not hold the event.

- Pro: No impact to the traffic flow in the north downtown area.
- Con: Economic benefit may not be seen by Flagstaff businesses during a traditionally slow sales period.

### **Background/History:**

Over the last four years, we have seen the Dew Downtown Flagstaff Urban Ski and Snowboard Festival transform from a grassroots winter celebration to a large scale event for our community.

As the event has grown, the city has seen and increased strain on resources. In addition to the use of city equipment and vehicles, the 2015 event utilized over 100 city employees. In May of 2015, staff met with stakeholders about taking over the event and recommended postponing the event in order to allow more time for a new event producer to transition into the role of event planner. However, in an effort to ensure the momentum of the event was not lost, the Director for the Downtown Business Alliance (DBA), Terry Madeksza, approached city staff in the hopes of partnering on a 2016 event. Staff has been meeting with Ms. Madeksza on a weekly basis for the last two months to discuss logistics for a 2016 event and to determine whether a 2016 event was even possible. In an effort to reduce the workload on city staff, the city is working on retaining the services of a private event producer, Rand Jenkins, to assist with event planning and implementation.

In the past, the event has used potable water because the Arizona Department of Environmental Quality (ADEQ) prohibited the mixture of reclaimed water runoff with storm water runoff. The ADEQ will be changing the law to allow reclaimed water to be used sometime in 2016. Staff doesn't anticipate the rule change in time for the 2016 event.

### **Key Considerations:**

Street closures are permitted by City Council action under the special events' rules and regulations packet.

### **Expanded Financial Considerations:**

The Dew Downtown event has the potential to draw up to 5,000 people to the downtown area on a single day in January. This influx of visitors to the downtown area has the potential to increase tax revenue. In 2012-2014, tax revenue grew over previous years. While city sales tax numbers showed a small increase in 2015, overall we did not see a substantial increase in tax revenues. Some downtown businesses, including Mountain Sports and Bigfoot BBQ, indicated they saw increased sales over previous years.

### **Community Benefits and Considerations:**

The goals of the event are to promote Flagstaff as a four season destination, provide a family-friendly winter event for all ages, and to provide an economic stimulus to the community during the traditionally low performing month of January.

### **Community Involvement:**

Consult: The Director of the DBA has conducted outreach with those businesses affected by the street closure.

Involve: The event coordinators and city staff held a public meeting on November 9, 2015.

Inform: The recreation section produces a monthly newsletter for downtown businesses and residents. The newsletter contains event information regarding upcoming City Council meetings, Heritage Square activities and street closures. Notice of the Council meeting has been included in the November and December newsletter.

Inform: The event coordinator, Rand Jenkins has conducted outreach with the residents affected by the closure via door-hangers.

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**Attachments:**

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 12/02/2015  
**Meeting Date:** 12/15/2015



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**TITLE:**

**Consideration and Adoption of Ordinance No. 2015-22:** An ordinance of the Mayor and Council of the City of Flagstaff amending qualifications for members who serve on certain Boards and Commissions (*Elimination of Specialty Appointments to Commissions*)

**RECOMMENDED ACTION:**

**At the Council Meeting of December 15, 2015**

- 1) Read Ordinance No. 2015-22 by title only for the first time
- 2) City Clerk reads Ordinance No. 2015-22 by title only (if approved above)

**At the Council Meeting of January 5, 2016**

- 3) Read Ordinance No. 2015-22 by title only for the final time
- 4) City Clerk reads Ordinance No. 2015-22 by title only (if approved above)
- 5) Adopt Ordinance No. 2015-22

**Executive Summary:**

On October 20, 2015, the City Council discussed the issue of specialty appointments on four commissions of the City--the Beautification and Public Art Commission, Heritage Preservation Commission, Open Spaces Commission and Tourism Commission. At the end of this discussion, Council directed staff to bring back an ordinance which would eliminate the specialty appointments. In working on the staff summary and further review of the City Code, staff found some duplicate and a few differing provisions between Title II, *Boards and Commissions*, and Title III, *Business Regulations*, relating to commission duties and administration of the bed, board and booze ("BBB") tax. The proposed ordinance has included the duties of these commissions in Title II, and removed them from Title III, for clarification purposes.

**Financial Impact:**

None.

**Connection to Council Goal and/or Regional Plan:**

None

**Has There Been Previous Council Decision on This:**

The City Council first discussed specialty appointments to commissions when all boards and commissions were reviewed on September 8, 2015. At that time, Council directed staff to bring back the four commissions that have specialty appointments for further discussion, at which time it was decided to eliminate them altogether.

**Options and Alternatives:**

- 1) Adopt ordinance, as written, eliminating specialty appointments.
- 2) Amend ordinance to make changes.
- 3) Not adopt ordinance, maintaining current process. Should this option be considered, staff would request that further discussion and direction be given as to established criteria for the specialty appointments.

**Background/History:**

During a previous Work Session the City Council discussed various aspects related to the City's Boards and Commissions, including the criteria for those commissions which call for some members to have certain experience or qualifications ("Specialty Appointments"). Prior discussion revolved around the fact that while special representatives were required for four of the City's commissions, criteria were not included. This issue was placed on the agenda of October 20, 2015, for the Council to further discuss and consider what criteria they would like to establish. Ultimately, Council directed staff to bring back an ordinance to eliminate the specialty appointments and allow for appointment of commissioners at large.

**Community Involvement:**

Inform  
Consult

The Open Spaces Commission previously provided input via staff that the Commission finds benefit in having Specialty Appointments as these members provide additional education and understanding of the issues. Following the last discussion on October 20, 2015, some members of the lodging industry have shared their concerns about proposed elimination of lodging/hospitality industry Specialty Appointments from the Tourism Commission.

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**Attachments:**     [Ord. 2015-22](#)

ORDINANCE NO. 2015-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON CERTAIN BOARDS AND COMMISSIONS, AND CONSOLIDATING AND HARMONIZING COMMISSION DUTIES, BY AMENDING TITLE II, *BOARDS AND COMMISSIONS*, BY AMENDING TITLE II, *BOARDS AND COMMISSIONS*, BY AMENDING CHAPTER 2-03, *PARKS AND RECREATION COMMISSION*, CHAPTER 2-13, *TOURISM COMMISSION*; CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*; CHAPTER 2-19, *HERITAGE PRESERVATION COMMISSION*; CHAPTER 2-20, *OPEN SPACES COMMISSION*; AND AMENDING TITLE III, *BUSINESS REGULATIONS*, BY AMENDING CHAPTER 3-06, *HOSPITALITY INDUSTRY TAX REVENUES*, AND INCLUDING A CLERICAL CORRECTION TO CONFORM WITH THE CURRENT TAX RATE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

**RECITALS:**

WHEREAS, the Flagstaff City Council seeks to eliminate requirements for specialty representatives on certain commissions of the City; and

WHEREAS, the Flagstaff City Council also desires to clarify the City Code by consolidating and harmonizing provisions found in Title III, *Business Regulations*, with Title II, *Boards and Commissions*.

**ENACTMENTS:**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA that the Flagstaff City Code is hereby amended as follows:

SECTION 1. In General.

Title II, Boards and Commissions, Chapter 2-03, *Parks and Recreation Commission*, is amended by amending Section 2-03-001-0004 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-03-001-0004            POWERS AND DUTIES:**

- A. The duties of the Commission shall be to advise the Council, through periodic written reports to the Council, recommending policy direction on City lands, structures and facilities that are set aside or should be set aside or dedicated to recreational purposes, including but not limited to parks, swimming pools, playgrounds, playing and sports fields and golf courses. The scope of the activities of the Commission shall also include but not be limited to advising and recommending policy direction in activities involving recreational and cultural pursuits of the elderly and the young and to otherwise employ in constructive and wholesome manner and leisure time of the citizens.

- B. The City Council may consider the advice and recommendation of the Commission and thereafter give direction through the City Manager to implement the recreational program as they see fit.
- C. The Commission shall review and make recommendation on the annual budget of the Parks Section and Recreation Section prior to the submittal thereof to the City Manager.
- D. WITH RESPECT TO THE PARKS AND RECREATION PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE PARKS AND RECREATION PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:
1. DEVELOPING PARKS AND RECREATION FACILITIES, AND PROGRAMS AS NEEDED TO BENEFIT THE COMMUNITY AND ITS VISITORS.
  2. FUNDING FOR THE FLAGSTAFF URBAN TRAILS SYSTEM DEVELOPMENT AND MAINTENANCE.
  3. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE PARKS AND RECREATION.
  4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.
- E. FOR PURPOSES OF SUBSECTION D, "PARKS AND RECREATION" MEANS THE DEVELOPMENT AND MANAGEMENT OF PUBLIC PARKS, RECREATIONAL FACILITIES, AND PROGRAMS WHICH ARE AVAILABLE TO THE RESIDENTS AND VISITORS INCLUDING FUNDING THE FLAGSTAFF URBAN TRAIL SYSTEM. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001.)

Title II, *Boards and Commissions*, Chapter 2-13, ***Tourism Commission***, is amended by amending Sections 2-13-001-0002, 2-13-001-0002 and 2-13-001-0006 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-13-001-0001            CREATION OF THE COMMISSION:**

There is hereby established a City Tourism Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the TOURISM portion of the Bed, Board and Booze Tax ALLOCATED under CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*. ~~as designated by Ordinance No. 1532.~~

“TOURISM” MEANS THE GUIDANCE, MANAGEMENT, MARKETING, ACCOMMODATION, PROMOTION AND ENCOURAGEMENT OF TOURISTS (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

**2-13-001-0002 COMPOSITION AND TERM OF OFFICE:**

The composition of the membership shall consist of:

- A. ~~Four (4)~~ SEVEN (7) members to be appointed by the City Council. Each member shall ~~be from the hospitality industry and~~ serve for three (3) years, on a staggered term basis.
- ~~B. Three (3) additional members to be appointed by the City Council, to serve for three (3) years, on a staggered term basis.~~
- B.C. The City Manager or the Manager’s designee shall be an ex officio member of the Commission. The member shall have no voting privileges.

The City Manager shall be responsible for staff support of the Tourism Commission.

The Council shall fill vacancies for the unexpired term of any of the members of the Commission.

A member’s term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) consecutive full terms.

**2-13-001-0006 DUTIES:**

The duties of the Commission shall be to:

- A. Prepare a Five (5) Year Master Plan. The Five Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.
- B. Develop and present to City council an Annual Plan outlining the Commission’s program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.
- C. Make recommendations to the City Council concerning the annual budgetary allocation of the tourism portion of the Bed, Board and Booze Tax ~~as outlined in Ordinance No. 1532, Section 4.A.3.b.(1)-(7)~~ TO INCLUDE, BUT NOT BE LIMITED TO:
  1. PROVIDING FUNDING TO THE QUALIFIED, ESTABLISHED PUBLIC OR PRIVATE AGENCY TO ADMINISTER, ON A CONTRACT BASIS, TOURISM PROGRAMS AS REQUIRED.
  2. DEVELOPING AND IMPLEMENTING A MARKETING PLAN. MAJOR ELEMENTS OF THE MARKETING PLAN WILL INCLUDE, BUT NOT BE

LIMITED TO, DEVELOPING A SPECIFIC IMAGE FOR FLAGSTAFF, IDENTIFYING TARGET MARKET SEGMENTS, IMPLEMENTING A PROMOTIONAL PLAN DIRECTED TO TARGET MARKET SEGMENTS.

3. ESTABLISHING VISITOR INFORMATION CENTER(S) TO INCLUDE, BUT NOT BE LIMITED TO, A HIGH PROFILE LOCATION, EASY VISITOR ACCESS, ADEQUATE STAFFING, A TOLL-FREE TELEPHONE NUMBER FOR VISITOR INFORMATION, AND DEVELOP OTHER FACILITIES AS NEEDED TO BENEFIT VISITORS AND THE COMMUNITY.
  4. ESTABLISHING AN EDUCATIONAL PROGRAM TO INCLUDE, BUT NOT BE LIMITED TO, SCHOLARSHIPS FOR HOSPITALITY EDUCATION AT NORTHERN ARIZONA UNIVERSITY.
  5. PROMOTING ACTIVITIES THAT ENHANCE THE COMMUNITY'S IMAGE AND THE OVERALL QUALITY OF LIFE.
  6. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.
- D. Perform any additional duties as determined by the City Council related to tourism activities.

Title II, *Boards and Commissions*, Chapter 2-14, ***Beautification and Public Art Commission***, is amended by amending Sections 2-14-001-0001, 2-14-001-0002 and 2-14-001-0006 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-14-001-0001            CREATION OF COMMISSION:**

There is hereby established a City Beautification and Public Art Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the BEAUTIFICATION AND ARTS AND SCIENCES portions of the Bed, Board and Booze Tax ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*. ~~as designated by Section 3-06-001-0003.~~

"ARTS AND SCIENCES" MEANS SUPPORT FOR FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION AND ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE INCLUDING SUPPORT OF PUBLIC ART. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

"BEAUTIFICATION" MEANS ANY MODIFICATION OF THE URBAN PHYSICAL ENVIRONMENT TO INCREASE PLEASURE TO THE SENSES OR PLEASURABLY EXALT THE MIND OR SPIRIT OR STRENGTHEN THE URBAN DESIGN FRAMEWORK OF THE CITY (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

**2-14-001-0002 COMPOSITION AND TERM OF OFFICE:**

The composition of the membership shall consist of:

- A. ~~One (1) member to be from the hospitality industry, appointed by the City Council. Said member shall serve a three (3) year term.~~
- B. ~~One (1) voting member from the arts community, including but not limited to artists, craftsmen, gallery owners, arts educator, art historian, art curator, art administrator.~~
- C. ~~One (1) voting member who is a design professional, including, but not limited to, architect, landscape architect, urban planner, or graphic designer.~~
- D. ~~Four (4) additional SEVEN (7) members appointed by the City Council.~~

Each member shall serve three (3) year terms, on a staggered basis. A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) full consecutive terms.

**2-14-001-0006 DUTIES:**

The duties of the Commission shall be to:

- A. The Commission shall be responsible for preparing a Five (5) Year Plan. The Five Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.
- B. Develop and present to City Council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.
- C. Make recommendations to the City Council concerning the annual budgetary allocation of the beautification and public art portions of the Bed, Board and Booze Tax and other monies as deemed appropriate by the City Council, ~~as outlined in City Code, Section 3-06-001-0004,~~ to include, but not be limited to:
  1. Purchase, installation or modification of landscaping and irrigation systems;
  2. Purchase, removal or modification of billboards and nonconforming signs;
  3. Beautification of buildings and facilities, streetscapes and gateways;
  4. Purchase and installation of public art projects;
  5. Purchase or lease of easements or property necessary for beautification projects.

- D. Make recommendations to the City Council for public art projects by:
1. Reviewing and defining potential public art projects and writing project descriptions.
  2. Determining the artist selection method and writing the call to artists for public art projects.
  3. Evaluating public art proposals for recommendation to the City Council.
  4. Facilitating display of local art in public facilities.
- E. WITH RESPECT TO THE ARTS AND SCIENCE PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE ARTS AND SCIENCE PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:
1. DEVELOPING AND SUPPORTING THE FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION, AND OPPORTUNITIES FOR ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE.
  2. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE ARTS AND SCIENCE.
  3. DEVELOPING FINANCIAL ASSISTANCE PROGRAMS TO STIMULATE ARTISTIC AND SCIENTIFIC ACTIVITIES IN FLAGSTAFF.
  4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.
- EF. Perform those additional duties as determined by the City Council, related to THE ~~h~~Beautification and ~~p~~Public ~~a~~Art COMMISSION activities.

Title II, *Boards and Commissions*, Chapter 2-19, ***Heritage Preservation Commission***, is amended by amending Section 2-19-001-0002 as follows (deletions are shown as stricken):

**2-19-001-0002 MEMBERSHIP**

- A. The membership of the commission shall consist of seven (7) voting members. Additional members may be appointed in the future, if and when additional Historic Design Review Districts beyond the first district are created, to represent those additional districts and help develop and adopt design guidelines for those districts.
1. ~~At least two (2) members must be professionals in the areas of architecture, history, architectural history, planning, or archaeology.~~

- ~~2. At least two (2) members shall be owners of locally designated historic properties or properties listed on the National Register of Historic Places.~~
- ~~3. At least three (3) members shall be from the general community.~~
- ~~4. Any member may satisfy more than one (1) of the above qualifications and any "professional" category may be filled by a person who is retired from that profession.~~

- B. Appointed members shall have a demonstrated interest in the history of the community and be committed to represent not only their specific areas of expertise, but also the community at large.

Title II, *Boards and Commissions*, Chapter 2-20, ***Open Spaces Commission***, is amended by amending Section 2-20-001-0001 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-20-001-0001 CREATION OF THE COMMISSION:**

There is hereby created an advisory body to be called the "Open Spaces Commission" ("Commission") consisting of the following seven (7) regular members all of whom shall be appointed by the City Council, except for designee from the Planning and Zoning Commission: ~~four (4) members from the natural and cultural sciences; one (1) member from the Planning and Zoning Commission; one (1) member who markets real estate or is a representative from real estate development; and one (1)~~ SIX (6) public at-large memberS. All Commission members shall be voting members. A Chairperson shall be selected by a majority vote of those members at a meeting called for that purpose.

Title III, *Business Regulations*, Chapter 3-06, ***Hospitality Industry Tax Revenues***, is amended by amending Sections 3-06-001-0001, 3-06-001-0002, and 3-06-001-0003 as follows (additions are shown as capitalized text, deletions are shown as stricken):

**3-06-001-0001 DEFINITIONS**

"Arts and sciences" means support for Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation and enhancement of the overall quality of life and community image including support of public art.

"Beautification" means any modification of the urban physical environment to increase pleasure to the senses or pleurably exalt the mind or spirit or strengthen the urban design framework of the City.

"Economic development" means the encouragement, promotion and assistance of the expansion of economic activity for the purposes of expanding revenue and providing jobs to the community.

"Hospitality industry" means those establishments engaged in business as bar/lounge, restaurant or hotel/motel/campground.

"Hospitality industry tax revenues" means a share of the local transaction privilege tax revenues collected and received pursuant to the City tax code, Sections 3-05-004-0444, Hotels, and 3-05-004-0455, Restaurants and bars, which share is equivalent to two (2) divided by ~~three and seven hundred twenty-one thousandths (3.721) or approximately fifty three and seven hundred forty nine thousandths percent (53.749%)~~ FOUR AND FIFTY-ONE THOUSANDTHS (4.051) OR APPROXIMATELY FORTY-NINE AND THREE HUNDRED SEVENTY ONE THOUSANDTHS PERCENT (49.371%) of all such revenues.

"Parks and recreation" means the development and management of public parks, recreational facilities, and programs which are available to the residents and visitors including funding the Flagstaff urban trail system.

"Tourism" means the guidance, management, marketing, accommodation, promotion and encouragement of tourists.

"Tourists/visitors" means individuals or groups which visit Flagstaff and surrounding areas for business, recreational, educational, scientific or cultural purposes.

### **3-06-001-0002 DISTRIBUTION OF HOSPITALITY INDUSTRY TAX REVENUES**

There shall be a separate accounting for all hospitality industry tax revenues collected. Said funds shall be distributed and expended consistent with City ordinances, the City Charter and State law. The funds collected shall be allocated as follows:

- A. Thirty percent (30%) for tourism in conformance with CHAPTER 2-13, *TOURISM COMMISSION* ~~Section 3-06-001-0003(A)~~.
- B. Twenty percent (20%) for beautification in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(B)~~.
- C. Nine and one-half percent (9.5%) for economic development in conformance with Section 3-06-001-0003(C).
- D. Thirty-three percent (33%) for parks and recreation, in conformance with CHAPTER 2-03, *PARKS AND RECREATION COMMISSION* ~~Section 3-06-001-0003(D)~~.
- E. Seven and one-half percent (7.5%) for arts and science in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(E)~~.

### **3-06-001-0003 FINANCIAL CONTROL**

- A. Tourism. Those funds designated for tourism shall be administered PURSUANT TO CHAPTER 2-13, *TOURISM COMMISSION*, OF THE CITY CODE, ~~as follows:~~
  - 1. ~~The City Council shall appoint a Tourism Commission composed of nine (9) members, five (5) of whom shall be from the hospitality industry.~~

~~Recommendations for members will be made by the Flagstaff tourism industry; or~~

- ~~2. The City Council shall designate an appropriate public or private agency to form a Tourism Committee. Said Committee shall be composed of one City Council person and additional members as required, the majority of whom will be from the hospitality industry. (Ord. No. 2006-14, amended, 05/16/2006)~~
- ~~3. This public or private agency, or Commission, shall review the expenditure of the portion of this tax to be applied to tourist related activities and projects and:
  - ~~a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year.~~
  - ~~b. Make recommendations to the Council concerning the annual budgetary allocation of the tourism portion of this tax to include, but not be limited to:
    - ~~(1) Providing funding to the qualified, established public or private agency to administer, on a contract basis, tourism programs as required.~~
    - ~~(2) Developing and implementing a marketing plan. Major elements of the marketing plan will include, but not be limited to, developing a specific image for Flagstaff, identifying target market segments, implementing a promotional plan directed to target market segments.~~
    - ~~(3) Establishing visitor information center(s) to include, but not be limited to, a high profile location, easy visitor access, adequate staffing, a toll-free telephone number for visitor information, and develop other facilities as needed to benefit visitors and the community.~~
    - ~~(4) Establishing an educational program to include, but not be limited to, scholarships for hospitality education at Northern Arizona University.~~
    - ~~(5) Promoting activities that enhance the community's image and the overall quality of life.~~
    - ~~(6) Retaining of appropriate staff to implement approved programs.~~~~
  - ~~c. Perform those additional duties determined by the Council as set forth by ordinance.~~~~

- B. Beautification. Those funds designated for beautification and public art shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*, OF THE CITY CODE as follows:

- ~~1. The City Council shall appoint a Beautification and Public Art Commission composed of nine (9) members to review the expenditure of the portion of this tax to be applied to beautification activities and projects. Funds for the public art program shall be derived from an allocation of the arts and sciences portion of this tax as set out in Section 3-06-001-0003(E) and from other monies as the City Council may consider appropriate.~~
- ~~2. The Beautification and Public Art Commission shall:
  - ~~a. Make recommendations concerning the allocation of this tax.~~
  - ~~b. Make recommendations to the Council concerning the annual budgetary allocation of the beautification and public art portions of this tax and other monies as deemed appropriate, to include but not be limited to:
    - ~~(1) Purchase, installation or modification of landscaping and irrigation systems.~~
    - ~~(2) Purchase, removal or modification of billboards and nonconforming signs.~~
    - ~~(3) Beautification of buildings and facilities, streetscapes and gateways.~~
    - ~~(4) Development and support of the City's public art program.~~
    - ~~(5) Purchase or lease of easements or property necessary for beautification projects.~~~~~~
- ~~3. Perform those additional duties determined by the Council as set forth by ordinance.~~

- C. Economic Development. Those funds designated for economic development shall be administered as follows:

The City Council shall:

1. Appoint or act as an Economic Development Commission;
2. Designate an appropriate public or private economic development agency. Said agency shall be composed of at least two City Council persons and additional members as required;
3. This public or private agency shall:

- a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year. Said plan shall be presented to the Council prior to April 1st of each year.
  - b. Make recommendations to the Council concerning the annual budgetary allocation of the economic development portion of this tax, to include but not be limited to:
    - (1) Developing, acquiring and distributing advertising material to promote economic development.
    - (2) Providing financial assistance programs to stimulate relocation and retention of industrial prospects to Flagstaff.
    - (3) Retaining of appropriate staff to implement approved programs.
    - (4) Perform those additional duties determined by the Council as set forth by ordinance.
- D. Parks and Recreation. Those funds designated for parks and recreation shall be administered PURSUANT TO CHAPTER 2-03, *PARKS AND RECREATION COMMISSION*, OF THE CITY CODE. as follows:

~~The City Council shall:~~

~~1. Appoint a Parks and Recreation Commission which shall:~~

- ~~a. Review the expenditure of the portion of this tax to be applied to parks and recreation related activities and projects.~~
- ~~b. Develop and transmit to the Council an annual operating plan outlining the Commission's program recommendations for the upcoming year.~~
- ~~c. Make recommendations to the Council concerning the annual budgetary allocation of the parks and recreation portion of this tax, to include but not be limited to:
 
  - ~~(1) Developing parks and recreation facilities, and programs as needed to benefit the community and its visitors.~~
  - ~~(2) Funding for the Flagstaff urban trails system development and maintenance.~~
  - ~~(3) Developing, acquiring and distributing material to promote parks and recreation.~~
  - ~~(4) Retaining of appropriate staff to implement approved programs.~~~~

~~d. — Perform those additional duties determined by the Council as set forth by ordinance.~~

E. Arts and Science. Those funds designated for arts and science, INCLUDING AN ANNUAL AMOUNT ALLOCATED BY THE CITY COUNCIL FOR THE SUPPORT AND DEVELOPMENT OF THE CITY'S PUBLIC ART PROGRAM, shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*, OF THE CITY CODE. ~~as follows:~~

~~The City Council shall:~~

~~1. — Allocate an annual amount for the support and development of the City's public art program to be administered by the Beautification Commission as provided in subsection (B) of this section.~~

~~2. — Designate an appropriate public or private arts and science agency or board.~~

~~3. — This public or private agency or board shall:~~

~~a. — Review the expenditure of the portion of this tax to be applied to arts and science related activities and projects;~~

~~b. — Develop and transmit to the Council an annual plan outlining program recommendations for the upcoming year in conjunction with the City's annual budgetary process;~~

~~c. — Make recommendations to the Council concerning the annual budgetary allocation of the arts and science portion of this tax, to include but not be limited to:~~

~~(1) — Developing and supporting the Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation, and opportunities for enhancement of the overall quality of life and community image.~~

~~(2) — Developing, acquiring and distributing material to promote arts and science.~~

~~(3) — Developing financial assistance programs to stimulate artistic and scientific activities in Flagstaff.~~

~~(4) — Retaining of appropriate staff to implement approved programs; and~~

~~d. — Perform those additional duties determined by the Council as set forth by ordinance.~~

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Dates.

This ordinance shall become effective thirty (30) days following adoption by the City Council. The tax rate correction set forth in SECTION 5, City Code Section 3-06-001-0001 is a clerical correction effective as of January 1, 2014.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of January, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# Memorandum

16. A.

## CITY OF FLAGSTAFF



**To:** The Honorable Mayor and Council  
**From:** Roger Eastman, Zoning Code Administrator  
**Date:** 12/01/2015  
**Meeting Date:** 12/15/2015

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### TITLE:

**Policy discussion on proposed amendments to Zoning Code Chapter 10-50 (*Supplemental to Zones*), except for Division 10-50.100 (*Sign Standards*).**

### DESIRED OUTCOME:

Staff will be seeking Council direction on any policy issues associated with proposed amendments to Flagstaff Zoning Code Chapter 10-50 (*Supplemental to Zones*) except for Division 10-50.100 (*Sign Standards*).

### EXECUTIVE SUMMARY:

This work session is part of a series of work sessions with the Council on proposed amendments to the Flagstaff Zoning Code. In these work sessions, staff will introduce the more substantive amendments to the Council explaining the reason for them and why the new amendment is being proposed. The Council will be able to identify any policy issues that warrant a more in-depth discussion, either at the current work session, or in a future work session. On October 19th in a special work session the Council provided clear direction on issues associated with the parking of RVs and other vehicles in residential zones and on RV parking in commercial parking lots.

### INFORMATION:

Below are the Council goals. Only list those that relate to this agenda item; REMOVE ALL OTHERS.

### **COUNCIL GOALS:**

7) Address key issues and processes related to the implementation of the Regional Plan

### **REGIONAL PLAN:**

**Goal E&C.5.** Preserve dark skies as an unspoiled natural resource, basis for an important economic sector, and core element of community character.

**Goal E&C.6.** Protect, restore and im-prove ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.

**Goal E&C.7.** Give special consideration to environmentally sensitive lands in the development design and review process.

**Goal E&C.10.** Protect indigenous wildlife populations, localized and larger-scale wildlife habitats, ecosystem processes, and wildlife movement areas through-out the planning area.

**Goal CC.1.** Reflect and respect the region's natural setting and dramatic views in the built environment.

**Goal CC.3.** Preserve, restore, enhance, and reflect the design traditions of Flag-staff in all public and private development efforts.

**Goal LU.5.** Encourage compact develop-ment principles to achieve efficiencies and open space preservation.

## **POLICY AMENDMENTS**

The amendments identified by staff that may require a more in-depth policy discussion with the Council are summarized in the table in the first attachment (The Council may also identify additional policy issues as they review the proposed amendments).

The Sections of the Zoning Code in which the topics for more in-depth policy discussion are located are listed below. As needed an additional meeting or work session with the Council will be scheduled to finalize the policy discussions on the remaining divisions and chapters of the Zoning Code.

### **Division 10-50.20 Architectural Standards**

10-50.20.030 Architectural Standards

### **Division 10-50.60 Landscaping Standards**

10-50.60.030 Landscaping Plans

10-50.60.040 Landscaping Location Requirements

### **Division 10-50.80 Parking Standards**

10-50.80.040 Number of Motor Vehicle Parking Spaces Required

10-50.80.060 Parking Adjustments

10-50.80.080 Parking Spaces, Parking Lot Design and Layout (especially Number of Accessible Spaces)

### **Division 10-50.90 Resource Protection Standards**

10-50.90.050 Steep Slope Resource Area

10-50.90.060 Forest

10-50.90.100 Activities Allowed in Natural Resource Areas

### **Division 10-50.100 Sign Standards**

Amendments to this Division are not included in this staff summary as they were discussed with the Council on December 8th.

### **Division 10-50.110 Specific to Building Types**

10-50.110.030 Building Types General

The first attachment provides a detailed overview of the policy issues identified by staff for the Council's consideration.

The second attachment details the proposed amendments to Chapter 10-50 (Supplemental to Zones). Full details of all the proposed amendments are included in these documents, including an explanation of why the amendment is proposed. This may be easily identified because it is written in *italic* font. A summary of the substantive amendments to this Chapter is provided in a table on the first page with a brief description of the amendment and on what page it may be found.

The third attachment includes a table and graph showing the relationship between the City of Flagstaff's standards compared to Federal ADA Standards for accessible parking spaces.

If you have questions, or require clarification on the contents of this staff summary, please contact Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator, at [reastman@flagstaffaz.gov](mailto:reastman@flagstaffaz.gov) or (928) 213-2640.

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**Attachments:**     [Chapter 10-50 Summary of Policy Issues](#)  
                          [Chapter 10-50 Amendments](#)

## Accessible Parking Spaces Comparison

# Summary of Policy Issues

## Proposed Amendments to the Zoning Code

### Chapter 10-50 (Supplemental to Zones)

October 19, 2015: rev. November 2, 2015

This document describes the policy questions identified by staff in Chapter 10-50 (Supplemental to Zones) of the Flagstaff Zoning Code. As it is unlikely that Council and staff will be able to cover all of the policy issues in this chapter in the October 19<sup>th</sup> work session, staff has listed the policy issues with Division 10-50.80 (Parking Standards) first, with the other divisions following. As needed an additional meeting or work session with the Council will be scheduled to finalize the policy discussions on the remaining divisions and chapters of the Zoning Code. A special meeting on Division 10-50.100 (Sign Standards) will also be scheduled following an executive session with the Council on this Division.

### Division 10-50.80 Parking Standards

#### 10-50.80.040 Number of Motor Vehicle Parking Spaces Required

Policy Question(s): Table 10-50.80.040.A

- Within the market rate category for residential uses should the required number of parking spaces for single-family residences (2 parking spaces per dwelling) be separated from the requirements for duplex, triplex, and multi-family residential uses where the standard is based on the number of bedrooms consistent with the approach taken in the former LDC?
- Should a new End Note be added to this table stating that parking adjustments or reductions would not apply to single-family dwellings and duplexes?

See Page 50-27 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The market rate category for residential uses establishes minimum parking requirements for all dwellings (i.e. single-family and multi-family residential uses) with a maximum of 2 parking spaces regardless of the number of bedrooms per unit. [Note that no change to the standards for affordable dwellings is proposed.]	Within the market rate category for residential uses single-family residences will be required to provide a minimum of 2 parking spaces regardless of the number of bedrooms in the dwelling. However, the minimum number of parking spaces for duplexes, triplexes, and multi-family residential dwellings will be determined by the number of bedrooms in each unit.
The existing table does not include End Note 1 which means that parking reductions may be applied to single-family dwellings and duplexes.	Specifically states that parking reductions will not apply to single-family residences and duplexes.

#### 10-50.80.060 Parking Adjustments

Policy Question(s): G. Motorcycle Reduction

- Should a new standard allow for a reduction in the overall number of parking spaces required if separate dedicated motorcycle parking spaces are provided?

See Page 50-31 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on motorcycle parking spaces. Therefore, motorcycles are parked	Recommends the addition of a new standard that allows the reduction of one vehicle parking space if

in vehicle parking spaces.	one motorcycle parking space for every 25 required vehicle spaces is provided.
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### 10-50.80.080 Parking Spaces, Parking Lot Design and Layout

Policy Question(s): C. Parking for Disabled Persons

- Should the standards for the minimum number of required accessible parking spaces be changed back to the federal ADA standard from that originally proposed by the Disability Awareness Commission (DAC) which was adopted into the 2011 Zoning Code? On June 30, 2015 the DAC recommended that the existing Code standards should not be amended.

See Page 50-32 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
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### Division 10-50.20 Architectural Standards

#### 10-50.20.030 Architectural Standards

Policy Question(s): 5. Location and Orientation of Building Entrances

- Should the standards applicable to the location and orientation of building entrances be expanded to provide more clarification on why this standard is important and to emphasize the need for a building entrance to face a street, plaza or pedestrian way (which could link to a parking area)?

See Page 50-5 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are only require a building entrance to be identifiable and that it should face a street, plaza or pedestrian way. At times staff has found this standard difficult to apply.	New standards explain why the orientation of a building's entrance is important. Expanded standards also explain how to make a building entrance identifiable.

Policy Question(s): 7. Windows

- Should new standards regarding window placement and design be added to this Section to emphasize how windows are an important aspect of a building's design in keeping with Flagstaff's unique design traditions?

See Page 50-6 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on window design and placement.	New standards explain why window placement and design is important within the design traditions of Flagstaff. Expanded standards are proposed to reinforce this principle. Note that a new provision was added to Section 10-20.40.090 (Minor Modifications of a Development Standard) to provide flexibility for alternative window design and placement options when warranted by a site's context.

## Division 10-50.60 Landscaping Standards

### 10-50.60.030 Landscaping Plans

Policy Question(s): Concept, Preliminary, and Final Landscape Plans

- Should a requirement for a new concept landscape plan be added to the Code to be submitted with an application for concept site plan review rather than the current requirement of a preliminary landscape plan (which is much more detailed)?

See Page 50-11 to 50-13 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards require a fairly detailed preliminary landscape plan to be submitted with a concept plan for review. This has proven to be a hardship to developers because they are preparing landscape plans for a project for which they do not yet know if they will receive approval.	New and updated standards require the following landscape plans based on the level of review required: <ul style="list-style-type: none"><li>○ Concept landscape plan with concept site plan review (minimal detail – concept plan)</li><li>○ Preliminary landscape plan with site plan review – more detail to illustrate the landscaping proposed</li><li>○ Final landscape plan with an application for a grading or building permit – fully developed with irrigation plans, etc.</li></ul>

### 10-50.60.040 Landscape Location Requirements

Policy Question(s): B. Non-Residential Zone Buffers

- Should a new standard be added to the Street Buffers Subsection that allows otherwise required street buffer landscaping to be waived if proposed buildings are located close to or at the back of a sidewalk? If so, then consistent with Chapter 10-60 (Specific to Thoroughfares) a wider sidewalk, tree wells, planters, and other amenities such as bike racks, potted plants, etc. will be required.

See Page 50-14 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards require street buffers in all circumstances (i.e. suburban or urban contexts) regardless of where a building may be placed on a property relative to the street frontage. This has proven to be a challenge when new projects are proposed in the more urban areas of the City where buildings are placed on or near to the property line or sidewalk, e.g. Southside or downtown.	A new standard specifically allows landscaping not to be required when a new development is proposed in an urban area with the building close or next to a property line and/or sidewalk. However, a wider sidewalk, tree wells, planters, and other amenities such as bike racks, potted plants, etc. will be required.

## Division 10-50.90 Resource Protection Standards

### 10-50.90.050 Steep Slopes

Policy Question(s): C.3. Steep Slope Resource Area

- Should a new standard be added to this Section to incentivize the protection of steep slope areas by crediting points toward the minimum required forest resources calculations?

See Page 50-39 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on this matter.	This new standard allows for one credit point for every 50 sq. ft. of additional slope area protected within a development to be credited towards the minimum required forest resource calculations.

### 10-50.90.060 Forest

Policy Question(s): B. Methodology

The existing Code provides an incentive for affordable housing by allowing 100 percent of forest resources located within a steep slope area to be counted towards the required amount of forest resources on a development site. For all other uses this is not permitted.

- Should a new standard be added to this Section that would allow up to 25 percent of the forest resources located within a steep slope area to be counted towards the required amount of forest resources on a development site?

See Page 50-39 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on this matter. Except for affordable housing projects no credit for forest resources located within steep slopes is allowed.	This new standard allows up to 25 percent of the forest resources located within a steep slope area to be counted towards the required amount of forest resources on a development site.

### 10-50.90.100 Activities Allowed in Natural Resource Areas

Policy Question(s): Table A. Activities Allowed in Natural Resource Areas

The City's Stormwater Section recommended to the Planning and Zoning Commission that the Active Recreation row in this Table should be amended to not permit active recreation uses (i.e. uses such as ball fields, tennis courts, golf courses, etc.) in a rural floodplain. After much discussion the Commission recommended that no amendment to this Table should be made. The City Stormwater Section is requesting that the Council reconsider this recommendation because if we continue to allow active recreation in rural floodplains, the City could lose its CRS (Community Rating System) rating and the flood insurance premium discounts currently available (see portion of an email from Jim Janecek, Stormwater Project Manager, in which he explains the reasons for this reconsideration, on the last page).

- Should Table A be amended to prohibit active recreation uses in rural floodplains?

See Page 50-40 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The Table in the existing Code permits active recreation uses in the rural floodplain although Section 10-50.90.040.A.2 clearly states that rural floodplains are "natural undisturbed open spaces that are unsuitable for development".	No amendment proposed. However, the City Stormwater Section is requesting that Table A be modified to not permit active recreation uses in a rural floodplain.

## Division 10-50.110 Specific to Building Types

### 10-50.110.030 Building Types General

Policy Question(s): Table A Building Types General

- Should two new building types be added into this Division, namely a Stacked Triplex and an Apartment Building?

Note that new standards for these building types are provided in new Sections 10-50.110.120 (Stacked Triplex) and 10-50.110.160 (Apartment Building).

See Page 50-44; 50-47 to 50-48; and 50-51 to 52 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing Code does not include building type standards for a Stacked Triplex or an Apartment Building.	Specifically provides development standards for the Stacked Triplex and Apartment Building building types.



Example of a three-story apartment building



Examples of a stacked triplex building type

Relevant Portions of an Email from Jim Janecek, City Stormwater Section:

From: Jim Janecek

Sent: Thursday, October 08, 2015 4:38 PM

To: Chris Kirkendall

Cc: Brad Hill; David McKee

Subject: Considerations for revisions to the Zoning Code regarding rural floodplains

The City of Flagstaff received a CRS (Community Rating System) rating of Class 5 resulting from a FEMA audit in 2013. The lower the Class rating, the greater the discounts to flood insurance premiums for over 1000 properties in Flagstaff, most of which are in the downtown Southside area. Qualifying for the lower class rating inversely requires increasing audit score, and a Class 5 rating requires a score of 2500 or higher. Our score was 2504, meaning that any "hiccup" or mistake will increase our class rating to a class 6 meaning higher insurance premiums. Of the 2504 points we received, 1238 (49%) was granted for point category 420 – Open Space Preservation.

Page 420-14 of the CRS coordinator's Manual states the following: "The following types of open space in a Community's regulatory floodplain can receive NFOS1 (Natural Functions Open Space Category 1) credit.

- Areas in their undeveloped natural state (i.e., areas that have not been built on, graded, or farmed).
- Areas that have been farmed or otherwise developed but have been restored to a state approximating their natural, pre-development conditions. This includes restoration work, such as bioengineered channel stabilization, removal of seawall to allow beach erosion, wetland or riparian habitat restoration, and moving levees back to allow channel meandering.
- Areas designated as worthy of preservation for their natural functions by a federal, state or nationally recognized private program."

A memo attached to the email described how the City of Flagstaff defined its open space for the 2013 audit. A total of 1,140 acres of floodplain credit out of the total 1,555 acres of floodplain was mapped and defined. Of the total 1,140 acres of floodplain credit, 608 acres (or 53%) of this is rural floodplain as mapped on the Rural Floodplain Map included in the Zoning Code.

Please let me know if you'd like to discuss.

Thanks,

Jim Janecek, P.E., C.F.M.  
Stormwater Section Project Manager  
City of Flagstaff, Utilities Division  
211 W. Aspen Ave., Flagstaff, AZ 86001  
(928) 213-2472

## Proposed Amendments to the Zoning Code Final Planning and Zoning Commission Recommendation

First created: October 26, 2011

Date of previous update: July 19, 2013

Most recent update: January 1, 2015; March 23, 2015; March 31, 2015; April 9, 2015; April 22, 2015;  
May 20, 2015; May 27, 2015; June 10, 2015; June 24, 2015

### Chapter 10-50: Supplemental to Zones

A summary of major/substantive amendments (e.g. a new use is added, a development standard is changed, etc.) is provided in the table below:

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-50.20.030 Architectural Standards	50.20-3	Placement of Building Materials – includes new standards inserted.	3
	50.20-7	Color – includes updated standards	4
	50.20-10	Location and Orientation of Building Entrances – includes new standards	5
	50.20-10	Windows – includes comprehensive new standards	6
	50.20-10	Gas station canopies – includes former standards from the LDC	7
10-50.50.020 Siting and Building Standards	50.50-2	Table 10-50.50.020.A: Maximum Height of Fences or Walls – updated standards	
10-50.50.030 General Fencing and Screening Standards	50.50-3	Equipment Screening – updated standards for equipment screening	10
10-50.60.030 Landscaping Plans	50.60-6	New submittal requirements for concept, preliminary and final landscaping plans	11
10-50.60.040 Landscape Location Requirements	50.60-10	Street Buffers – includes new standards that allow for no landscaping in urban areas where buildings are placed up to the edge of a sidewalk	14
	50.60-14	Interior Parking Area – Landscape Location Requirements: clarifies the standards for landscape islands in parking areas	17
10-50.60.050 Landscaping Standards	50.60-18	Plant material considerations; modifies the standards for allowing saved trees to substitute for two new evergreen trees	18
10-50.70.050 General Requirements – All Lighting Zones	50.70-6	Table 10-50.70.050.A: Maximum Total Outdoor Light Output Standards – provides updated standards for LED lights	23
	50.70-10	Neon Building Lighting – requires such lighting to be fully shielded	24
	50.70-11	Architectural/Landscape Lighting – prohibits unshielded lighting in these applications	24

10-50.70.050 General Requirements – All Lighting Zones	50.70-13	Parking Garages – relaxes the standards for lights within an unenclosed parking garage	25
10-50.80.040 Number of Motor Vehicle Parking Spaces Required	50.80-6	Table 10-50.80.040.A: Number of Motor Vehicle Parking Spaces Required. Establishes updated parking standards for duplexes and multi-family residences based on 1991 LDC standards. Also, no parking reductions are applicable to single-family residences	27
10-50.80.060 Parking Adjustments	50.80-16	Motorcycle Parking Reduction: A new standard allows for a reduction in overall parking spaces if motorcycle parking spaces are provided	31
10-50.80.080 Parking Spaces, Parking Lot Design and Layout	50.80-19	Table 10-50.80.080.B: Min. Number of Accessible Spaces – modifies the standards consistent with federal ADA requirements	32
		Location: Expands the locations on a lot where vehicles may be parked	33
		Trailers, RVs and Boats: Expands the locations on a lot where vehicles may be parked and stored, and provides more restrictions on RV parking in commercial parking areas	36
10-50.90.020 Applicability	50.90-2	Excludes resource calculations from areas in public right-of-way for arterial roads	38
10-50.90.050 Steep Slopes	50.90-7	Provides an incentive for protecting additional steep slope area by applying a credit to required forest resources	39
10-50.90.060 Forest	50.90-8	Provides that some forest resources (25%) on steep slopes may be double counted	39
10-50.100.060 Standards for Freestanding Signs	50.100-33	Freestanding Signs: Allows for freestanding signs to be mounted on two posts provided the sign complies with the enhanced sign design standards of Section 10-50.100.080.	42
10-50.100.100 Sign District of Special Designation	50.100-67	Allows stanchion signs in areas of the City where buildings are located at the back of the sidewalk, e.g. in Southside.	43
10-50.110-120 Stacked Triplex	-	This is a new building type	44 & 47
10-50.110.160 Apartment Building	-	This is a new building type	44 & 51
10-50.110.080 Bungalow Court	50.110-32	Table H. Building Size and Massing: Allows for 2 stories rather than 1½ stories, except in T3N.1.	46

## Division 10-50.20: Architectural Design Standards

### 10-50.20.020 Applicability

- Page 50.20-1

B. The standards found within this Division shall not apply to the following:

1. Individual single-family dwellings;
2. Industrial uses and buildings outside of the RD Zone and business parks; and
3. Buildings within a Traditional Neighborhood Community Plan (See Division 10-30.80) that provides their own architectural standards.

*This amendment clarifies that conformance with the architectural design standards is not required in such zones as LI, LI-O, HI, and HI-O.*

### 10-50.20.030 Architectural Standards

- Page 50.20-3

A. **Applicable to All Zones**

1. **Building Materials**

The design traditions of Flagstaff emphasize simplicity in the use of materials. Wood, masonry and metal have been the primary historic building materials used in Flagstaff. Wood has traditionally been used for siding, trim, windows, doors and porches on both commercial and residential buildings while locally quarried stone has commonly been used for both structural and decorative masonry. Roofing, support systems and decorative features are often made of metal. It is important, therefore, that new buildings in Flagstaff incorporate these materials in their design. See Figures A through F.

a. **Primary Materials**

b. **Secondary Materials**

c. **Placement of Building Materials**

Typically in the design tradition of Flagstaff only one primary building material is used on a building façade. Accent panels, trim details such as an expression line, and other façade details can utilize either the same primary building material or different materials considered as secondary building materials. In certain applications more than three different materials may be appropriate when they are used to, for example, establish a solid base to a building, reinforce the form of a building, or when used to compose a large building (i.e. over 50,000 sq. ft.) as a series of smaller elements or masses. The Flagstaff tradition also includes the placement of heavier materials with larger grain textures towards the bottom of a façade and lighter materials with smaller more refined textures toward the top. In this context “heavier” and “lighter” are terms describing visual character and texture as opposed to actual weight. Different building forms may include heavier or lighter materials, but heavier materials shall not be placed above lighter materials.

*(P&Z): OPTION 1: The amendment in Paragraph 1 recommended by the Commission incorporates new language to better explain the intent behind the Building Materials Subsection*

of this Division. It, therefore, provides a brief explanation of why building materials are important in the City and their historic roots.  
A further amendment in Subparagraph c. is intended to clarify and provide a standard for the placement of building materials on new buildings in keeping with Flagstaff's design traditions. **At the June 10<sup>th</sup> public meeting a majority of commissioners indicated they preferred and supported this option** rather than an alternative that would only allow three primary building materials on large buildings that are over 50,000 sq. ft. in floor area.

*Insert an appropriate photograph or illustration.*

- Page 50.20-3  
The windows illustration on the top of Page 50.20-3 is not appropriate in this location and should be moved to Page 50.20-10 as a part of Subsection B.(Building Massing and Scale), and a new paragraph 6. (Windows and Doors) – see below.

- Page 50.20-7
  - 2. **Color**
    - a. Use muted colors and earth tones for building and roof materials.
      - (1) Bright colors are appropriate only for accents.
      - (2) A minimum of 75 percent% of the exterior walls and roofs seen from a public way shall have muted colors and earth tones typical of those found in the Flagstaff area with a light reflectance value (LRV) of 50 percent or less.

*This amendment helps to define muted earth tone colors in the Flagstaff area.*

- Page 50.20-9
  - B. **Building Massing and Scale**
    - 3. **Roof Form**  
Incorporate at least two of the following features, which are listed in order of most compatible with Flagstaff's design traditions, to add architectural articulation and reduce perceived scale:
      - (1) Sloping roofs with a minimum pitch of 4:12~~A flat roof with a parapet;~~
      - (2) Overhanging eaves;
      - (3) Multiple roof planes;
      - ~~(2)~~(4) A cornice or molding to define the top of the parapet; and/or
      - ~~(3)~~(5) A flat roof with a parapet~~Overhanging eaves.;~~
      - (4) ~~Sloping roofs with a minimum pitch of 4:12; and/or~~
      - (5) ~~Multiple roof planes.~~

*This amendment is suggested to prioritize preferred roof forms based on Flagstaff's design traditions.*

*(P&Z): The opening sentence has been modified so that it no longer states that these features are listed in priority order. As Flagstaff design traditions are responsive to climate considerations, this phrase has not been specifically added to this sentence.*

- Page 50.20-10

5. **Location and Orientation of Building Entrances**

A building entrance serves both the building's tenants and customers. In addition to its functionality, it can enliven the building's context, especially when the building entrance provides access directly from the public sidewalk. A city block with buildings that have entrances directly accessible from the public sidewalk encourages walkability and increases the possibilities for pedestrian movement and activities, including shopping and social interactions.

The following standards apply to the design and placement of building entrances:

- a. The main entrance to a building that is open to the public shall be clearly identifiable by emphasizing and enhancing the level of architectural details such as a change in plane (e.g. the entrance may be recessed on the street level façade), differentiation in material and color, or enhanced lighting.

- b. The primary entrance of a building shall be oriented to face a street, plaza or pedestrian way.

- c. Locate utility, mechanical room, or service entrance doors away from the public sidewalks of major and secondary streets.

- d. If glass entry doors are used they must have the same solar qualities as those of the storefront window design.

*The amendments in this Subsection update the standards for building entrances.*

*(P&Z): As the Building Code does not specifically require the same solar qualities for doors and windows (windows are generally thicker), staff recommends that subparagraph d should remain.*



*Insert this or a similar photograph*

## 7. Windows

The placement, pattern, scale, size, and rhythm of windows on building façades, including proportions and details around them are an important aspect of a building's fenestration as they determine its appeal, charm, and character. Buildings with poor fenestration appear visually uninteresting. Scale, proportion, added architectural details, such as appropriate use of materials, trims, bands (i.e. an expression line) and cornices bring visual interest to building façades, enhance the building's design, provide a connection from the outside to the inside of the building through a window, and provide a human scaled backdrop to the street space.

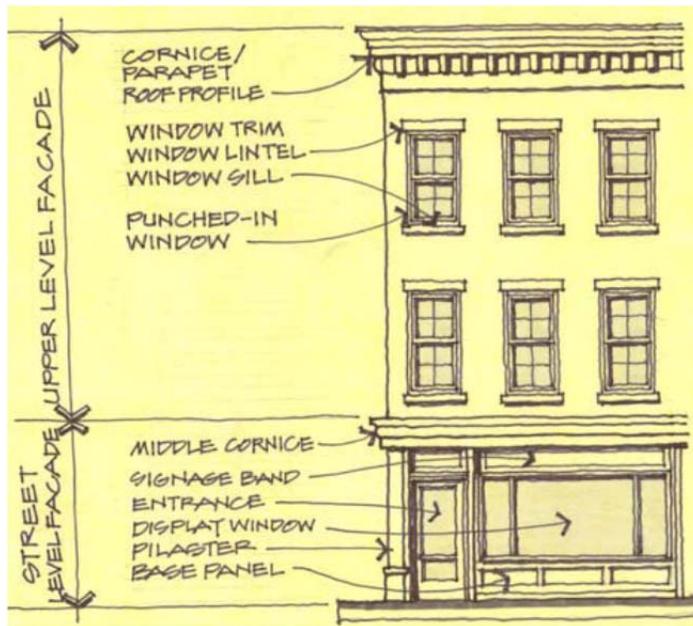
*(P&Z): The first sentence has been modified to include the former second sentence to enhance the meaning of this opening statement and eliminate redundant language.*

The following standards apply to ensure that traditional façade elements express Flagstaff's design traditions in the design and placement of windows on a building:

- a. Maximize the number of street level façade openings for windows.
- b. Organize the placement of windows and doors on the building elevation relative to each other and the building's forms to ensure they are balanced and proportionate.
- c. Set storefront window frames at a height above the finished grade to reflect traditional main street building qualities, such as display windows.
- d. Recess window frames, including storefronts, from the typical wall plane surface to provide a shadow line and to accentuate the storefront. At a minimum, the depth of the recess should be proportionate to the scale of the window.
- e. For the upper level façades, provide a fenestration pattern that includes window openings that are greater in height than width.
- f. Include operable windows on the upper level façade.
- g. Delineate changes in surface material by a reveal or a recess detail.
- h. At the street level façade display windows must include a signage band (transom panel) above the display window and a base panel below the display window.

*This amendment provides standards for the placement and design of windows that are not in the current Zoning Code, and which are an important aspect of the design standards to support Flagstaff's unique design traditions.*

*Modify this drawing so that it is more appropriate in the context of Flagstaff OR include an appropriate photograph.*



### 87. Parking Lots

Parking lots shall follow the standards in Section 10-30.60.050 (Parking Lots, Driveways and Service Areas), Division 10-50.80 (Parking Standards), and Division 10-50.60 (Landscaping Standards) ~~and should be located to the side or behind a building, rather than in front, to reduce the visual impact of the parking lot.~~

*The standard deleted above is already included in Section 10-30.60.050 in a more comprehensive manner.*

### 9. Gas Station Service Canopies

The canopy over a gas station service area shall be designed as a subordinate element of the overall site design using the following strategies:

- a. The canopy shall be designed with a low profile section with a maximum height of three feet;
- b. A muted earth-tone color shall be used on the perimeter of the canopy. Bright colors are appropriate only for accents; and
- c. The mass of the canopy shall be reduced by stepping its form or by dividing it into a set of smaller individual canopies.

[Insert an appropriate new photograph – similar to LDC Chapter 16, Page 60]

*This amendment is based on design standards from the former LDC that were inadvertently omitted from the new Zoning Code.*

## Division 10-50.30: Building Height

### 10-50.30.030 How Building Height is Measured

- Page 50.30-2

#### 2. Overall Building Height

- a. Overall building height shall be measured vertically from the natural grade or finished grade adjacent to the building exterior to the highest point of any roof element, including the top of a parapet coping of a flat roof, the top of a mansard roof, or the highest point of the highest pitched roof, whichever yields the greatest height.

*This amendment simplifies this standard and makes it easier to understand, and includes an important phrase that was missing.*

- b. Overall building height shall not exceed the building height plane, described in Subsection 1 above, except as follows:

- (2) The following elements attached to a building shall be excluded from the height measurement with no limitations on the roof area covered by such elements:

- (a) Flagpoles; and,

- (b) Solar collectors; ~~roof paneling; and~~,

- ~~(c) Solar water heaters.~~

*As "solar collector" is defined in the definitions as any solar collecting system (including roof mounted panels and water heaters), these latter terms may be removed from this section.*

- Page 50.30-3

Figure B and Figure C: Change "Existing Grade" in the legend to "Natural Grade".

*Section 10.50.30.030.A.1 correctly refers to "natural grade" so for consistency of application the Figures should be corrected as stated above.*

## Division 10-50.50: Fences and Screening

### 10-50.20.020 Permit Required

- Page 50.50-2

Issuance of a Minor Improvement Permit (see Section 10-20.40.080 (Minor Improvement Permits)) is required for the installation of all walls and fences described in this Section.

*This minor amendment establishes a cross-reference to the permitting requirements for the installation of a new wall or fence. Renumber all following Sections.*

10-50.50.0430 General Fencing and Screening Requirements

- Page 50.50-2

Table 10-50.50.020.A: Maximum Height of Fences or Walls	
Location of Fence or Wall	Maximum Height <sup>1</sup>
<b>Residential Zones</b>	
Within Front Setback <a href="#">Area</a> <sup>2</sup>	
Solid Fence or Wall	3'
Vinyl Coated Chain Link or Decorative Wrought Iron	4'
Horse Corrals	5'
Within Side or Rear Setback <a href="#">Area</a>	
	6'
<b>Commercial Zones</b>	
Within Front Setback <a href="#">Area</a> <sup>2</sup>	
<del>Street Buffers</del>	<del>6'</del> <sup>3</sup>
	3½'
Screening along Perimeter of Parking Areas	Not permitted
All Other Front Setback <a href="#">Areas</a>	
Within Side or Rear Setback <a href="#">Area</a>	
	6' <sup>3</sup>
<a href="#">Street Buffers</a>	6' <sup>3</sup>
<b>Industrial and Public Facility Zones</b>	
<del>Within On-Front Setback Area</del> <a href="#">Property Line</a> <sup>2</sup>	
	6'
On Side or Rear Property Lines	
	8'

**End Notes**

<sup>1</sup> Heights shall not conflict with the *Engineering Standards* for sight visibility at street intersections (Refer to the *Engineering Standards*, Section ~~13-10-006-0002~~ ~~10-06-020~~ (Intersection Sight Triangles, Clear View Zones)).

<sup>2</sup> Open wire fencing or a wall may exceed the maximum height in front setbacks of schools, public and quasi-public buildings as approved by the Director.

<sup>3</sup> Fences and walls shall be placed in the rear (interior) of a required street buffer. Refer to Section 10-50.60.040.B.I for street buffer requirements.

*These minor amendments (which do not change any standard applicable to fences) help to provide clarity in how the standards are applied and to eliminate confusion.*

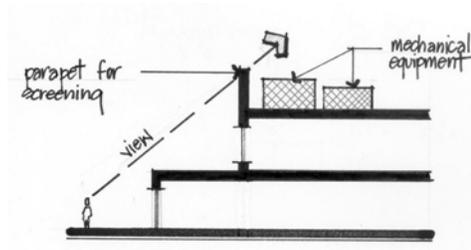
Insert two figures, one each for residential zones and commercial zones, to illustrate the standards established in this table and how they are applied.

- Page 50.30-3
  - C. **Utility Boxes**

#### D. Equipment Screening

1. In all zones rooftop mounted mechanical and electrical service equipment must be screened from public view to the height of the tallest equipment with materials architecturally compatible with the finishes and character of principal structures.
2. In all zones ground mounted mechanical equipment must be screened from surrounding properties and streets, or enclosed within a building.

[Insert appropriate illustration like this one from the City of Sedona]



*(P&Z): This amendment requires that all rooftop mechanical and electrical equipment, and all ground mounted mechanical equipment, must be screened consistent with former language in the LDC. The language regarding screening of ground mounted electrical equipment has been removed.*

*Renumber following Subsections.*

#### ED. Use of Chain Link Fences

1. Chain link fences are allowed in all zones, except that in residential zones only vinyl-coated chain link fencing is permitted~~allowed in residential zones.~~
2. Chain link fencing is not permitted in the CB Zone except as temporary fencing during construction.

*This amendment clarifies that chain link fencing is permitted in all zones, and in residential zones only vinyl coated chain link fences are permitted.*

#### **10-50.50.040 Screen Walls**

- Page 50.50-5
  - A. All outdoor storage areas for materials, refuse and recycling containers, mechanical equipment, or vehicles, and all loading/unloading areas or service bays shall be screened from street view by a screen wall constructed to a minimum height of six feet and designed in compliance with the standards of this Division and the Engineering Standards.
  - B. All screen walls required by this Zoning Code that are greater than 24 feet in length shall be designed and constructed to break up the lineal expanse of such walls with a staggered centerline, pilasters, ~~three-wall enclosures~~ varying heights, the installation of

extra plant materials, or varying the landscaped area contours by creating berms to lessen the visual impact of the wall.

*The amendment in Subsection A. includes the need for screen walls for recycling containers and provides a cross-reference to the Engineering Standards which include the dimension requirements for these enclosures.*

*In Subsection B. the phrase "three-wall enclosures" in this context does not make sense and should be deleted.*

## **Division 10-50.60: Landscaping Standards**

### **10-50.60.020 Applicability**

- Page 50.60-5

#### **A. New Developments**

All new ~~nonresidential and residential~~ developments, [except those listed in Subsection C below](#), shall provide landscaping in compliance with this Division.

*This amendment clarifies that landscaping and the review of a landscape plan, is required for all developments larger than or equal to a duplex. If two separate single-family dwellings are proposed on a lot or parcel, then no landscape plan review is required.*

#### **C. Exceptions**

The provisions of this Division do not apply to the following:

2. [Individual](#) ~~single-family detached residences and accessory structures, whether on existing lots in existing single family subdivisions or in new subdivisions where the landscaping installation and maintenance has been assured as part of a subdivision plat approved in compliance with this Zoning Code.~~

*This amendment removes redundant language and simply states that landscaping is not required for single-family dwellings.*

### **10.50.60.030 Landscaping Plans**

- Page 50.60-6

#### **A. [Concept Landscape Plan](#)**

1. [A concept landscape plan shall be included with an application for concept plan review for a new development in compliance with Section 10-20.30.050 \(Concept Plan Review\) for review by the Director.](#)
2. [The concept landscape plan shall at a minimum identify general landscape areas and include initial calculations on how many trees, shrubs and ground covers will be required to satisfy the requirements of this Division. Submittal requirements for concept landscape plans are included on the checklist included with the application form for Concept Site Plan Review.](#)

## B. Preliminary Landscape Plan

1. A preliminary landscape plan shall be ~~included with submitted for review and approval by the Director at the same time as an application for site plan review the concept plan is submitted~~ in compliance with Section 10-20.430.14050 (~~Concept Site Plan Review and Approval~~) for review and approval by the Director.
2. The preliminary landscape plan shall contain at a minimum the location, description, proposed low impact design measures, and number of proposed materials, including new and existing ground covers, shrubs, and trees, and a brief description of the planting and design actions that are intended to meet the requirements of Section 10-50.60.070 (Water Use and Irrigation). Detailed submittal requirements for preliminary landscape plans are included on the checklist included with the application form for Site Plan Review and Approval.

## C.B. Final Landscape Plan

A final landscape plan shall be submitted as part of the application for a site grading or a Building Permit ~~Site Plan Review and Approval~~ (Section 10-20.40.030140). A final landscape plan shall be approved by the Director before the issuance of a Building Permit, or any other permit for grading, or ~~other~~ construction. Detailed submittal requirements for final landscape plans are included on the checklist included with the application form for Civil Construction Plan Approval.

*The amendments proposed in this Section are based on staff's experience with new development applications, and the realization that staff is able to provide better customer service and a higher level of review, therefore making it easier for a developer, if more information is provided with an application sooner in the process. This is especially important through the IDS process when potential conflicts between proposed landscaping and other requirements of the City (such as compliance with stormwater or utilities requirements, or other engineering standards) are required.*

*(P&Z): The word "detailed" relating to the submittal requirements for concept landscape plans has been removed as it is unnecessary.*

## ~~C. Content and Preparation of the Final Landscape Plan~~

~~Final landscape plans shall contain the following information:~~

- ~~1. Development name, site address, and Assessor's Parcel Number;~~
- ~~2. Case number for developments subject to development review at a public hearing;~~
- ~~3. Designer name, address, phone number, and registration stamp or qualification statement;~~
- ~~4. Scale (bar and numerical) and north arrow. Show landscape in sufficient detail to be legible. The landscape plan shall be drawn at the same scale as the site plans and/or engineering drawings to the maximum extent feasible;~~
- ~~5. Property lines, adjacent rights-of-way, building footprints, the edge of all eaves, roof overhangs and cantilevered structures, parking lots, fences, driveways, intersection sight triangles, walkways, easements, utility lines, poles and boxes, drainage structures, and other site improvements. All shall be drawn to scale with appropriate dimensions and labeled as existing or proposed;~~

- ~~6. Existing and proposed contours based on the proposed grading plan. Contour intervals of one foot are preferred, but a maximum of two foot contour intervals will be accepted. Exceptions to contours may be made based on site size or if other circumstances require a different interval, as approved by the Director. In addition to contours, spot elevations based on the proposed grading plan shall be added to identify proposed changes in grade;~~
- ~~7. Significant topographical features on the site, such as drainages and rock outcroppings;~~
- ~~8. Existing native vegetation on the site indicating native vegetation to be preserved and protected, or removed. Native vegetation must be identified by location, size, and common and botanical name;~~
- ~~9. The direction of runoff flows with the use of flow arrows and the use of runoff including, but not limited to:
  - ~~a. Collected runoff from individual catch basins around single trees, and~~
  - ~~b. Collected runoff from basins accepting flow from an entire vehicular use area or roof area;~~~~
- ~~10. Cut and fill areas and areas of the site disturbed by construction activity;~~
- ~~11. Plant locations and spacing (including staking and soil mix), represented at approximate size at maturity, corresponding to the plant legend;~~
- ~~12. A plant legend that includes both common and botanical plant names, sizes (i.e. height, trunk diameter, and size or diameter of plant at maturity), and the number of required and proposed trees, shrubs, and ground cover quantities;~~
- ~~13. Calculations of the total landscape area and plant quantities, including hydrozones, proposed turf areas, and other oasis areas;~~
- ~~14. Location and areas of active and passive rainwater harvesting systems as required in the *Stormwater Regulations* with a description of the type of measure;~~
- ~~15. Irrigation design plan identifying system layout and descriptions (e.g., automatic timing devices, backflow protection, moisture sensors, hydrants, sprinkler and bubbler details, drip system layout and specifications, and, seasonal irrigation schedule);~~
- ~~16. If applicable, delineation of an on-site nursery for short term storage of native vegetation to be transplanted;~~
- ~~17. If applicable, indications of proposed common and open space areas on the plan; and~~
- ~~18. If a development is developed in phases, required landscaping must be completed in sequence with development phases. These phases must be shown on the landscape plan.~~

*Consistent with all other applications and procedures listed in the Zoning Code, the submittal requirements for all levels of landscape plans should be established on checklists as part of the application forms, rather than listed in the Zoning Code.*

#### D. Preparation by Qualified Professional

Preliminary and Final landscape plans shall be prepared by a qualified landscape architect, licensed landscape contractor, certified nurseryman or other professional determined by the Director to be qualified, based on applicant's ability to demonstrate compliance with this Zoning Code.

*This amendment ensures that both preliminary and final landscape plans are prepared by a qualified professional.*

#### 10-50.60.040 Landscape Location Requirements

- Page 50.60-9

Landscaping shall be provided in all areas of a site that are subject to development with structures, grading, or the removal of natural vegetation, as identified in this Section. Table A (Application of Landscaping Location Requirements in Zones) provides a summary of applicability and identifies exceptions to areas within non-transect and transect zones.

#### Table 10-50.60.040.A: Application of Landscaping Location Requirements in Zones

Add a new End Note <sup>1</sup> to the "Non-Transect Zones!" column and the following End Note at the bottom of this table:

##### End Note

<sup>1</sup> Required buffer landscaping along a frontage is not required within the non-transect zones where an urban form is present, i.e. buildings are located close to or at the back of the sidewalk or property line, except as provided in Section 10-50.60.040.B.1.

*This amendment provides a cross reference to a new standard that waives landscape buffer requirements in the more urban areas of the City where buildings are placed next to a sidewalk. (P&Z): A cross reference to Section 10-50.60.040.B.1 is also more explicitly included.*

#### B. Non-Residential Zone Buffers

##### 1. Street Buffers

c. In non-transect zones and Transect Zones T5 and T6, required street buffer landscaping along a frontage is not required where an urban form is proposed and buildings are located close to or at the back of the sidewalk or on a property line. However, consistent with the standards established for streets (thoroughfares) in Chapter 10-60 (Specific to Thoroughfares), a wider sidewalk to accommodate active pedestrian uses and activities, sidewalk cafes, tree wells, planters, and the placement of such amenities as bike racks, potted plants, or benches is required.

*As described in the amendment description above, this amendment provides more flexibility to not require landscaping in the urban areas of the City where better streetscape design may be accomplished through the use of wider sidewalks, tree wells, planter boxes, etc. This approach has already been utilized in the City with a project such as the Village at Aspen Place.*

##### 2. Peripheral Buffers

Landscaped peripheral buffers (see Figure AB) shall be located along the outer perimeter of a lot or parcel (i.e. property lines adjacent to other parcels) and shall be provided as determined in Table B (Buffer and Screening Requirements), which ranks land uses and

zones based upon their land use intensity and the impact a [new](#) use will have on adjacent land uses, except:

[g. In non-transect zones and Transect Zones T5 and T6 where an urban form is proposed and buildings are located side by side or on a property line no peripheral buffer landscaping is required.](#)

Refer to the description of the amendments proposed above – End Note #1 and paragraph c.

Note that existing Figure A: (Street Buffer) and Figure B: (Peripheral Buffer) will be deleted and a new Figure A: Location of Required Landscape Areas inserted.

### 10-50.60.050 Landscaping Standards

- Page 50.60-13

#### Table 10-50.60.040.B: Buffer and Screening Standards

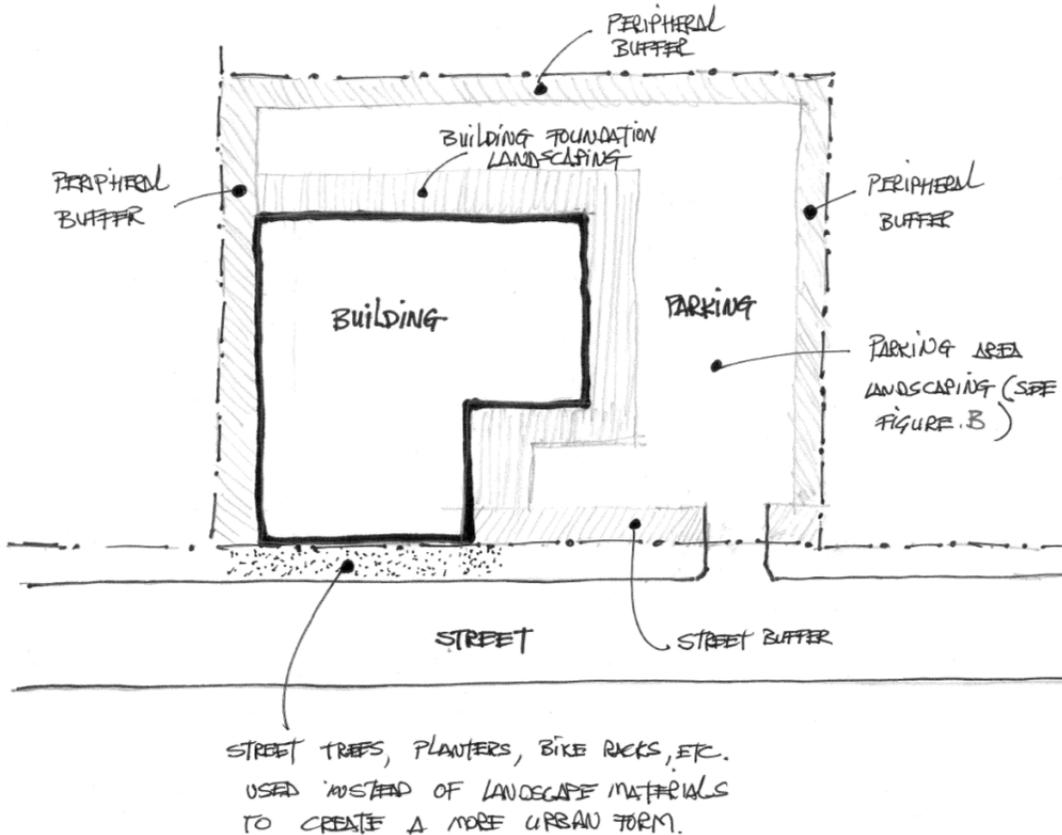


FIGURE A: LOCATION OF REQUIRED LANDSCAPE AREAS

Table 10-50.60.040.B: Buffer and Screening Requirement				
Proposed Use Category <sup>1,4</sup>	Min. Peripheral Buffer Width Requirement Based on Adjacent Existing Uses or Zone <sup>2</sup>			
	Commercial	Industrial	Resources/ Open Space	Residential
<b>Commercial<sup>4</sup></b>				
Retail Trade	--	Setback for the Zone 5'-wide buffer	5'-wide buffer	15'-wide buffer
Services – General	--	Setback for the Zone 5'-wide buffer	10'-wide buffer	15'-wide buffer
<b>Industrial<sup>4</sup></b>				
Business Park	Setback for the Zone 15'-wide buffer	--	15'-wide buffer	15'-wide buffer
Industrial, Manufacturing, Processing & Wholesaling	Setback for the Zone 5'-wide buffer	--	10'-wide buffer	15'-wide buffer
Transportation & Infrastructure <sup>3</sup>	Setback for the Zone 5'-wide buffer	5'-wide buffer--	10'-wide buffer	15'-wide buffer
<b>Residential</b>				
Residential	15'-wide buffer	15'-wide buffer	10'-wide buffer	Setback for the Zone--
<b>Resources/Open Space</b>				
<del>Ranching</del> Forestry & Resource Use	--	--	--	--
Urban Agriculture	Setback for the Zone 5'-wide buffer	Setback for the Zone 5'-wide buffer	5'-wide buffer--	5'-wide buffer
<b>Other Uses</b>				
Institutional	Setback for the Zone 5'-wide buffer	Setback for the Zone 5'-wide buffer	5'-wide buffer	10'-wide buffer
<b>Mixed Use</b>	Setback for the Zone	Setback for the Zone	10'	15'
Recreation, Education & Public Assembly	Setback for the Zone 10'-wide buffer	Setback for the Zone 10'-wide buffer	5' wide buffer	15'-wide buffer

---

## End Notes

<sup>1</sup> Use categories are based on the land use categories in the land use tables in Chapter 10-40 (Specific to Zones).

<sup>2</sup> Buffer and screening requirements shall be based on adjacent existing uses. If adjacent sites are vacant, requirements are based on the underlying zone. [The minimum width of a required buffer shall be greater than or equal to the required setback for the zone. See Division 10-40.30 \(Non-Transect Zones\).](#)

<sup>3</sup> With the exception of parking facilities, which are addressed in Subsection [D](#).

<sup>4</sup> Parking areas for all [commercial and industrial](#) uses adjacent to residential uses shall be screened by a solid fence or wall a minimum of 6 feet in height or a 10-foot wide buffer, to the maximum extent feasible.

*This table has been reorganized so that like land uses could be better organized. Also, the minimum buffer yard standards have been updated to better reference the minimum applicable setbacks for the zone in which a new use is proposed. This is necessary because the buffer yard performance standards that were applied in the former LDC are no longer applicable, and may be eliminated.*

*The End Notes have been amended to better describe the relationship between applicable setbacks and buffer yard requirements.*

### C. [Foundation Landscaping](#)

[Landscape materials shall be planted within 25 feet around buildings.](#)

*This standard has been moved from Page 50.60-17 of the current Landscape Standards so that it is more appropriately placed with other landscape standards.*

- Page 50.60-14

### [D.](#) **Parking Area Landscape Standards - Residential and Non-Residential**

#### 2. Interior Parking Area - Landscape Location Requirements

Interior parking area includes planter areas between parallel rows of parking spaces, terminal islands, and landscape areas between rows of parking spaces. Where required by Table C (Interior Landscaped Area Required per Number of Off-street Parking Spaces), interior parking area landscaping shall meet the following requirements:

##### a. Landscape Islands

For parking lots with eight or more spaces [aligned in a row](#), the required interior parking area landscaping shall be installed in islands separating adjacent parking spaces or in peninsulas parallel to individual parking spaces (see Figure [B](#)). [Up to 12 back-to-back spaces may be laid out in a row between islands or peninsulas if either a 36 square foot tree well is located midway between them or a landscape strip with a minimum width of five feet is installed between the rows of parking spaces \(see Figure B\).](#)

*This amendment clarifies the former LDC standard for when landscape islands are required. It further provides for more flexibility in parking area design by allowing for tree wells or the installation of a landscape strip between rows of parking spaces in lieu of a landscape peninsula in certain situations. (P&Z recommendation)*

*Note that Figure B. (Interior Parking Area - Landscape Location Requirements) needs to be redrawn to better and more accurately illustrate the standards in the Section.*

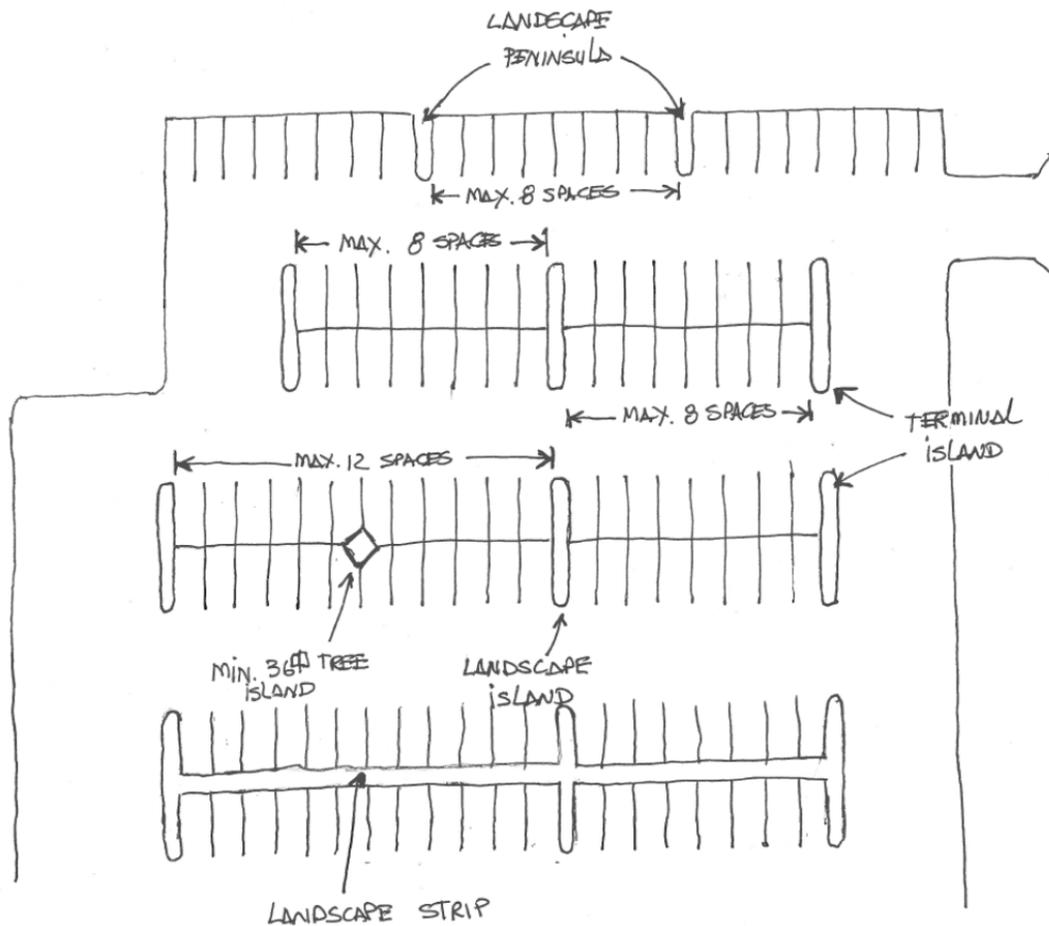


FIGURE B. INTERIOR PARKING AREA - LANDSCAPE LOCATION REQUIREMENTS

- Page 50.60-17

**ED. Other Landscape Areas -- Multi-family Residential and Non-Residential**

**2. Landscaping Around Buildings**

Landscaping areas shall be planted and maintained within 25 feet around buildings (i.e. foundation planting).

*This text has been moved and inserted as a new Subsection C., Foundation Landscaping.*

**FE. Solar Access**

- Page 50.60-18

**10-50.60.050 Landscaping Standards**

**A. Landscaping Design**

**1. Plant Material Considerations**

- g. Existing healthy trees (i.e. trees that are not diseased, weak, damaged, or infected as determined by the Director) located within 25 feet of a building foundation that are preserved on a development site where the area under the canopy remains relatively undisturbed may be credited toward landscape tree requirements, subject to the following standards in Table 10-50.60.050.A (Landscape Credits for Existing Trees):

**Table 10-50.60.050.A: Landscape Credits for Existing Trees**

<b>Existing Tree Size (DBH)</b>	<b>No. of Trees not Required</b>
<u>6 – 10”</u>	<u>1 Tree<sup>1</sup></u>
<u>10 – 18”</u>	<u>2 Trees<sup>1</sup></u>
<u>&gt; 18”</u>	<u>3 Trees<sup>1</sup></u>

**End Note**

<sup>1</sup> For each tree not required to be planted, the requirement for shrubs and groundcovers associated with that tree shall be waived.

~~(1) Each existing tree that is a minimum of six inches in diameter at breast height (DBH) or 10 feet in height or larger may substitute for the requirement of two evergreen landscape trees.~~

~~(2) For each existing tree retained in a landscape area, the requirement for shrubs and groundcovers associated with that tree will be waived.~~

*This amendment is based on a former standard from the LDC that was not included in the Zoning Code. It allows for trees preserved within 25 feet of a building to be credited towards otherwise required trees.*

*(P&Z): Consistent with the Commission’s recommendation, the use of the term “evergreen” tree has been deleted, and the DBH of the existing trees has been divided into three categories rather than the two categories (< 12” and ≥ 12”) originally proposed. The minimum size of six inches has been added as this is the smallest tree that is required to be surveyed. The number of trees not required to be planted if an existing 18” or greater tree is preserved has been increased to 3 trees. This decision was based on the thought that the use of landscaping in a project is often primarily for screening purposes and that while there is certainly tremendous value in the preservation of a large ponderosa pine tree, three appropriately placed new evergreen or landscape trees serve a more effective screening function. Further, there are a number of other existing incentives already included in the Zoning Code for the preservation of existing trees (e.g. reduction in parking spaces, or for solar efficiency).*

- Page 50.60-19

- B. **Plant Material – Quantities and Placement**

- 1. **Required Plant Quantities and Size**

- a. Landscape areas shall be planted in compliance with Table A (Required Plant Quantities. See also Section 10-30.60.060.B.c.(3) for reductions in required landscaping if civic space is provided.

**Table 10-50.60.050.B.A: Required Plant Quantities**

Landscape Area <sup>1</sup>	Trees (On Average)	Shrubs <sup>2,3,2</sup> (On Average)	Groundcover (On Average)
Street Buffer (Ind. And <del>RD</del> <del>Business</del> <del>Park</del> -Zones)	1 per 15 linear feet	3 per tree	2 per tree
Street Buffer (All other Zones) <sup>4</sup>	1 per 25 linear feet	2 per tree	2 per tree
Peripheral Buffer	1 per 25 linear feet	2 per tree	2 per tree
<u>Residential Zone Buffer</u>	<u>1 per dwelling unit</u>	<u>2 per tree</u>	<u>2 per tree</u>
<u>Building Foundation</u>	<u>1 per 25 linear feet</u>	<u>2 per tree</u>	<u>2 per tree</u>
<u>Parking Area - Interior</u> <sup>5,4</sup>	2 per 8 parking spaces	2 per tree	2 per tree
Parking Lot Screening	Not Required	2 shrubs per parking space adjacent to a street to achieve 80% visual screening <sup>6,3</sup> Min. Height: 3½ feet	
<del>Building Foundation</del>	<del>1 per 25 linear feet</del>	<del>2 per tree</del>	<del>2 per tree</del>
Unused Areas	Disturbed, unused areas <u>and stormwater detention or retention basins</u> are to be seeded in accordance with <u>the Engineering Standards (Title 17)</u> .		

**End Notes**

<sup>1</sup> Where required landscaping overlaps in an area (e.g., Street Buffer and Foundation landscaping), only the most restrictive standard shall be applied.

<sup>2,4</sup> Two one-gallon groundcover plants may be substituted for one required five gallon shrub, unless the shrubs are required for a street buffer or for parking lot screening.

<sup>3,2</sup> Two one-gallon native shrubs may be substituted for one five-gallon shrub.

<sup>4</sup> Required buffer landscaping along a frontage is not required within the non-transect zones where an urban form is present, i.e. buildings are located close to or at the back of the sidewalk or property line, except as provided in Section 10-50.60.040.B.1.

<sup>5,4</sup> In the SC commercial zone, 3 trees per 8 parking spaces shall be required.

<sup>6,3</sup> A solid fence or wall designed and constructed in accordance with Division 10-50.50 (Fences and Screening Standards) may be substituted for required shrubs, or a combination of fencing/wall and shrubs may be substituted.

*The amendment in subparagraph a provides an important cross reference to a standard that incentivizes the provision of civic space.*

*The Residential Zone Buffer standard has been added to this table as it had previously been omitted. This standard (See Section 10-50.60.040.A) applies rather than a peripheral buffer standard when two residential uses are next to each other. On small sites in particular, the latter standard has resulted in too many trees being required and insufficient space to plant them.*

The amendment in End Note #1 clarifies how much landscaping is required to be installed where two overlapping standards might conflict, such as when a building is placed close to a property line.

The inclusion of End Note #4 provides an important cross reference to address the more urban areas of the City and the standards previously described in this document.

- Page 50.60-19
  - b. [The quantities of pPlant materials determined in Table A above](#) shall be sized and spaced to achieve immediate effect according to Table B (Plant Sizes).

*This amendment clarifies the relationship between Table A and Table B in this Subsection.*

## 2. Trees

Tree planting shall comply with the following standards:

- b. ~~A required landscape area that is between 15 and 25 linear feet long shall contain a minimum of one overstory tree.~~

*Staff recommends the deletion of this provision as it is unnecessary.*

### 10-50.60.070 Water Use and Irrigation

- Page 50.60-28
  - D. **Stormwater Runoff and Water Harvesting**

#### 3. Rainwater Harvesting

The City of Flagstaff Stormwater Management Design Manual and LID Manual include standards for active and passive rainwater harvesting. ~~An active rainwater harvesting system is not required if~~ native/ drought tolerant plants are installed and passive rainwater harvesting techniques are utilized, or landscape water demand can be met through other sources of non-potable water, [an active rainwater harvesting system is not required. However, if non-drought tolerant plants are installed that are not listed on the City of Flagstaff Landscape Plant List \(Appendix 3\), then active rainwater harvesting is required.](#)

*This minor amendment clearly describes when an active rainwater harvesting system is required consistent with adopted stormwater standards.*

*(P&Z): At the May 27<sup>th</sup> work session a suggestion was made to include reclaim water in this paragraph. The City's Stormwater Manager has confirmed that reclaim water may be used in this context, and as it falls under the phrase "other sources of non-potable water" in line 5, staff recommends that no further revisions are necessary.*

### 10-50.60.080 Maintenance

- Page 50.60-29
  - A. **Maintenance Required**
    - 4. ~~Maintenance of a~~ [Approved landscaping in rights-of-way, including street trees, shall be maintained in compliance with the Engineering Standards \(Section 13-18-05, Title 18, Chapter 18-05 \(Maintenance\)\).](#)

*This minor amendment corrects the cross reference in the Engineering Standards.*

## Division 10-50.70: Outdoor Lighting Standards

### 10-50.70.030 Applicability

- Page 50.70-3

#### B. New Uses, Buildings and Major Additions or Modifications

2. If a major addition occurs on a property, the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
  - a. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision; ~~or~~ and
  - b. Single or cumulative modification or replacement of outdoor legally installed lighting fixtures constituting 25 percent or more of the lumens that would be permitted under this Division for the property, no matter the actual amount of lighting already on a non-conforming site, constitute a major addition for purposes of this ~~s~~Section.

*This minor but important amendment ensures that either subparagraph a. or subparagraph b. apply, rather than both of them.*

### 10-50.70.050 General Requirements - All Lighting Zones

- Page 50.70-5

#### B. Lighting Classes

2. Class 2 Lighting is lighting used for applications where general illumination for safety or security is the primary concern.
  - a. Examples of Class 2 Lighting applications include the following:
    - (1) Pedestrian walkways, ~~and~~ driveways and roadways;
    - (2) Parking lots;
    - (3) Equipment yards; and
    - (3) Outdoor security.
  - b. Low-Pressure Sodium (LPS) lamps or Narrow-Spectrum Amber LEDs are required in all Class 2 Lighting applications, except that up to 10 percent of all Class 2 lighting ~~of all classes~~ may be non-LPS lighting as noted in Table A (Maximum Total Outdoor Light Output Standards).

*Examples of Class 1, 2, and 3 Lighting applications are included in the current Zoning Code both in this Section and in the definitions. The amendments to paragraph a. are consistent with proposed amendments in the definitions chapter to remove all examples of Lighting Classes from the definitions and to only include them in the body of this Division.*

*The amendment to paragraph b. is needed to ensure that a max. of 10% non-LPS lighting applies only to Class 2 lighting rather than to all lighting classes which did not make sense.*

- Page 50.70-6

<b>Table 10-50.70.050.A: Maximum Total Outdoor Light Output Standards</b>			
<b>Land Use</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
<b>Commercial, Industrial, and Multi-family Residential (lumens per net acre)<sup>1</sup></b>			
Total (Fully Shielded and Partially Shielded)	25,000	50,000	100,000
Partially Shielded only	0	5,500	5,500
Non-LPS <a href="#">and non-narrow spectrum amber LED</a>	2,500	5,000	10,000
<b>Single-family Residential (lumens per parcel inclusive of accessory structures)<sup>1</sup></b>			
Total (Fully Shielded and Partially Shielded)	10,000	10,000	10,000
Partially Shielded only	0	4,000	4,000

The amendment to add “non-narrow spectrum amber LED lights” clarifies that lamp types that are non-narrow spectrum amber LED are considered the same as non-LPS lamps for the purpose of determining total lumens per acre.

In early May in a meeting with a representative from the Flagstaff Dark Skies Coalition, it was suggested that a new End Note # 1 (see below) should be added to this Table because the light output from LED lights is generally about 30% brighter than for non-LED lights. He explained that the reason for this difference is that the lumen output for lamps such as CFLs (compact fluorescent), Low Pressure Sodium, or High Pressure Sodium lamps is based on the lamp itself, and lenses, reflectors, etc. in which the lamp is housed cause a reduction in total light output. The lumens for LED lamps are calculated based on the fixture, which means they are inherently brighter. The amendment by adding End Note 1 sought to resolve the extra brightness that is typical of LED lights by adding a reduction factor of 1.43 to the lumen output of LED lights. It is not intended to penalize the use of LED lights.

**End Note**

<sup>1</sup>[To determine the allowed lumens per net acre for all LED lamps \(i.e. narrow spectrum amber LED and all other LED lamps\), divide the total number of lumens permitted in each Lighting Zone by 1.43.](#)

*(P&Z) After some discussion at the May 27<sup>th</sup> work session it appeared that most commissioners were not supportive of adding this proposed End Note #1. Staff recommended, therefore, that the End Note #1 should not be inserted at this time until the concept behind the proposed amendment has been vetted by the Citizen’s Lighting Working Group and possibly a subcommittee of the working group (Standards Subcommittee). This will enable a more public discussion of this idea, and will provide more time to possibly refine the concept. At the June 10<sup>th</sup> public meeting a majority of commissioners indicated they preferred and supported this option, and on June 24<sup>th</sup> excluded the End Note from their final recommendations.*

**Table 10-50.70.050.B Lamp Type and Shielding Standards**

- Page 50.70-8

	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
<b>Class 3 Lighting (Decorative):</b>			
All lamp types 2,500 lumens <sup>1</sup> or above per Fixture	X	<del>X</del> A	FS
All lamp types below 2,500 lumens <sup>1</sup> per Fixture	FS	A <sup>3</sup>	A <sup>3</sup>

*This amendment corrects a standard that was incorrectly brought forward from the former LDC where "X" indicates that in Zone 2 the lamp types referenced in this table are prohibited.*

- Page 50.70-10

**J. Neon Building Lighting**

Neon building lighting is included in the Total Outdoor Light Output calculations for the site. Lumens for neon lighting are calculated on a per foot basis, rather than per "fixture." ~~Any unshielded neon lighting is limited by the unshielded lighting limits of Subsection C not permitted.~~

*When the Zoning Code was updated in 2011 the Lighting Focus Group recommended, and the Council adopted, updated standards that eliminated all unshielded light fixtures. However, the statement in Subsection J. regarding unshielded lighting as it applies to neon lighting was not corrected. This amendment, therefore, corrects this error and requires that all neon building lighting must be shielded. Reasons for this amendment include the paucity of requests staff receives from property owners for the use of neon lighting on buildings, unshielded lights cause a big impact to the quality of the night sky by contributing to light pollution, and if designed and placed carefully, appropriate shields placed over neon lights can still allow for creative lighting effects on a building, such as a wash of light on a wall.*

- Page 50.70-11

**L. Internally Illuminated Architectural Elements**

Any architectural element including walls or portions of buildings that are internally illuminated and that is not a sign or fenestration (windows or doors) shall have 100 percent of the initial lamp output of all lamps used to provide such illumination counted toward ~~partially unshielded~~ lighting for the purposes of calculating Total Outdoor Light Output for the site and is subject to the standards of Subsection C.

*With the adoption of the 2011 Zoning Code all unshielded lights in all zones were no longer permitted. The reference to unshielded lighting in this Subsection is, therefore, incorrect, and has been corrected to instead limit the amount of light from internally illuminated architectural elements to that permitted for partially shielded lighting.*

**M. Architectural/Landscape Lighting**

Architectural lighting used to illuminate the wall of a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to the following:

1. Architectural and landscape lighting that is directed downward onto a wall, tree or other landscape feature shall be included in the Total Outdoor Light Output

standards provided in Table A (Maximum Total Outdoor Light Output Standards), based on whether a fully shielded or partially shielded light fixture is used; and

2. Architectural and landscape lighting that is directed upward onto a wall, tree or other landscape feature ~~is not permitted shall be included in the lumen caps for unshielded fixtures provided in Table A (Maximum Total Outdoor Light Output Standards).~~

*For the same reasons articulated in the previous amendment, all unshielded (up-lighting) should be prohibited.*

- Page 50.70-13

#### **10-50.70.060 Special Uses**

##### **D. Parking Garages**

##### **2. Inclusion Toward Total Outdoor Light Output**

The lumen output of light fixtures ~~lamps~~ mounted 15 feet or more from the nearest opening to the outdoors and ~~on or~~ within open parking garages shall not be included toward the Total Outdoor Light Output standards in Section 10-50.70.050.C. All light fixtures mounted less than 15 feet from the nearest opening to the outdoors shall comply with the total outdoor light output standards established in Section 10-50.70.050.C.

##### **3. Shielding**

All light fixtures used on or within open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.

*This amendment relaxes the standard for light fixtures mounted within a parking structure by not requiring the lumens for light fixtures mounted 15 feet or more from the edge of the parking structure to be counted toward the total outdoor light output for the site.*

*Update Appendix 4 (Outdoor Lighting Reference Materials) to include examples of LED lights that are appropriate in Flagstaff and that meet the City's standards. Contact the Dark Skies Coalition to see if they will assist with this work.*

**Division 10-50.80: Parking Standards**  
**10-50.80.030 General Parking Standards**

- Page 50.80-3

**A. General Parking Standards**

**2. Parking of Commercial Vehicles in Residential Zones**

Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage or parking of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location, or a commercial vehicle owned or operated by the resident that is less than or equal to 14,000 gross vehicle weight rating (GVWR). Such residential parking facilities shall not be used for the parking of motor vehicles belonging to the employees, owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments.

*This minor amendment clarifies that the vehicle under 14,000 pounds GCWR need not be owned by the operator of the vehicle. This would allow, for example, for parking of the vehicle by an on-call plumber who works for a plumbing firm.*

**10-50.80.040 Number of Motor Vehicle Parking Spaces Required**

- Page 50.80-5

**C. General to All Zones**

**1. Maximum Number of Parking Spaces**

Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the minimum number of parking spaces by more than five percent unless provided in a parking structure.

*This minor amendment adds language from the LDC that would enable additional parking on a site so long as it is provided in a parking structure.*

**2. Motor Vehicle Parking Spaces Required**

The minimum number of parking spaces required shall be determined from Table A (Number of Motor Vehicle Parking Spaces Required) below. Uses not specifically listed in Table A shall use the parking requirement for the most similar use, or as determined by the Director.

*This minor amendment clarifies that the number of parking spaces required in Table A is the minimum number needed for each specific use.*

**10-50.80.040 Number of Motor Vehicle Parking Spaces Required**

- Page 50.80-6

**A. Applicable to All Zones**

<b>Table 10-50.80.040.A: Number of Motor Vehicle Parking Spaces Required</b>	
<b>Use</b>	<b>Number of Required Spaces</b>
<b>Residential</b>	
Accessory Dwelling Units	1.0
Market Rate (all dwelling classifications)	
<a href="#">Single-family Dwelling (Attached and Detached)<sup>1</sup></a>	<a href="#">2.0</a>
<a href="#">Multi-family Dwelling, Duplex<sup>1</sup>, and Triplex</a>	
Studio	1.25
1 Bedroom	1.5
<a href="#">2-3+ Bedrooms</a>	2.0
<a href="#">4 Bedrooms</a>	<a href="#">2.5</a>
<a href="#">5+ Bedrooms</a>	<a href="#">2.5 spaces for the first 4 bedrooms plus 0.5 spaces for each additional bedroom</a>
Guest Spaces for Multi-Family Dwelling, <a href="#">Duplex and Triplex</a> (Includes <a href="#">spaces for</a> boats and RVs)	0.25 <del>for</del> <sup>per</sup> each 2+ bedroom unit

**End Note**

<sup>1</sup> [Parking reductions allowed in Section 10-50.80.060 \(Parking Adjustments\) shall not apply to single-family dwellings and duplexes.](#)

*These amendments are proposed to address the significant parking issues encountered in both existing and new developments where 3-, 4- and 5-bedroom dwelling units are occupied by an adult in each bedroom, each of whom have their own vehicles. This has created an on-site parking deficiency and problems throughout many neighborhoods where there is insufficient space to park vehicles, especially in the winter months when the winter parking ordinance is in effect. Staff proposes that the best solution is to establish separate parking standards for single-family dwellings compared to multi-family dwellings, duplexes and triplexes. The standards suggested in these amendments were based on those originally included in the 1991 LDC as staff has realized that the reduced parking standards adopted in March 2007 have created problems with a lack of parking relative to the number of bedrooms and residents occupying a residence.*

*(P&Z) After some discussion at the June 10<sup>th</sup> public hearing, the Commission recommended that the number of parking spaces for units with four or more bedrooms should be reduced from 3.0 as originally proposed by staff to 2.5 to ensure that new developments are not over parked. On the following page is an analysis of three different multi-family projects with different configurations of bedrooms to show a comparison of the current standards, proposed standards, and the alternative standard suggested by the Commission.*

			Existing ZC	Staff Proposal	P&Z Final
	<b>No of units</b>	<b>No. of beds</b>			
<b>Triplex</b>	3				
parking reqd.		3	6	6	6
guest space	0.25			0.75	0.75
<b>Total</b>			<b>6</b>	<b>7</b>	<b>7</b>
<b>Townhouse</b>	6				
parking reqd.	3	3	6	6	6
guest space	0.25	4	6	9	7.5
<b>Total</b>			<b>14</b>	<b>17</b>	<b>15</b>
<b>Townhouse</b>	6				
parking reqd.		4	12	18	15
guest space	0.25		1.5	1.5	1.5
<b>Total</b>			<b>14</b>	<b>20</b>	<b>17</b>
<b>Apartment</b>	24				
parking reqd.	6	2	12	12	12
guest spaces	0.25	3	24	24	24
guest spaces	0.25	4	12	18	15
<b>Total</b>			<b>54</b>	<b>60</b>	<b>57</b>
<b>Apartment</b>	24				
parking reqd.		4	48	72	60
guest spaces	0.25		6	6	6
<b>Total</b>			<b>54</b>	<b>78</b>	<b>66</b>
<b>Duplex</b>	2				
parking reqd.		5	4	7	6
guest space	0.25		0	0.5	0.5
<b>Total</b>			<b>4</b>	<b>8</b>	<b>7</b>

*Staff further recommends that End Note #1 should be added to state that the parking reduction allowed in Section 10-50.80.060 should not apply to single-family dwellings and duplexes.*

Dormitories, Single Room Occupancies, and Fraternities and Sororities ~~Rooming and Boarding Facilities~~

Private Rooms

~~No Private Rooms~~

1 per bedroom or sleeping room plus  
1 for owner or manager

~~+ per 100 gsf plus  
+ for owner or manager~~

*This amendment is necessary because the “rooming and boarding facility” use is recommended for deletion.*

**10-50.80.050 Bicycle Parking**

- Page 50.80-11

**B. Required Spaces**

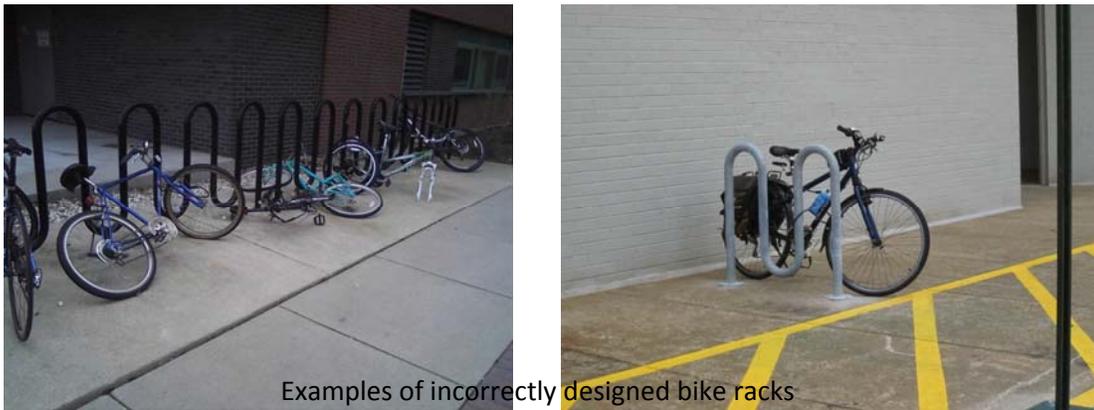
1. Two bicycle parking spaces, or five percent of required off-street parking spaces, whichever is greater, are required for all uses other than single-family residential uses.
2. Bicycle spaces shall be provided in accordance with the following requirements:
  - a. Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;
  - b. Lockers and racks shall be securely anchored to the pavement or a structure;
  - c. Racks shall be designed and installed to support the bicycle upright by its frame in two places in a manner that will not cause damage to the wheels and to permit the frame and one or both wheels to be secure;
  - d. Areas containing bicycle spaces shall be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate as determined by the Director;

*Insert photograph or drawing illustrating a correctly designed bike rack.*



*This minor amendment is suggested to ensure consistency with a provision found on page 2-14 of the Bicycle Parking Guidelines – Second Edition from the Association of Pedestrian and Bicycle*

Professionals which is the industry standard for bike parking. A few years ago the City amended the Engineering Standards to remove the wave-style bike rack from the standard drawings, because they do not provide support in two places. The reason for this is that without proper support, bicycles are somewhat unstable and are likely to fall over, causing damage to bikes on the rack, reducing the capacity and usability of the rack, and generally looking disorganized and unsightly. The bike's instability also makes it difficult to load and remove cargo from bags or panniers. Because of these problems, cyclists will often turn their bike sideways on the rack so it is fully supported, but this reduces the capacity of the rack significantly (see photographs below). Additionally, the League of American Bicyclists' application for Bicycle Friendly Community designation/renewal asks applicants if their bike parking standards conform to APBP guidelines. At present the City's do not conform, but would if the recommended amendment is adopted into the Zoning Code.



(P&Z): Martin Ince, Multi-Modal Planner for the City attended the June 10<sup>th</sup> public hearing where he explained the reason for this proposed amendment. The P&Z recommended the insertion of an appropriate photograph or illustration to show a correctly designed bike rack.

#### 10-50.80.060 Parking Adjustments

- Page 50.80-12
  - A. Transit

##### ~~1.—General to All Zones~~

~~In all zones a~~A parking reduction of up to 10 percent may be approved by the Director for any use within one-quarter mile of a bus stop.

(P&Z): Consistent with the Commission's comments, staff has withdrawn the previously suggested amendment that would have lowered the parking reduction to 5% for multi-family residential uses.

##### ~~2.—Specific to Transect Zones~~

~~Required parking spaces may be reduced by up to 20 percent maximum, as approved by the Director, for any use located within one-quarter of a mile of a bus stop or other transit stop.~~

Staff recommends that this provision should be deleted because the required number of parking spaces in a transect zone has already been reduced as an incentive for the application of the transect zones. Further, as the transect zones within the City's Regulating Plan are already within at least quarter mile of a bus or transit stop, if this standard was applied, insufficient on-site parking would be provided.

- Page 50.80-16

#### G. Motorcycle Parking Reduction

A reduction of one parking space for multiple-family residential and nonresidential uses may be allowed by the Director if one motorcycle parking space for every 25 required automobile spaces is provided, subject to the following standards:

1. Each motorcycle space shall be easily accessible and have adequate space for a standard-size motorcycle, i.e. a minimum dimension of four feet by nine feet.
2. Motorcycle parking areas shall be clearly identified with appropriate striping.

*A number of zoning codes in effect allow for a reduction in required parking if motorcycle parking spaces are included in a parking area. The standard of one motorcycle space per 25 vehicle parking spaces is typical. Note that motorcycles may park in any designated vehicle parking space.*

#### **10-50.80.080 Parking Spaces, Parking Lot Design and Layout**

- Page 50.80-16

##### **B. Design of Parking Lot**

##### **Table 10-50.80.080.A: Minimum Dimensional Requirements**

- Page 50.80-17

##### **End Notes**

<sup>2</sup>

<sup>2</sup>Space width shall be increased by 1' when adjacent to a ~~wal~~~~ny object (including a curb) 6 inches or taller.~~  
The width of parking spaces on either side of a column or post in a parking garage or supporting an overhead structure shall be measured from the outer edge of the column or post.

*The requirement to add 1-foot to the width of a parking space next to a curb is not necessary and has been deleted. A new standard to define how the width of a parking space should be measured next to a column or post supporting, for example, a solar array or additional level of parking is also proposed.*

*(P&Z): To clarify that this standard does not apply to an enclosed garage typically associated with a residence or duplex, the clarifying phrase "in a parking garage" has been added to this sentence.*

*Typographical error: The One-Way Drive Aisle Width for perpendicular parking needs to be changed from 14' to 24' to be consistent with the former standards in the LDC.*

- Page 50.80-17

2. Covered off-street parking spaces, such as in a garage for a residence, shall not be less than 10 feet in width and 20 feet in length, and shall have a minimum vertical clearance of seven feet. This standard does not apply to parking spaces in a parking structure.

*(P&Z): At the May 27<sup>th</sup> meeting a suggestion was made to delete paragraph 2 of this Subsection which establishes a standard for the minimum length and width of an enclosed parking space in a garage because of the amendment proposed in End Note #2 above. Staff has reviewed this standard this sentence has been amended to make it clear that the standard in End Note #2 applies to unenclosed parking spaces, whereas the standard in paragraph 2 applies within an enclosed structure or building.*

**10-50.50.080 Parking Spaces, Parking Lot Design, and Layout**

- Page 50.80-18

**C. Parking for Disabled Persons**

*Modify the illustration in Figure B so that the length of an accessible space is 18' consistent with federal standards and not 20 feet as shown in this illustration.*

- Page 50.80-19

**3. Number of Accessible Parking Spaces**

- a. If parking spaces are provided for self-parking by employees and/or visitors for all non-residential uses, then accessible spaces complying with ADA regulations shall be provided in conformance with Table 10-50.80.080.B.

<b>Table 10-50.80.080.B: Min. Number of Accessible Spaces</b>	
<b>Total Parking in Lot</b>	<b>Required Min Number of Accessible Spaces</b>
1 to <del>25</del> 0	1
<del>26+</del> to <del>5</del> 40	2
<del>54</del> 1 to <del>75</del> 60	3
<del>76</del> 6+ to <del>10</del> 80	4
<del>81</del> 01 to <del>15</del> 00	5
<del>150</del> 1 to <del>42</del> 00	6
<del>420</del> 1 to <del>23</del> 00	7
<del>230</del> 1 to <del>34</del> 00	8
<del>340</del> 1 to <del>45</del> 00	9
<del>401 to 500</del>	<del>10</del>
501 to 1000	2% of total
>1,000	20 plus 1 for each 100 over 1,000

*This amendment changes the more restrictive standards originally recommended by the Disability Awareness Commission back to the original federal ADA standard. The reason for this is to ensure consistency with the federal regulations that are primarily used by design professionals.*

- Page 50.80-20

#### F. Location

1. Location of ~~required~~ on-site parking in all zones is regulated by setbacks as set forth in Chapter 10-40 (Specific to Zones) and buffers established in Division 10-50.60 (Landscaping Standards).
2. In all zones, ~~required~~ parking is not permitted in the required front and exterior side yard setbacks, except as follows:
  - a. Parking in the exterior side yard is permitted when the parking space is a minimum of 20 feet from the exterior side property line and the parking space is located behind the front of the building.
  - b. Within residential zones, parking is permitted in interior and rear setback areas provided that such parking is screened by a min. six-foot high wall or fence- (see Section 10-50.50.020 (Siting and Building Standards), and within the front yard setback area only in front of a garages ~~or~~ carports, as well as on the side of the driveway between the driveway and the nearest property line in front of the ~~in interior side and rear~~ setback areas as illustrated in Figure C.

*Vehicle parking continues to be a significant problem in certain areas of the City where garages have been converted to other livable space and where there are four or more people sharing a home, each of whom has a vehicle. This is a problem that has plagued many of the City's neighborhoods for many years. The problem is compounded in the summer months when vehicles such as RVs and boats are moved out of winter storage facilities and used over weekends but parked on-site when not in use.*

*To guide the Planning and Zoning Commission as they made a decision on this issue, a number of options were presented by staff. These are included below for the Council's information.*

**OPTION 1:** *Until a long-term solution is found to this issue – it will require a work session with the City Council and input from other City Divisions – staff recommends that the standard in Paragraph F.2.b should be amended to allow vehicles to be parked only to the side of the driveway closest to the side property line, and not in front of the building itself. Staff further recommends that the word "required" be deleted from paragraphs 1 and 2 above to make it clear that all parking is subject to the standards in this Subsection.*

**At the June 24th public meeting the Commission moved to recommend that the Council should adopt this option. The Commission also recommended that if vehicles are parked in a rear or side yard area they should be screened from their neighbors by a six-foot high wall or fence.**

*Insert illustration – see next page.*

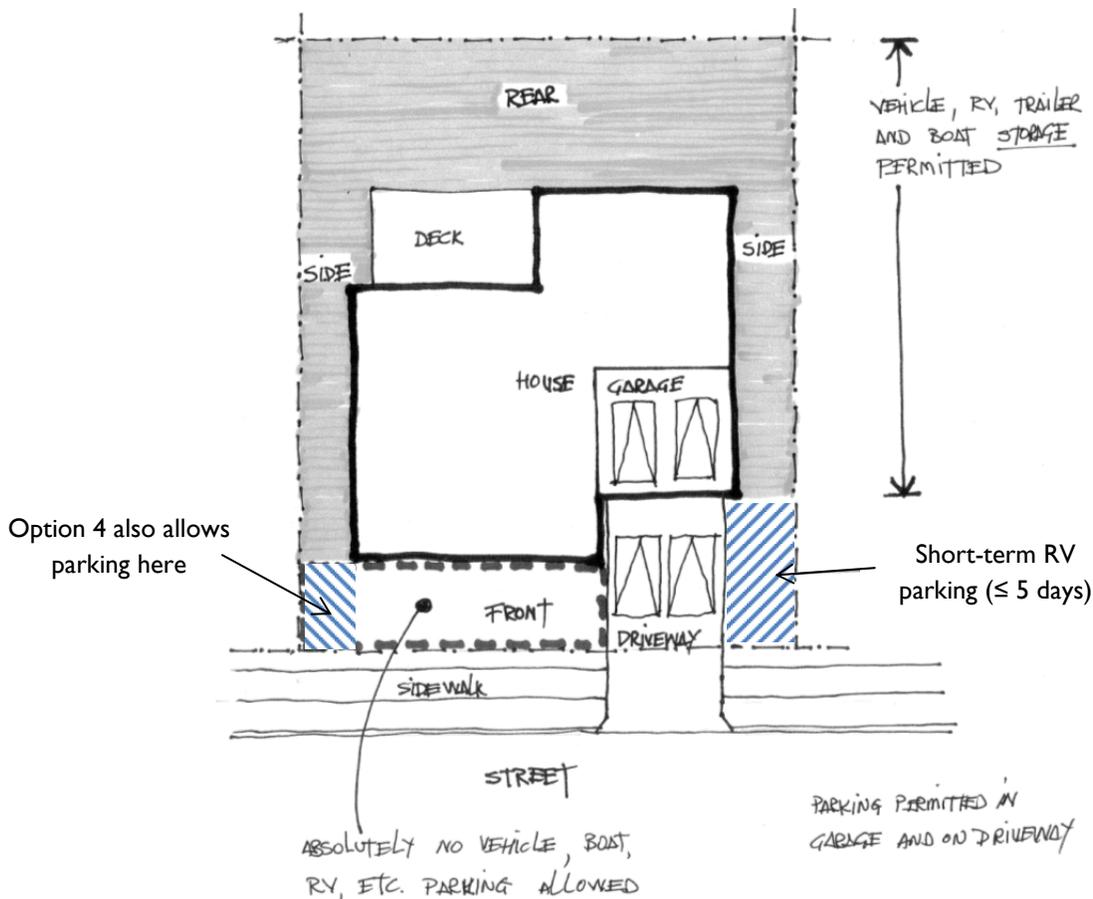


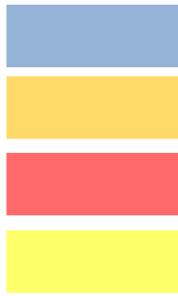
FIGURE C.

**OPTION 2:** In the alternative, the standard could be written to allow parking in the full width of the front yard. This would certainly provide many more off-street parking opportunities, but it will inevitably be opposed by some residents (see illustration on the next page). Subparagraph b would be written as follows if this option is accepted:

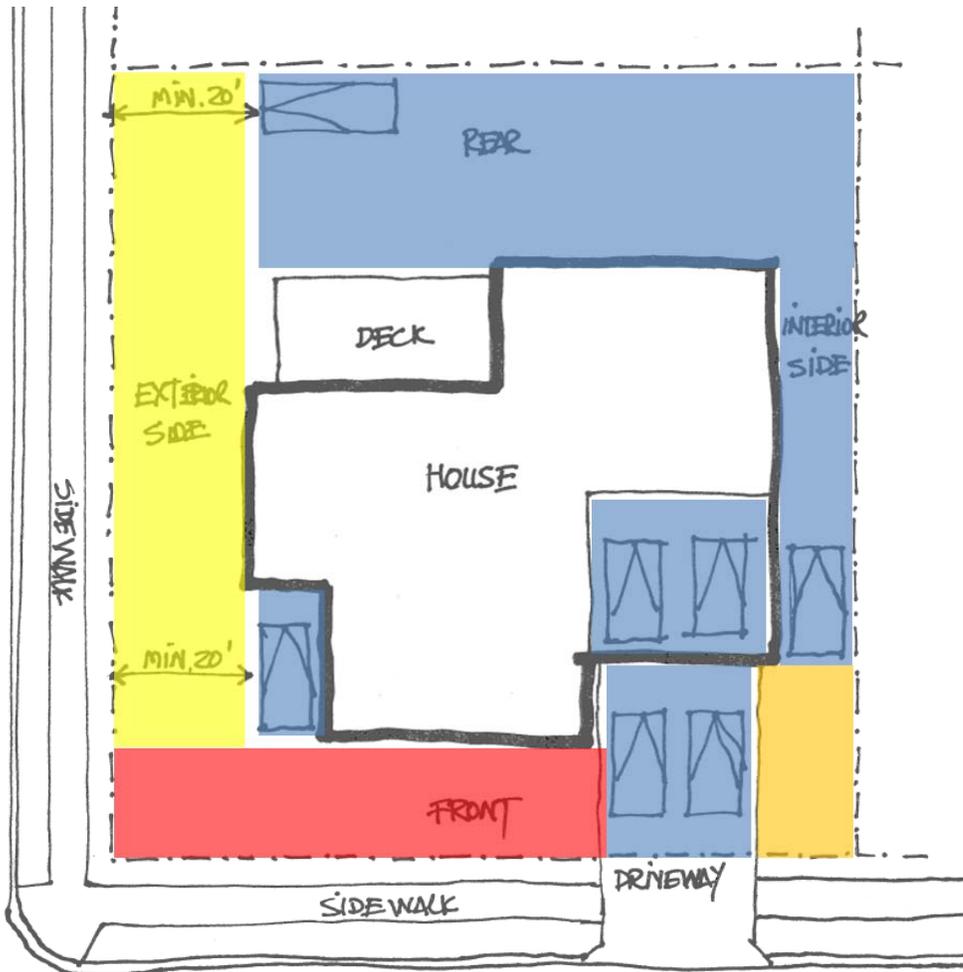
- b. Within residential zones, parking is permitted in interior and rear setback areas, as well as within the front yard setback area in front of garages and carports as well as in interior and rear setback areas.

**OPTION 3:** A third option provides an alternative to also allow parking in the exterior side yard area – see illustration on the following page. The current Code only permits such parking (Paragraph 2.a above) if a vehicle is parked a minimum of 20 feet from the exterior side property line. This alternative would certainly provide many more off-street parking opportunities, but it will also inevitably be opposed by some residents. Subparagraph b would be written as follows if this option is accepted:

- b. Within residential zones, parking is permitted in any setback or yard area within the front yard setback in front of garages and carports as well as in interior and rear setback areas.



- Where parking is allowed under today's rules
- Where parking is proposed to be allowed OPTION 1
- Where parking is proposed to be allowed OPTION 2
- Another Alternative. Allow parking here? OPTION 3



**OPTION 4:** A fourth option is a variation of Option 1. Under this option staff recommends that the standard in Subparagraph b should be amended to allow vehicles to be parked only in the interior side setback area of the front yard, i.e. the area that is the extension of the interior side yard to the side of the driveway closest to the side property line and the extension of the other interior side yard into the front yard. No parking would be permitted in front of the building itself. Subparagraph b would be written as follows if this option is accepted:

- b. Within residential zones, parking is permitted in interior and rear setback areas, and within the front yard setback area only in front of a garages or ~~and~~ carports

and in front of the ~~as well as in~~ interior side and rear setback areas as illustrated in Figure C.

- Page 50.80-20

L. **Trailers, RV's and Boats**

1. The p Parking or placement of a camping or vacation trailer, recreational vehicle, utility trailer or boat in any zone for residential or storage purposes shall be prohibited except as determined by Subsection 2 below.
2. **Storage of Trailers, RVs and Boats**  
A camping or vacation trailer, recreation vehicle, utility trailer, or boat may be stored (i.e. parked for any period longer than five days) in the rear or interior side setback behind the front of the building, garage, or carport on any parcel in any zone, as illustrated in Figure C, provided that:
  - a. There is a principal use of the property, to which such storage would be accessory;
  - b. No ~~living quarters shall be maintained or any~~ business shall be conducted within a ~~parked or~~ stored trailer or vehicle;
  - c. The camping or vacation trailer or recreation vehicle shall not be used for residential purposes; except that guests of the property owner or tenant my stay in the camping or vacation trailer or recreation vehicle for no more than five days per month; and
  - c. The minimum number of required parking spaces for ~~on~~ the lot or parcel is maintained in addition to the area used for the stored vehicle(s).
3. **Parking of Trailers, RVs, and Boats**  
A camping or vacation trailer, recreation vehicle, utility trailer, or boat may be parked for maintenance, loading, and unloading purposes in the rear or interior side setback behind the front of the building, garage, or carport on any parcel in any zone, as well as within the front yard setback area only in front of a garage or carport, and on the side of the driveway between the driveway and the nearest property line in front of the interior side setback area as illustrated in Figure C, provided that:
  - a. There is a principal use of the property, to which such parking would be accessory;
  - b. No business shall be conducted within a parked trailer or vehicle;
  - c. The camping or vacation trailer or recreation vehicle shall not be used for residential purposes, except that guests of the property owner or tenant my stay in the camping or vacation trailer or recreation vehicle for no more than five days per month; and

c. The minimum number of required parking spaces for the property is maintained in addition to the area used for the stored vehicle(s).

*As explained above, parking and storage of vehicles, as well as trailers, RVs and boats is an ongoing issue in the City's neighborhoods. The amendments proposed make a distinction between where such vehicles may be stored (more than five days) or parked (less than five days).*

4. Overnight parking of travel trailers, motor homes, ~~boats~~ or other recreational vehicles is permitted ~~prohibited~~ in commercial and industrial zones where camping activities are not specifically permitted by this Zoning Code provided:

a. The owner, lessee, occupant or person having legal control of the property permits the use of the property for such overnight parking;

b. The property is clearly posted with a sign(s) ~~-Owners of such properties shall be prohibited from posting signs~~ indicating that overnight parking ~~camping~~ is permitted;

c. Vehicles are only parked for the purpose of overnight parking for no more than one night and shall be moved from the property by no later than 10:00 am the following morning; and

d. It shall be the responsibility of the property owner to ensure that the property is maintained in a clean and sanitary condition free from litter, trash or other waste in accordance with applicable City standards.

*The topic of overnight RV parking in commercial parking lots was originally presented to, and discussed by the City Council in the February 25, 2014 work session when a number of Councilors supported the concept of permitting overnight RV parking. This amendment allows for overnight parking of RVs in commercial parking lots subject to certain conditions. This option is not favored by the Flagstaff Police Department as the short term overnight parking often turns into long term overnight parking which is hard to enforce, and the Department has to rely on the property owners to ask the people to leave. Further, the Police Department has had issues with certain individuals and groups which have led to arrests. Fortunately these have not been as serious as the events in the Cottonwood Walmart parking lot earlier this year in which three people were shot (one deceased and two wounded, including a police officer).*

*(P&Z): Paragraph 4.c has been amended to include a requirement that vehicles parked overnight have to be moved from the premises by no later than 10:00 am the following morning. A former suggested amendment requiring such vehicles to be moved "one hour after the business opens" is not practical when a business is open 24 hours a day.*

***At the June 10<sup>th</sup> public meeting a majority of commissioners indicated they preferred and supported this option.***

*To guide the Planning and Zoning Commission as they made a decision on this issue, a second option that would prohibit the overnight parking of RVs in commercial parking lots was presented by staff. This option is included below for the Council's information.*

**OPTION 2:**

**10-50.80.090 Overnight Parking of RVs**

The overnight parking of travel trailers, motor homes or other recreational vehicles, is prohibited in the parking lot of any retail, industrial, office or commercial establishment, regardless of the permission of the owner, lessee, occupant or person having legal control of such property, unless such property has been specifically zoned to permit camping and has approved water and wastewater disposal facilities and other utilities for camping.

~~3. Overnight parking of travel trailers, motor homes, boats or other recreational vehicles is prohibited in commercial zones where camping activities are not specifically permitted by this Zoning Code.~~

**10-50.80.1090 Development and Maintenance**

*OPTION 2: This amendment (i.e. the addition of new Section 10-50.80.090 (Overnight Parking of RVs) and the deletion of the existing paragraph 3.) was originally presented to the City Council in the February 25, 2014 work session on the topic of overnight RV parking in commercial parking lots. It makes overnight parking in commercial parking lots illegal. This option is preferred by the Flagstaff Police Department.*

*Note that the definition of "camping" that was suggested in earlier drafts of these amendments has been withdrawn. The reason for this is that the courts have consistently held that "we all have a common-sense understanding of what camping is." Further, the previous definition was written very broadly and it would have been very difficult to enforce and apply.*

**Division 10-50.90: Resource Protection Standards**

- Page 50.90-2

**10-50.90.020 Applicability**

A. The provisions of this Division apply to proposed development within the Resource Protection Overlay (RPO) Zone (See Section 10-40.50.030 (Overlay Zones)) and Section 10-90.40.050 (Resource Protection Overlay (RPO) Map.) Any perceived conflict between the provisions of this Division and any other section of this Zoning Code shall be resolved in compliance with Chapter 10- 20 (Administration, Procedures, and Enforcement). This Division is meant to apply in conjunction with the Flagstaff Fire Department's implementation of the Flagstaff Forest Stewardship Plan, which occurs before forest resource calculations are completed. See Appendix 5 (Additional Information Applicable to Division 10-50.90 (Resource protection Standards)). The Forest Stewardship Plan will continue to be applied by the Fire Department in coordination with Community Development Division staff so as not to negatively impact any future development options.

B. Resource calculation standards for slope, floodplain, and forest resources do not apply to the area within the public right-of-way of existing or proposed major or minor arterial roads or to the right-of-way of major (i.e. regional distribution) utility facilities.

CB.- Appendix 5 (Additional Information Applicable to Division 10-50.90 (Resource Protection Standards)) provides useful information on how the Flagstaff Fire

Department implements Firewise principles. It also provides a summary and explanation of how to apply the resource protection standards described in this Division.

*(P&Z): The amendment in Paragraph A provides a cross reference to Appendix 5. The amendment in Paragraph B includes a standard from the former LDC that allows resource calculations not to apply to the rights-of-way for major or minor arterial roads or for utility rights-of-way. (P&Z): The reference to ownership of the land previously included in this standard has been removed as it is not necessary.*

#### **10-50.90.050 Steep Slopes**

- Page 50.90-7

##### **C. Methodology**

##### **3. Steep Slope Resource Area**

Based on the area calculations in Subsection 2, above, Table A (Slope Protection Thresholds) shows the percentage of slope area that must be included in the resource protection area. The steep slope areas to be protected shall be included in the survey (Section 10-50.90.070.C.2.).

4. For every 50 sq. ft. of additional slope area that is determined to be protected over and above the minimum required in this Section, then one credit point will be credited towards the minimum required forest resource calculations established in Section 10-50.90.070 (Resource Survey Requirements)

*This amendment establishes a credit for forest resources when additional slope resources are protected on a development site.*

#### **10-50.90.060 Forest**

- Page 50.90-8

##### **B. Methodology**

3. Where forest resources on a site overlap with steep slope resources, the following standards apply:

a. For affordable housing developments, refer to the standards in Section 10-30.20.040 (Affordable Housing Incentives).

b. For all other developments located within the Resource Protection Overlay, up to 25 percent of the forest resources in the steep slope area may be counted towards the required amount of forest resources for the entire site at a ratio of one credit point for forest resources to 50 square feet of slope area.

43. Traditional Neighborhood Community Plans (TNCP) ...

*(P&Z): This amendment is in response to the Commission's discussion at the May 27<sup>th</sup> work session where it was suggested that some credit should be given when forest resources are located on a slope resource area. The amendment provides a cross reference to the existing standard for affordable housing where a 100 percent credit is established for forest resources located within a slope resource area. The proposed amendment allows for up to 25 percent of the forest resources that are located within the area of a steep slope resource to be credited toward the total required*

amount of forest resources for the entire site. Staff settled on the 25 percent value because there are other incentives already in place, including for example, five percent for civic space, five percent for FUTS, and various parking and landscape credits. It is staff's opinion that 25 percent strikes the correct balance so that the incentive for affordable housing is not weakened too much. The City's Housing Section is opposed to this amendment. The concern is that there are already limited incentives available for affordable housing, and the resources credit is the biggest and most frequently applied. Staff fears that if the 25 percent credit proposed in this amendment is approved in addition to the other incentives that exist, then fewer affordable housing projects may result. Also, Subparagraph b. has been revised so that it applies to all uses in the RPO, rather than only multi-family residential uses.

The ratio of 50 sq. ft. of slope resource to one credit point for forest resources is based on the standard established in Section 10-50.90.050.C.4 above. Only for affordable housing projects is an incentive offered that allows the forest resources on a steep slope to be counted at 100 percent toward total forest resources (see Section 10-30.20.040.B (Incentives Defined). Renumber following paragraphs.

**10-50.90.100 Activities Allowed in Natural Resource Areas**

- Page 50.90-15

**Table 10-50.90.110.A: Activities Allowed in Natural Resource Areas**

	Floodplains		Steep Slopes (17 – 35%)	Forest
	Urban	Rural		
<b>Ranching</b> <b>Agricultural Uses</b>				
<b>Recreational</b>				
Active Recreation	Yes	Yes	No	No
Passive Recreation	Yes	Yes	Yes	Yes

The ranching land use has been amended to “agricultural uses” consistent with similar amendments proposed in Chapter 10-40.

The City's Stormwater Section had recommended that the Active Recreation row in this Table should be amended to not permit active recreation uses (i.e. uses such as ball fields, tennis courts, golf courses, etc.) in a rural floodplain.

(P&Z): Some Commissioners at the May 27<sup>th</sup> work session commented about this amendment, and suggested that it was not needed. The Stormwater Manager has confirmed that this amendment is important and necessary because any changes to the natural land form in rural flood plains for active recreation uses can have consequences to stormwater and floodplain management. Furthermore, the intent of the rural floodplains is to retain them in a natural and undisturbed condition. This question was again discussed at length at the June 10<sup>th</sup> meeting with the City's Stormwater Manager where he emphasized the need to keep rural floodplains as “natural undisturbed open spaces” (Refer to Section 10-50.90.090.A.2). No grading (such as may be required for athletic fields or golf courses) is permitted in the rural floodplain, although it is possible that small areas of ground may be disturbed for such uses as a FUTS trail. It is important to note that the rural floodplain is typically fairly narrow, and in most circumstances is closely associated with the watercourse's channel. The Rural Floodplain Map (Division 10-90.30) included in the Zoning Code shows the location of the rural floodplains in the City.

(P&Z): At the June 24<sup>th</sup> public meeting staff recommended and the Commission unanimously agreed that no amendments to this Table should be made and the Code should remain as it is

currently written. This means that the conflict between the text in Section 10-50.90.080.A2 that describes rural floodplains as natural undisturbed open spaces and the text in Table 10-50.90.110A that allows active recreation in rural floodplains will remain. Rural floodplains are generally located on the periphery of the City, are relatively narrow in cross section, and are typically associated with undeveloped lands. Most of these lands are likely to be subject to future zone change requests, and as such through this rezoning process, staff, the Planning and Zoning Commission, and the Council will be able to negotiate with a developer on the potential use of rural floodplains. One such example is the Little America project.

**Division 10-50.100: Sign Standards**

Page 50.100-8

**10-50.100.020 Applicability**

**D. Exemptions**

**11. Nonstructural Modifications and Maintenance**

- a. Changes to the face or copy of changeable copy signs;
- b. Changes to the face or copy of any existing single-tenant or multi-tenant freestanding or building mounted non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and

*This minor amendment includes existing signs on single tenant buildings as well as building mounted signs within this exemption.*

- Page 50.100-33

**Table 10-50.100.060.C Standards for Building Mounted Signs**

<b>Standard</b>	
Sign Placement	<p>The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, except:</p> <ul style="list-style-type: none"> <li>(1) At least 1 sign shall be associated with the building entry zone<sup>1</sup> (may be wall mounted, projecting, awning, etc.).</li> <li>(2) No sign shall face an adjoining residential zone.</li> <li>(3) Signs shall be placed <del>the lesser of</del> <u>no less than</u> 12 inches or 20% of the width and height of the building element on which they are mounted, <u>whichever is less, from the edge of the building element.</u></li> </ul> <p>The width of the sign shall not be greater than 60% of the width of the building element on which it is displayed.</p> <p><del>Individual tenants in multi-tenant buildings are permitted building mounted signs only on the primary entrance elevation of the space occupied by the business.</del></p> <p>If vertically placed on a mansard roof, structural supports shall be minimized, and secondary supports (angle irons, guy wires, braces) shall be enclosed/ hidden from view.</p>

*This standard was included in this table in error and may be deleted. The reason for this is that the intent of the amendments made last year was to allow business owners to place their signs on the building where they desired.*

- Page 50.100-33

**Table 10-50.100.060.H Standards for Freestanding Signs**  
**Standard**

Sign Height	See this Section and Table A (Standards for Permanent Signs by Use). Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, <u>or 12" whichever is greater.</u>
-------------	--

*This amendment which was suggested by a local sign contractor allows for meaningful embellishments to a low sign, i.e. one that is less than 5 feet in height. For example, if a 4-foot high sign is proposed, 20% of 4' or 48" = 9.6 inches for sign embellishments. This amendment would allow a slight increase in the height of embellishments.*

<b>Special Provisions</b>	<b>Standard</b>
Sign Width	The sign base shall have a min. aggregate width of 60% of the width of the sign cabinet or face.  <u>A freestanding sign may be mounted on 2 or more posts with a min. diameter/dimension of 8" if the sign complies with the standards of Section 10-50.100.080 (Sign Design Performance Standards).</u>

*This amendment allows for the installation of a freestanding sign on two or more poles or posts (a freestanding sign on a single post is not permitted) provided that compliance with the enhanced design standards of Section 10-50.100.080 is achieved.*

- Page 50.100-42

**Table 10-50.100.060.P Standards for Other Sign Types**

~~**Vending Machine and Similar Facilities**~~

<del>Sign Area</del>	<del>When placed outside of a business, signs that are an integral part of such machines shall be included in total allowable building mounted sign area.</del>
<del>Permitting</del>	<del>No Sign Permit required.</del>

*Staff recommends that the standards inserted last year for vending machines should be deleted as they are not necessary, add a level of sign control that is overly restrictive and more importantly are very difficult to enforce.*

- Page 50.100-55

**10-50.100.090 Temporary Signs**

**C. Specific to Commercial and Industrial Zones, Transect Zones T5 and T6, and Multi-family Residential Zones**

**4. Temporary On-Premises Business Signs**

**b. Standards for Specific Temporary Business Signs**

Standards for specific types of temporary business signs are established in Table F (Standards for Specific Temporary Business Signs). Only one temporary business sign per business may be displayed at any one time. Only one of the following temporary business signs may be displayed per 150 linear

feet of property frontage or part thereof at any one time, and for no longer than the maximum time allowed for temporary business signs.

*This minor amendment clarifies that at any time only one temporary business sign per business may be displayed.*

**UPDATE:**

On June 18, 2015 the US Supreme Court rendered its decision in the Reed v. Town of Gilbert sign case. At the time of writing this report, staff learned that the Court ruled in favor of Reed (Good News Community Church), and is continuing to study the Court’s ruling to determine what if any implications it may have on the City’s sign code. Indeed planners and attorneys across the country will be studying this case closely to determine what impact the outcome of the Court’s decision may have on the ability of cities and towns across the country to regulate temporary signs.

At this time therefore, staff will not be bringing forward any potential amendments to the Division 10-50.100 (Sign Standards) of the Zoning Code. However, in the months ahead staff will prepare any possible amendments to the sign standards for future review and consideration by the Planning and Zoning Commission, and eventually the Council.

- Page 50.100-67  
**10-50.100.100 Sign District of Special Designation**

**A. Flagstaff Central District**

**5. Standards**

**c. Temporary Signs**

Temporary signs proposed within the Flagstaff Central District shall comply with the standards established in Section 10-50.100.090 (Temporary Signs).

Where buildings are located on the edge of the right-of-way and there is no private frontage area, in lieu of the placement of an A-frame sign or vertical banner in the right-of-way, a temporary stanchion sign may be used in compliance with the standards established in Section 10-50.100.100.B.5.b.

*This amendment would allow for the placement of a stanchion sign for a business in areas of the Southside where buildings are placed immediately adjacent to the back of the sidewalk, as they are in the downtown.*

- Page 50.100-69

**Table 10-50.100.100.E Standards for Temporary Stanchion Signs**

	<b>Standard</b>	<b>Other Requirements</b>
Permitting	<b>Ne</b> -Sign Permit required	

*Since the adoption of the new signs standards late last year, staff has observed a number of stanchion signs being placed in the downtown area. However, without a permit being required, it is hard to ensure that the design requirements for these signs are met. This causes confusion, unnecessary expense, and frustration to a both business owners and City enforcement staff. The requirement for a permit, which can be processed in a very short period of time, should resolve this concern.*

## Division 10-50.110 Specific to Building Types

- Page 50.110-2 to -3

### Table 10-50.110.030.A Building Types General

*A comparison of Table 10-50.110.030.A with the Allowed Building Type Tables in most of the Transect Zones revealed a number of minor inconsistencies. Table 10-50.100.030.A should, therefore, be corrected as follows:*

Carriage House:	Add <b>T5</b> as a transect zone in which this type is permitted
Duplex, Side-by-Side:	Add <b>T5</b> as a transect zone in which this type is permitted
Duplex, Stacked:	Add <b>T5</b> as a transect zone in which this type is permitted
Duplex, Front-and-Back:	Add <b>T5</b> as a transect zone in which this type is permitted

- Page 50.110-3

### Table 10-50.110.030.A Building Types General

Add a new building type, the Stacked Triplex (insert below “Duplex, Front and Back” and above “Townhouse”).

**Triplex, Stacked:** This Building Type is a medium-to-large-sized structure that consists of three dwelling units, stacked on top of each other and typically with one shared entry. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.



Add a new building type, the Apartment Building (insert below “Courtyard Apartment” and above “Live/work”).

**Apartment Building:** This Building Type is a medium-to-large-sized structure that consists of up to 32 side-by-side and/or stacked dwelling units, accessed from the exterior of the building through one or more common entries. This Type is appropriately scaled to fit within medium to high density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.



- Page 50.110-7

### 10-50.110.050 Single-Family Estate

#### Table B. Lot

##### Lot Size<sup>1</sup>

Width	100' min.
Depth	100' min.

##### End Note

<sup>1</sup> Applies to newly created lots.

*This amendment clarifies a concern with the existing lot size standards for the single-family estate building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

- Page 50.110-9

### 10-50.110.060 Single-Family House

#### Table B. Lot

##### Lot Size<sup>1</sup>

Width	50' min.; 75' max.
Depth	75' min.; 150' max.
Area <sup>2</sup>	5,000 sf min.

##### End Note

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the single-family house building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

<sup>2</sup>: Smaller lot size permitted only if [the parcel or](#) building type ~~is~~ already exist~~ing~~ at time of eCode adoption.

*This amendment clarifies that a smaller lot size than the standard required in this Table is permitted if it existed at the time of the Zoning Code's adoption.*

- Page 50.110-11

### 10-50.110.070 Single-Family Cottage

#### Table B. Lot

##### Lot Size<sup>1</sup>

Width	30' min.; 50' max.
Depth	50' min.; 160' max.
Area <sup>2</sup>	2,500 sf min.

##### End Note

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the single-family cottage building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

<sup>2</sup>: Smaller lot size permitted only if [the parcel or](#) building type ~~is~~ already exist~~ing~~ at time of eCode adoption.

*This amendment clarifies that a smaller lot size than the standard required in this Table is permitted if it existed at the time of the Zoning Code's adoption.*

- Page 50.110-13

### 10-50.110.080 Bungalow Court

#### Table A. Description

The Bungalow Court Building Type consists of a series of small, detached [single-family residential](#) structures on a single lot, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private open space and becomes an important community-enhancing element of this Type. This Type is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

*This minor amendment clarifies that the bungalow court building type is comprised of single-family residential structures.*

**Table B. Lot**

**Lot Size<sup>1</sup>**

Width	75' min.; 150' max.
Depth	100' min.; 150' max.

**End Note**

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the bungalow court building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

**Table G. Common Open Space**

Area	15% of lot area min. <a href="#">and no less than 400 sf.</a>
Courtyard	
Width	<del>15</del> 20' min.
Depth	<del>15</del> 20' min

*This amendment ensures consistency in the standards for common open space established in Table 10-40.30.040.A.*

**Table H. Building Size and Massing**

**Miscellaneous**

Height	<del>2+</del> 1/2 stories max.
--------	--------------------------------

*Staff recommends that the height of a bungalow court residence should be increased to 2 stories to provide greater opportunity for the use of this important building type.*

**Table I. Miscellaneous**

Buildings shall not be more than 1-1/2 stories tall in [the T3.N1 Z zones.](#)

*This amendment more specifically limits the height of a bungalow court building in the T3N.1 Transect Zone which applies in Flagstaff's historic neighborhoods, and allows for up to 2 stories in T3N.2 and other transect zones where this building type is permitted.*

- Page 50.110-15

**10-50.110.090 Duplex, Side-by-Side**

**Table B. Lot**

**Lot Size<sup>1</sup>**

Width	50' min.; 75' max.
Depth	100' min.; 150' max.

**End Note**

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the duplex, side-by-side building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

**Table G. Common Open Space**

Area	15% of lot area min. <a href="#">and no less than 400 sf.</a>
Width	<del>15</del> 20' min.
Depth	<del>15</del> 20' min

*This amendment ensures consistency in the standards for common open space established in Table 10-40.30.040.A.*

- Page 50.110-17

### 10-50.110.100 Duplex, Stacked

#### Table B. Lot

##### Lot Size<sup>1</sup>

Width	50' min.; 75' max.
Depth	100' min.; 150' max.

##### End Note

<sup>1</sup> Applies to newly created lots.

*This amendment clarifies a concern with the existing lot size standards for the stacked duplex building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

#### Table G. Common Open Space

Area	15% of lot area min. <u>and no less than 400 sf.</u>
Width	<u>1520'</u> min.
Depth	<u>1520'</u> min

*This amendment ensures consistency in the standards for common open space established in Table 10-40.30.040.A.*

- Page 50.110-19

### 10-50.110.110 Duplex, Front-and-Back

#### Table B. Lot

##### Lot Size<sup>1</sup>

Width	50' min.; 75' max.
Depth	100' min.; 150' max.

##### End Note

<sup>1</sup> Applies to newly created lots.

*This amendment clarifies a concern with the existing lot size standards for the front-and back duplex building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

#### Table G. Common Open Space

Area	15% of lot area min. <u>and no less than 400 sf.</u>
Width	<u>1520'</u> min.
Depth	<u>1520'</u> min

*This amendment ensures consistency in the standards for common open space established in Table 10-40.30.040.A.*

- Page 50.110-20 (new)

### 10-50.110.120 Stacked Triplex

Insert photographs and illustrations – ODI.

#### A. Description

The Stacked Triplex Building Type is a medium-to-large-sized structure that consists of three dwelling units, stacked on top of each other and typically with one shared entry. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density

neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

## **B. Lot**

### **Lot Size<sup>1</sup>**

Width 50' min.; 75' max.

Depth 100' min.; 150' max.

## **C. Number of Units**

Units 3 max.

## **D. Pedestrian Access**

Main Entrance Location Primary Street

Each unit may have an individual entry that faces the street.

## **E. Allowed Frontages**

Porch

Stoop

## **F. Vehicle Access and Parking**

Where an alley is present, parking and services shall be accessed from the alley.

Parking spaces may be enclosed, covered or open.

Tandem parking is allowed for off-street parking to meet the requirements for a residential unit.

## **G. Common Open Space**

Area 15% of lot area min.  
and no less than 400 sf

Width 15' min.

Depth 15' min.

No private open space is required.

## **H. Building Size and Massing**

### **Main Body**

Width 36' max.

### **Secondary Wing**

Width 24' max.

### **Miscellaneous**

Height See transect zone in  
which the building is  
proposed.

## **End Note**

<sup>1</sup> Applies to newly created lots.

*A Flagstaff contractor has suggested that a stacked triplex building type would be appropriate in Flagstaff neighborhoods. This building type is common in many mid-west and California communities, and is frequently found in Form-based Codes. Additional illustrations and photographs will need to be inserted.*

*Other tasks as a result of this change:*

1. *Renumber all of the following Building Types in this Division.*

2. **Division 10-40.40     Transect Zones**

- Page 40.40-25

**10-40.40.070     T4N.1 Neighborhood Standards**

**Table C. Allowed Building Types<sup>1</sup>**

Add Stacked Triplex to this table.

- Page 40.40-31

**10-40.40.080     T4N.2 Neighborhood Standards**

**Table C. Allowed Building Types<sup>1</sup>**

Add Stacked Triplex to this table.

- Page 50.110-21

**10-50.110.120 Townhouse**

**Table B. Lot**

**Lot Size<sup>1</sup>**

Width           18' min.

Depth           80' min.

**End Note**

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the townhouse building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

**Table I. Miscellaneous**

**End Note:**

Front-loaded townhouses shall only be allowed where topography does not allow alley access [or within existing developed areas where alleys do not exist.](#)

*Staff has encountered a number of situations in the existing developed portions of the City (especially in the older neighborhoods around the Downtown or in Sunnyside) where a townhouse project made sense, but the lack of an alley meant that the developer had to seek a different development approach. This amendment resolves this concern.*

- Page 50.110-23

**10-50.110.130 Apartment House**

**Table B. Lot**

**Lot Size<sup>1</sup>**

Width           75' min.; 150' max.

Depth           100' min.; 150' max.

**End Note**

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the apartment house building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

**Table G. Common Open Space**

Area	15% of lot area min. <a href="#">and no less than 400 sf.</a>
Width	<a href="#">1520'</a> min.
Depth	<a href="#">1520'</a> min

*This amendment ensures consistency in the standards for common open space established in Table 10-40.30.040.A.*

- Page 50.110-25

**10-50.110.140 Courtyard Apartment**

**Table B. Lot**

<b>Lot Size<sup>1</sup></b>	
Width	100' min.; 150' max.
Depth	100' min.; 150' max.

**[End Note](#)**

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the courtyard apartment building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

- Page 50.110-25

**10-50.110.150 Live/Work**

**Table B. Lot**

<b>Lot Size<sup>1</sup></b>	
Width	18' min.
Depth	80' min.

**[End Note](#)**

<sup>1</sup> [Applies to newly created lots.](#)

*This amendment clarifies a concern with the existing lot size standards for the live/work building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

**Table G. Private Open Space**

Area	15% of lot area min. <a href="#">and no less than 400 sf.</a>
Width	<a href="#">1520'</a> min.
Depth	<a href="#">1520'</a> min

*This amendment ensures consistency in the standards for common open space established in Table 10-40.30.040.A.*

- Page 40.40-28 (new)  
**10-50.110.160 Apartment Building**

Insert photographs and illustrations – ODI and Juniper Point.

**A. Description**

The Apartment Building is a medium-to-large-sized structure that consists of up to 32 side-by-side and/or stacked dwelling units accessed from the exterior of the building through one or more common entries. This Type is appropriately scaled to fit within medium to high density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

**B. Lot**

**Lot Size<sup>1</sup>**

Width	100' min.; 150' max.
Depth	100' min.; 150' max.

**C. Number of Units**

Units	8 min; 32 max.
-------	----------------

**D. Pedestrian Access**

Main Entrance Location	Primary Street
Each unit may have an individual entry.	

**E. Allowed Frontages**

Porch	Forecourt
Stoop	

**F. Vehicle Access and Parking**

Where an alley is present, parking and services shall be accessed from the alley.	
Parking spaces may be enclosed, covered or open.	
Garages may be detached or tuck-under.	

**G. Common Open Space**

Area	15% of lot area min.
Width	40' min.
Depth	40' min.
No private open space is required.	

**H. Building Size and Massing**

**Main Body**

Width	200' max.
-------	-----------

**Secondary Wing**

Width	40' max.
-------	----------

**Miscellaneous**

Height	See transect zone in which the building is proposed.
--------	--

**End Note**

<sup>1</sup> Applies to newly created lots.

Staff has been working closely with the developer of the Juniper Point project for a number of years, and as part of the Form-based Code for this development an Apartment Building is proposed as a building type. Staff agrees that there are a few transect zones where such a building type may be appropriately utilized (T4N.2 and T5) as well as certain non-transect zones (MR, HR, and HC). This building type is common in the higher transect zones, and is frequently found in Form-based Codes. (P&Z): AT the May 27<sup>th</sup> work session the Commission discussed a previous standard that implied that access to all units should be from the exterior of the building. Staff has deleted this previous standard, and recommends that it would be appropriate to allow a developer to either choose to provide access to all or some apartments directly to the outside of the building or via an internal courtyard or corridor, or a combination. This provides maximum flexibility in the design of the building.

**Other tasks as a result of this change:**

1. Renumber all of the following Building Types in this Division.

2. **Division 10-40.40 Transect Zones**

- Page 40.40-31

**10-40.40.080 T4N.2 Neighborhood Standards**

**Table C. Allowed Building Types<sup>1</sup>**

Add Apartment Building to this table.

- Page 40.40-37

**10-40.40.090 T5 Main Street Standards**

**Table C. Allowed Building Types<sup>1</sup>**

Add Apartment Building to this table.

- Page 50.110-29

**10-50.110.160 Commercial Block**

**Table B. Lot**

**Lot Size<sup>1</sup>**

Depth 100' min.

**End Note**

<sup>1</sup> Applies to newly created lots.

*This amendment clarifies a concern with the existing lot size standards for the commercial block building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.*

**Table C. Number of Units**

~~Units — 2 Min.~~

*Staff recommends that this standard should be deleted as it is unnecessary. While the commercial block building type may include residential units as either condominiums or apartments, there may be situations where in the downtown (T6) Transect Zone a multi-story building with only retail and office uses, or lodging uses, makes perfect sense.*

## Division 10-50.120 Specific to Private Frontages

- Page 50.120-3

### Table 10-50.120.020.A Private Frontages General

*A comparison of Table 10-50.120.020.A with the Allowed Encroachment and Frontage Types in the Transect Zones revealed a minor inconsistency in the T5 Transect Zone. Table 10-50.120.020.A should, therefore, be corrected as follows:*

Gallery:            Add **T4** as a transect zone in which this private frontage type is permitted

- Page 50.120-9

### 10-50.120-080 Forecourt

#### A. Description

A portion of the main façade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas when it is designed with a hard surface and landscaping as an edge treatment. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

*This minor amendment clarifies that when a forecourt is used within an urban area for restaurant seating, a hard surface is necessary with landscaping only installed as an edge treatment. In an urban context, large landscaped areas are not appropriate.*

#### C. Miscellaneous

A short wall, ~~hedge~~, or fence shall be placed along the BTL where it is not defined by a building.

*Hedges are difficult to grow in Flagstaff because of our climate, and therefore, staff recommends that they be removed from this standard.*

# Comparison of Existing Flagstaff Standards v. Proposed Federal ADA Standards for Accessible Parking Spaces

November 24, 2015

Existing Standards in  
Table 10-50.80.080.B

<b>Table 10-50.80.080.B: Min. Number of Accessible Spaces</b>	
<b>Total Parking in Lot</b>	<b>Required Min Number of Accessible Spaces</b>
1 to 20	1
21 to 40	2
41 to 60	3
61 to 80	4
81 to 100	5
101 to 140	6
141 to 200	7
201 to 300	8
301 to 400	9
401 to 500	10
501 to 1000	2% of total
>1,000	20 plus 1 for each 100 over 1,000

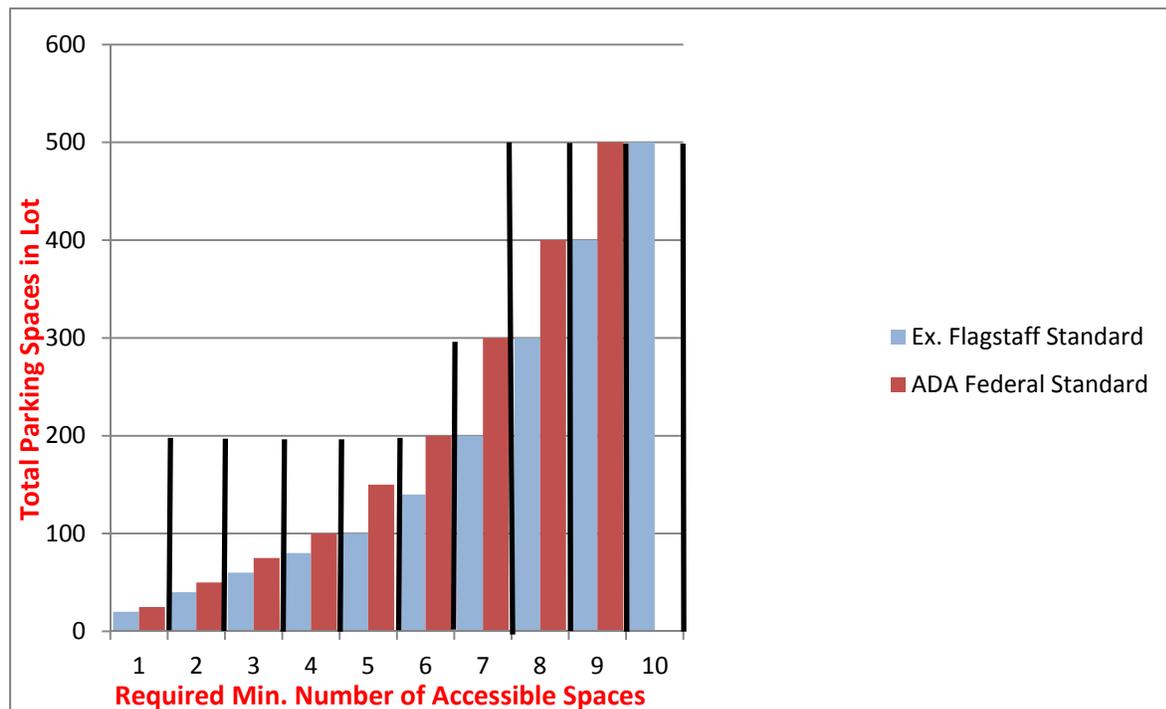
Proposed Standards in  
Table 10-50.80.080.B

<b>Table 10-50.80.080.B: Min. Number of Accessible Spaces</b>	
<b>Total Parking in Lot</b>	<b>Required Min Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
>1,000	20 plus 1 for each 100 over 1,000

**Summary Table Showing how the Existing Flagstaff Standards Compare to Proposed Federal ADA Standards for Accessible Parking Spaces**

Existing Flagstaff Standards	Proposed Federal ADA Standard	Required Min. Number of Accessible Spaces
1 to 20	1 to 25	1
21 to 40	26 to 50	2
41 to 60	51 to 75	3
61 to 80	76 to 100	4
81 to 100	101 to 150	5
101 to 140	151 to 200	6
141 to 200	201 to 300	7
201 to 300	301 to 400	8
301 to 400	401 to 500	9
401 to 500	--	10
501 to 1000	501 to 1000	2% of total
>1,000	>1,000	20 plus 1 for each 100 over 1,000

**Graph Showing the Relationship Between the Existing Flagstaff Standards v. Proposed Federal ADA Standards for Accessible Parking Spaces**



**NOTES:**

For both the Existing Flagstaff Standard and the proposed Federal ADA Standard, when more than 501 total parking spaces are provided, the same standard for the number of accessible spaces applies, i.e. 2% of the total number of spaces.

Similarly when more than 1,000 total parking spaces are provided, a minimum of 20 accessible spaces plus one space for each 100 parking spaces over 1,000 are required.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 12/03/2015  
**Meeting Date:** 12/15/2015



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**TITLE**

**Policy discussion on proposed amendments to Zoning Code Chapter 10-30 (*General to All*).**

**RECOMMENDED ACTION:**

Staff will be seeking Council direction on any policy issues associated with proposed amendments to Chapter 10-30 (*General to All*) of the Flagstaff Zoning Code.

**EXECUTIVE SUMMARY:**

This discussion is part of a series with the Council on proposed amendments to the Flagstaff Zoning Code. In these discussions, staff will introduce the more substantive amendments to the Council explaining the reason for them and why the new amendment is being proposed. The Council will be able to identify any policy issues that warrant a more in-depth discussion, either at the current session, or in a future one.

**INFORMATION:**

***COUNCIL GOALS:***

- 7) Address key issues and processes related to the implementation of the Regional Plan
- 8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

***REGIONAL PLAN:***

The Flagstaff Regional Plan 2030 supports the update and amendment of the Flagstaff Zoning Code with the following goals (policies are only included where needed to clarify a goal):

**Goal CC.1** Reflect and respect the regions' natural setting and dramatic views in the built environment.

**Goal CC.2** Preserve, restore, and rehabilitate heritage resources to better appreciate our culture.

**Goal CC.3** Preserve, restore, enhance, and reflect the design traditions of Flagstaff in all public and private development efforts.

Policy CC3.2 Maintain and enhance existing buildings and blend well-designed new buildings into existing neighborhoods.

**Goal CC.4** Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.

Policy CC4.4 Design streets and parking lots to balance automobile facilities, recognize human-scale and pedestrian needs, and accentuate the surrounding environment.

**Goal CD.1** Improve the City and County financial systems to provide for needed infrastructure development and rehabilitation, including maintenance and enhancement of existing infrastructure.

Policy CD.1.2 Work collaboratively with private and non-profit economic development groups to provide for the most efficient and effective use of public and private development dollars.

## **POLICY AMENDMENTS**

The amendments identified by staff that may require a more in-depth policy discussion with the Council are summarized in the table in the first attachment (The Council may also identify additional policy issues as they review the proposed amendments).

The Sections of the Zoning Code in which the topics for more in-depth policy discussion are located are listed below:

### **Division 10-30.30 Heritage Preservation**

Staff has not identified any policy issues for the Council's consideration in this Division. While the scope of the amendments to this Division looks large, the majority are clerical in nature intended to improve the readability of the Division and to update the Division based on current practices and lessons learned now that it has been implemented and used for the past 3 - 4 years. As a result, a considerable amount of text is proposed to be deleted or sections and subsections have been moved to a more logical location. As stated above, two versions of this Division are attached, including a version in Track Changes format and a clean version with all proposed amendments accepted.

### **Division 10-30.50 Public Improvements**

10-30.50.060 Minimum Requirements

### **Division 10-30.60 Site Planning Standards**

10-30.60.050 Compatibility

10-30.60.060 Building Placement

10-30.60.070 Parking Lots, Driveways and Service Areas

Attached are three documents that contain all the amendments proposed in Chapter 10-30 (General to All), including:

- The amendments throughout Chapter 10-30 except for Division 10-30.30 (Heritage Preservation)
- A Track Changes version of the amendments to Division 10-30.30 (Heritage Preservation)
- A clean version with all changes accepted of the amendments to Division 10-30.30 (Heritage Preservation).

Full details of all the proposed amendments are included in these documents, including an explanation of why the amendment is proposed. This may be easily identified because it is written in *italic* font. A summary of the substantive amendments to this chapter is provided in a table on the first page with a brief description of the amendment and on what page it may be found.

If you have questions, or require clarification on the contents of this staff summary, please contact Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator, at [reastman@flagstaffaz.gov](mailto:reastman@flagstaffaz.gov) or (928) 213-2640.

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**Attachments:**    [Chapter 10-30 Policy Issues](#)  
                          [Chapter 10-30 Amendments](#)  
                          [Division 10-30.30 Amendments CLEAN](#)  
                          [Division 10-30.30 Amendments RedLine](#)  
                          [Photos - Site Planning Principles](#)  
                          [Questions & Answers](#)

# Summary of Policy Issues

## Proposed Amendments to the Zoning Code

### Chapter 10-30 (General to All)

September 29, 2015

#### Division 10-30.50 Public Improvements

##### 10-30.50.060 Minimum Requirements

###### Policy Question(s):

- Should the costs associated with the dedication of right-of-way needed to ensure adequate access to a development, including legal fees, be the responsibility of the applicant?

See Page 30-7 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on this question.	Specifically states that, consistent with long-standing City practice, the applicant is responsible for all costs, including legal fees, associated with the dedication of right-of-way when street improvements are required to assure access to a development.

#### Division 10-30.60 Site Planning Standards

##### 10-30.60.050 Compatibility

###### Policy Question(s):

- Should the opening paragraph to this Section explain the importance of compatibility to ensure that new development is compatible with the character of existing development and explain how the compatibility standard is only applied to projects seeking a Conditional Use Permit or zone change approval?

See Page 30-12 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Does not explain the importance of ensuring the compatibility of new development with the character of existing development, and includes no statement of when these compatibility standards would be applied.	Specifically clarifies what is meant by compatibility between new and existing development, and explains that these standards are only applied to projects seeking a Conditional Use Permit or zone change approval.

##### 10-30.60.060 Building Placement

###### Policy Question(s):

- The former Land Development Code (LDC) included design standards that required building-forward design. These standards were inadvertently omitted from the current Zoning Code. Should these standards be inserted into the Zoning Code to require a building front to be placed at or near a sidewalk edge?
- A related policy question is whether the primary entrance to a building should face a street, connect to a street through the design of a building entry zone, or may face a plaza or pedestrian way?

See Page 30-13 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
<p>Does not specifically require building-forward design. Through the use of Section 10-30.60.070 (Parking Lots, Driveways and Service Areas) – see below – which requires parking areas to be behind or to the side of a building, staff has successfully achieved building-forward design solutions for new development projects.</p>	<p>Using the former standards from the LDC that have been updated and modified, building-forward design with the building front located at or near the sidewalk is required.</p>
<p>Does not include standards to require a building entrance to face or connect to a street. Note that Section 10-50.20.030 also includes standards regarding “street level interest” and the “location/orientation of building entrances.”</p>	<p>Using the former standards from the LDC that have been updated and modified, the primary entrance to a building is required to face a street or to be connected to it through the design of a building entry zone. The entrance may also face a plaza or pedestrian way.</p>

**10-30.60.070 Parking Lots, Driveways and Service Areas**

**Policy Question(s):**

- Should the standard requiring parking lots to be located to the side or behind a building be updated to provide clarity and reduce ambiguity?
- A related policy question is whether driveways should be prohibited from being placed between the front of a building and the property line adjacent to a public right-of-way?

See Page 30-14 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
<p>Includes a standard that states “To the maximum extent feasible, parking lots shall be completely or mostly located to the side or behind a building rather than in front to reduce the visual impact of the parking lot”.</p>	<p>Includes an updated standard that states “To the maximum extent feasible, parking lots <u>on a primary frontage</u> shall be completely <del>or mostly</del> located to the side or behind a building rather than in front to reduce the visual impact of the parking lot”.</p>
<p>Does not include a standard prohibiting the placement of a driveway between a building and a street property line.</p>	<p>Includes a new standard prohibiting the placement of a driveway between the front of a building and a street property line.</p>

# Proposed Amendments to the Zoning Code

## Final Planning and Zoning Commission Recommendation

First created: October 26, 2011

Date of previous update: July 19, 2013

Most recent update: Jan. 21, 2015; Feb. 26, 2015; Mar. 12, 2015 (Post DOT); Apr. 23, 2015; May 2, 2015; May 27, 2015; June 10, 2015; June 24, 2015

### Chapter 10-30: General to All

A summary of major/substantive amendments (e.g. a new process or procedural requirement is proposed, a standard is changed, etc) is provided in the table below:

<b>Section No.:</b>	<b>Zoning Code Page No.:</b>	<b>Brief Description</b>	<b>Page No. (this document):</b>
10-30.20.040 Affordable Housing Incentives	30.20-7	Incentives: Removes the requirement that incentives must be based on the standards for a Minor Modification (10-20.40.090).	2
10-30.50.020 Responsibilities	30.50-1	Responsibilities: Existing standards have been expanded, simplified, and clarified, and divided into two parts; (1) single-family residential subdivisions, and (2) all other development.	3
10-30.50.040 Exemptions	30.50-2	Provides a new exemption for offsite public improvements already listed in the adopted 5-year Capital Improvement Program.	6
10-30.60.040 Natural Features and Site Drainage	30.60-6	Topography: Establishes design standards for cut and fill conditions and retaining walls using the standards formerly in the LDC.	10
10-30.60.050 Compatibility	30.60-12	Provides an expanded explanation of why compatible development is important.	12
10-30.60.060 Building Placement	--	New section based on former standards in the LDC establishing standards for building forward design.	13
10-30.60.070 Parking Lots, Driveways and Service Areas	30.60-9	Clarifies the standards for the location of parking areas.	14

## Division 10-30.20: Affordable Housing Incentives

### 10-30.20.040 Affordable Housing Incentives

- Page 30.20-7

#### 3. Parking Incentives

- a. The number of required parking spaces for affordable housing is reduced as specified in Table 10-50.80.040.A (Number of Motor Vehicle Parking Spaces Required); and,
- b. Modifications to parking requirements for affordable housing developments within one-quarter mile of a transit stop may be reduced up to 15 percent ~~in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)~~.

#### 4. Adjustment of Building Form Standards

- a. Affordable housing can utilize Planned Residential Development (Section 10-40.60.250) in any zone to provide flexibility in the application of building form requirements and to increase the potential building types.
- b. Minor modifications to building form standards for affordable housing developments (e.g. setbacks, height, coverage, area, lot size, or other lot requirements) may be modified up to 15 percent ~~in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)~~.

#### 5. Landscaping Standards Reductions

Minor modifications to landscaping standards for affordable housing developments may be reduced by no more than 10 percent ~~in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)~~.

*Staff recommends that the phrase "in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)" should be deleted from these Subsections. The rationale for this recommendation is that this Section provides incentives for affordable housing projects and, therefore, they should not be subject to the standards for granting a minor modification which are based on hardship or unusual site circumstances.*

### 10-30.20.050 Density Bonus

- Page 30.20-7

C. In determining the number of density bonus units to be granted pursuant to this Section, before the density bonus is added the maximum residential density for the site shall be multiplied by the percentage of density bonus listed in Table A (Percentage of Affordable Units and Corresponding Density Bonus), below, based on the percentage of affordable units provided for each category. All density calculations resulting in fractional units shall be rounded ~~up~~ to the next whole number. For example:

For a site that has a maximum density of 100 units and provides 12 units (12 percent) affordable to category 2 households, the density bonus would be ~~22~~ percent. The density bonus would be calculated as:  $100 \times .22 = 22$  units. The total units constructed would be ~~122~~ units (100 units + ~~22~~ density bonus units).

*The density bonus calculation used as an example here is incorrect – the allowed density bonus from Table 10-30.20.050.A. for 12% affordable units results in a 22% density bonus, not 11% as stated in the example.*

## **Division 10-30.30: Heritage Preservation**

*The amendments in this Division are included in a separate document.*

## **Division 10-30.50: Public Improvements**

### **10-30.50.020 Responsibilities**

- Page 30.50-1

*This responsibilities Section has been divided into two parts – responsibilities associated with all subdivisions, and responsibilities associated with all other development.*

#### **A. Responsibilities – All Single-family Residential Subdivisions**

1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with the subdivision of land, unless a Development Agreement specifically provides otherwise.
2. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved preliminary plat, zoning case, and/or staff approved stipulations. The applicant must prepare these plans in conjunction with and in conformance to the subdivision plat.
3. The Building Official may only accept a Building Permit application for review no less than 30 days after the final plat for the subdivision has been recorded subject to the provisions of City Code Section 11-20.70.030.G. When the Building Permit is ready to be issued, a condition of its approval shall state that construction activity authorized by the Building Permit may not commence until any uncompleted streets to be used by construction or residential traffic satisfy the requirements of Section 13-10-013-0001 (Use of Uncompleted Streets within a Subdivision) in the Engineering Standards. Such Building Permit application shall be submitted at the applicant's risk, and the City will not be responsible for delays in the issuance of the permit or increases in applicable fees including, but not limited to, changes required to the submitted plans as a result of Building Code amendments that may be in effect.

*This amendment allows a building permit to be accepted 30 working days after the final plat for a subdivision has been recorded. The 30 day time period is based on the time needed for parcels numbers to be released from the County and entered into the City's permit tracking software and GIS. It requires a condition of approval of the permit stating that construction may only commence once compliance with Section 13-10-013-0001 of the Engineering Standards has been achieved. Staff acknowledges this is unusually early in the process of constructing a subdivision, (most cities only accept building permits after a subdivision has been completed and accepted), yet it provides an opportunity for home builders to submit their plans for review so that they can be ready for issuance and construction started in a more timely manner than if they waited for the*

*subdivision to be completed and accepted. It is staff's experience that this is particularly important in Flagstaff because of the short construction season that is typical here.*

4. The applicant shall be responsible for ensuring that all public improvements are constructed in compliance with applicable federal, state, county, and City requirements. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a certificate of occupancy for any building or structure within the subdivision.

*This is a new paragraph that clarifies that the applicant is responsible for ensuring that all agencies sign off before a certificate of occupancy may be issued.*

5. The applicant may meet the requirements of this Division by participating in a City-approved improvement district.

#### B. Responsibilities - All Other Development

1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with ~~subdivisions and~~ land development, including commercial subdivisions and all developments subject to Site Plan Review and Approval (see Section 10-20.40.140), unless a Development Agreement specifically provides otherwise.
2. ~~These public improvements must be completed and formally accepted before the City will issue a certificate of occupancy for any building or structure within the subdivision or on the property. The Building Official may issue a Building Permit in accordance with the requirements of Section 10-20.40.030 (Building Permits and Certificates of Occupancy) when;~~
  - a. The required Engineering Design Report and/or construction plans for public improvements have been conditionally approved by the City Engineer and found to be in substantial compliance with City standards and specifications; and
  - b. An assurance has been provided pursuant to Division 10-20.100 (Assurance of Performance for Construction).

*This language in paragraph 2 comes from former Ord. 1925 (Section 8-08-001-0011 (Building Permits)) that was repealed in 2011 with the addition of the cross-reference to Section 10-20.40.030 (Building Permits and Certificates of Occupancy).*

3. The applicant must have an engineer who is registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans ~~must~~shall be based on the approved preliminary plat (if applicable), zoning case, site plan, and/or staff approved ~~ed~~al stipulations. The applicant must prepare these plans in conjunction with and in conformance ~~to with the subdivision plat~~an approved site plan. ~~Improvement plans shall be subject to City approval prior to recordation of the subdivision plat.~~

The last sentence in the paragraph above has been deleted as this requirement is already included in the Subdivision Regulations, Section 11-20.70.030.G regarding Final Plat Approval.

4. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a certificate of occupancy for any building or structure on the property. A Conditional Certificate of Occupancy may be issued if the Building Official and City Engineer determine that no life safety concerns are present.

This paragraph describes long-standing practice originally included in Ord. 1925 to confirm that a certificate of occupancy is only issued after public improvements have been formally accepted.

5. The applicant may meet the requirements of this Division by participating in a City approved improvement district.

#### 10-30.50.040 Public Improvement Agreement

- Page 30.50-2

~~If, pursuant to Section 10-30.50.020 (Responsibilities), above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the City's approval and/or issuance of the preliminary plat, site plan or Building Permit. The public improvement agreement shall be in a form approved by the City and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a City approved development agreement. The public improvements agreement may, if approved by the City Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this Division shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.~~

The City Engineer and City Attorney's office recommends that this section be deleted as it is not needed because there are other mechanisms currently in place in the Engineering Standards as part of the review process for public improvements that made this requirement redundant. Note that all following sections in this Division will need to be renumbered and all cross-references checked.

#### 10-30.50.0450 Exemptions

- Page 30.50-2

The following ~~exceptions~~ are exempt from all the requirements of this Division: ~~except for the installation, construction or reconstruction of water and sewer line extensions, drainage improvements, and street and traffic control related improvements.~~

- A. An expansion or alteration of an existing nonresidential or [multi-family residential use](#) that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s); ~~or:~~
- B. An expansion or alteration of an existing nonresidential or [multi-family residential use](#) that results in a change of ~~less than~~ 50 percent [or less](#) of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona; ~~or:~~
- ~~C. Construction of or alteration to of a single-family detached residence or a duplex residence of any value or an addition or alteration to an existing single family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Engineering Standards.~~
- D. If a development application is deemed to require offsite public improvements, and a capital project is listed in the adopted 5-Year Capital Improvement Program for those improvements, the proposed development's proportionate share of offsite public improvements may be waived through a development agreement.

*The qualifying clause in the opening sentence of this Section is unnecessary and has been deleted. As this Section does not apply to single-family residences, the term "multi-family residential" has been added throughout as a clarification.*

*The reference in Subsection C. is unnecessary, and has been deleted.*

*The new Subsection D. has been inserted to codify current City practice regarding developer's obligations for public improvements that are already included in the City's 5-Year Capital Program.*

#### **10-30.50.0560 Impact Analysis Required**

- Page 30.50-3

- A. Pursuant to [Chapter 13-05 \(Engineering Design Reports\)](#) of the *Engineering Standards* and the *Stormwater Regulations*, the City Engineer and Stormwater Manager shall require the applicant to furnish impact studies to assess the impact of new development on the City's existing streets, public utilities and drainage infrastructure. The Utility Director shall assess the impact of new development on the City's utility infrastructure.

*These amendments are necessary as the standards for a stormwater impact analysis are established in the City's Stormwater Regulations which are administered by the Stormwater Manager.*

- B. When an impact study identifies impacts to the City's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.
- C. [Impact analyses shall be valid for the period of time as defined in the Engineering Standards and the Stormwater Regulations.](#)

*This amendment provides a cross-reference to the Engineering Standards and Stormwater Regulations for the when an impact analysis is no longer valid.*

D. The requirements of this Subsection may be waived with the consent of both the City and the applicant.

#### **10-30.50.0670 Minimum Requirements**

- Page 30.50-3

The public improvements required pursuant to this Division shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision or land development as determined by the studies described in Section 10-30.50.060 (Impact Analysis Required), above. The presumptive minimum requirements that are required for public improvements as described in Section 10-30.50.030 (Public Improvements Defined) are:

##### **A. Right-of-Way**

If, as determined by the City Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate proposed or contemplated public improvements, then necessary right-of-way ~~shall~~**must** be granted to the City. The City Engineer may impose special requirements to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

1. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remainder ~~deriving portion~~**will**~~shall~~ be considered a legal nonconforming lot.
2. When it is necessary for a development to improve a street and, ~~after application of the requirements of Section 10-30.50.040.B,~~ sufficient right-of-way is not available from other area property owners not subject to the provisions of this Division, the Director, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way, provided there is a demonstrated public need for the additional right-of-way. All costs associated with the dedication of such right-of-way, including all legal fees, shall be the responsibility of the applicant.

*The cross reference deleted in Paragraph 2 is incorrect, and is not needed.*

*The City Attorney and the City Engineer, consistent with long-standing City practice, recommend that a statement be included to confirm that all costs, including legal fees, associated with right-of-way dedication should be the responsibility of the applicant rather than the City.*

## Division 10-30.60: Site Planning Standards

Staff has identified that important standards from Chapter 10-16 (Design Review Guidelines) of the former LDC were inadvertently not included in the new Zoning Code. As these are important tools used by staff in the review of new development projects, they are recommended for inclusion into the Zoning Code without further modification. In order to accomplish this, two new Sections have been added into the Division, and an existing Section has been moved (unchanged) to a more logically appropriate location within the Division. The new organization of Division 10-30.60 (Site Planning Standards) is listed below:

- Page 30.60-1

10-30.60.010	<b>Purpose</b>
10-30.60.020	<b>Applicability</b>
10-30.60.030	<b>General Site Planning Standards</b>
10-30.60.040	<a href="#">Natural Features and Site Drainage</a>
10-30.60.050	<a href="#">Compatibility</a>
10-30.60.060	<a href="#">Building Placement</a>
<del>10-30.60.070</del>	<del>Pedestrian and Bicycle Circulation Systems</del>
10-30.60.0780	<b>Compatibility</b> Parking Lots, Driveways and Service Areas
<a href="#">10-30.60.080</a>	<a href="#">Pedestrian and Bicycle Circulation System</a>
<a href="#">10-30.60.090</a>	Open Spaces, Civic Spaces and Outdoor Public Spaces
<a href="#">10-30.60.100</a>	Private Streets

### 10-30.60.020 Applicability

- Page 30.60-1

#### D. Exemptions

The standards found within this Division shall not apply to:

1. Industrial uses [not located in the Research and Development Zone; not defined as business park uses; and](#)
2. [Any change of use of a building or property that does not affect site design or layout.](#)

*This amendment more precisely and correctly exempts industrial uses from the requirements of this Division except if an industrial use is located within the RD Zone. Further, consistent with established practice, staff recommends that a change of use of a building or property that has no effect on site design should also be exempt from the requirements of this Division.*

### 10-30.60.030 General Site Planning Standards

- Page 30.60-4

Project siting has the greatest impact on how effectively sustainable development principles can be addressed. Careful planning, design, and construction enables new development to take advantage of Flagstaff's climate to reduce energy usage and costs, thereby providing long term economic sustainability as energy prices fluctuate. On the other hand, poor project siting and design can detrimentally impact the potential to harvest solar energy, create a less automobile dependent environment, and address economic and agricultural sustainability. The optimal layout of any project site requires an in-depth understanding of local context and [completion of](#) a detailed site analysis [plan](#).

A site analysis [plan](#) is particularly important in Flagstaff, where widely varying terrain, scenic views, natural watercourses, preservation of existing vegetation, and relationships to existing development, especially residential development, must be considered in site planning. All development proposals shall to the maximum extent feasible demonstrate a diligent effort to retain significant existing natural features characteristic of the site and surrounding area. Therefore, a completed site analysis [plan](#) must be included with an application for new development submitted to the Director. All new development proposals will be reviewed with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area. These should be considered early and throughout design development. Special attention should be given to maintaining the Urban Growth Boundary and proximity to sensitive areas as defined in the General Plan, such as Walnut Canyon or Picture Canyon.

The following items as illustrated below are essential components of a [site analysis plan for](#) ~~a~~ potential development sites:

*This simple revision clarifies that the site analysis must be completed as a site analysis plan (a new term defined in Chapter 10-80 (Definitions)) and submitted with a development application.*

- Page 30.60-4  
B. **Solar Orientation or Aspect**

*Clerical Note: Add Figure A. Components of a Site Analysis and Figure B. Diagram showing areas with high potential for using solar power and solar water heating based on the orientation of slopes to the existing illustrations on Pages 30.60-2 and 30.60-3 respectively.*

[2. The use of solar collectors for the purpose of providing energy for heating or cooling is permitted in all zones, whether as part of a principal structure or as an accessory structure.](#)

[3.2.](#) The forest resources required to be protected within a new development site (See Division 10-50.90 (Resource Protection Standards)) that are located on the south or west side of [any](#) proposed building(s) may be removed to ensure that the buildings, [as well as any associated solar collectors](#) maximizes ~~their~~<sup>its</sup> solar access potential, provided:

- a. It can be demonstrated to the satisfaction of the Director that such tree removal is essential to the solar efficiency of the building(s) [and any associated solar collectors](#); and,
- b. There are additional forest resources on the site to compensate for the forest resources removed ~~to ensure solar access potential to the building(s)~~. If there are insufficient forest resources on the site to allow for such tree removal, an additional deciduous tree (minimum 2.5-inch caliper) may be planted on the south or west side of the building for each existing ponderosa pine tree removed.

[43.](#) Within a multi-building development approved ...

*These simple amendments include solar collectors on a building or structure with its solar access potential as a consideration for the removal of otherwise required forest resources.*

- Page 30.60-6

#### H. **Built Environment and Land Use Context**

1. The context of the site should be taken into account in the design of the new development. Key contextual influences that should be identified, analyzed, and considered in the planning process include:
  - a. Land use and site organization in relation to building form, character and scale of existing and proposed development;
  - b. Sensitivity and nature of adjoining land uses in order to avoid unreasonable ~~for example~~, noise, odors, or traffic impacts;
  - c. Location of property boundaries and setbacks;
  - d. Location of adjacent roads, driveways, off-street vehicular connections, pedestrian ways, access points, bicycle facilities, and easements;
  - e. Locations of existing or proposed transit facilities;
  - fe. Existing structures and other built improvements;
  - gf. Prehistoric and historic sites, structures, and routes, and
  - hg. Other features of the site and/or surrounding area that may be impacted by or may impact the proposed development.
2. Developments shall adhere to~~follow~~ the standards in Section 10-30.60.060 (Open Spaces, Civic Spaces, and Outdoor Public Spaces) and Section 10-30.60.040 (Pedestrian and Bicycle Circulation Systems).

*Bicycle facilities and transit facilities are important elements of a site analysis and should have been included in this Section.*

#### 10-30.60.040 Natural Features and Site Drainage

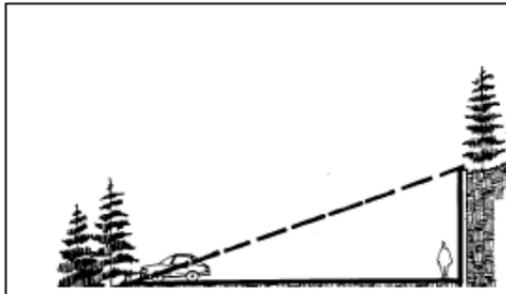
- Page 30.60-6

The standards that follow are intended to ensure that site work is planned to protect the natural features of a development site and to ensure that natural features are incorporated as an amenity into the overall site plan.

#### A. Applicable to All Zones

##### 1. Topography

- a. The extent and visual impacts of cut and fill on a site shall be minimized, and large grade changes must be divided into a series of benches and terraces, where feasible. [Add illustrations from LDC, Chapter 16 – Middle and bottom of Page 35]



Inappropriate: excessive cut and tall retaining wall.

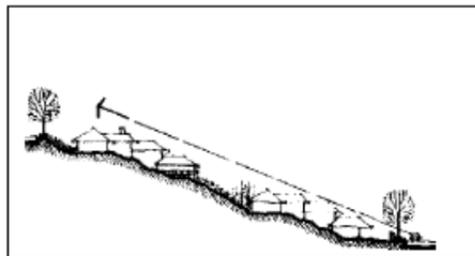


Figure B.

Figure A.

*(P&Z) A majority of the P&Z Commissioners recommended that both of these drawings need to be updated and improved so that they relate to each other in a more meaningful way. Also, it would be helpful to add a building to show that cuts behind a building are acceptable.*

- [b. Roads and driveways shall follow existing contours, where feasible.](#)
- [c. Building foundations shall be stepped so that finish floor elevations mimic natural grade. If stepping the finish floor is not feasible, cut slopes must be disguised with appropriate placement of the building and/or the placement of screen walls and landscape buffers. \[Add revised illustration \(Karl E.\) from LDC, Chapter 16 – top of Page 35\]](#)



Design a building foundation to conform to the existing topography Figure C.

- [d. Retaining walls shall blend with the natural features of the site and shall be constructed with native rock or masonry that conveys a scale, color, and texture similar to that of traditional rock walls, such as split-face block or scored and textured concrete.](#)
- [e. The height of exposed retaining walls and retaining walls visible from the public right-of-way shall be limited to no more than five feet where feasible. Where greater heights are needed to retain cut or fill conditions, a series of terraced or stepped walls shall be used or a building shall be placed to screen the cut slope so it is not visible from public rights-of-way. \[Add illustration from LDC, Chapter 16 – Top of Page 36\]](#)

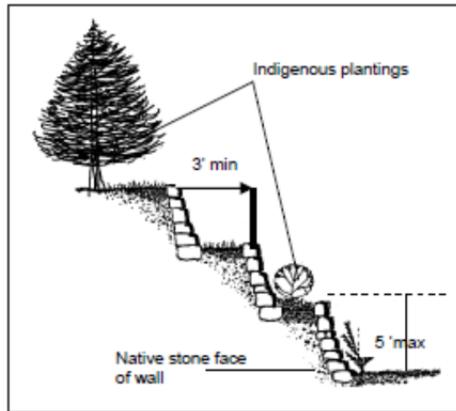


Figure D.

f. The width of a retaining wall terrace must be no less than three feet.

## 2. Site Drainage

The City of Flagstaff Stormwater Management Design Manual and City of Flagstaff LID Manual provide standards for the protection of natural drainage systems as well as standards for stormwater runoff and the design of detention and retention facilities.

*(P&Z) This is a new section added to this Division that incorporates design standards from the former LDC that were inadvertently omitted from the new Zoning Code. Many of the former design standards have been consolidated and simplified, and the drawings from the LDC's design standards will be included in this Division to better illustrate these concepts. The P&Z Commission recommended that additional language regarding whether the cut slope is visible from public right-of-way should also be added.*

### 10-30.60.0580 Compatibility

- Page 30.60-12

Compatibility is important to ensure that the characteristics of different uses, activities or designs allow them to be located near or adjacent to each other in a harmonious manner. Compatibility does not mean "the same as." Rather, it refers to how well a new development is sensitive to the character of existing development. The following basic design elements shall be considered when assessing the compatibility of a new development project which is subject to approval of a Conditional Use Permit or for which a Zoning Map amendment is requested relative to adjacent existing development:

*Staff suggests that this Section should be moved (unchanged except for the amendment inserted above) from its current location at the end of Division 10-30.60 to this location where it more logically applies.*

*The amendment to the introduction to this Compatibility Section seeks to clarify that the compatibility standards established in the Zoning Code must be applied to projects that are seeking a Conditional Use Permit or are requesting a Zoning Map amendment. While it would be desirable to also apply these compatibility standards to all other development, such as new projects seeking Site Plan Review and Approval, legally this would be problematic given that the existing entitlements of the property would make it hard to require a lesser standard to ensure compatibility.*

**10-30.60.060 Building Placement**

Building placement on a development site is important because it can affect the human-scale functionality of a site layout, its economic vitality, and how well the site functions with its building, parking areas, etc.

A. Building-forward design solutions that ensure the building front is located at or near the sidewalk edge are required. Display windows and other architectural features that provide interest to pedestrians shall also be incorporated into the design. If it is not feasible to locate a building at the sidewalk edge, a landscape planting strip, site wall, or similar landscape feature is required. See also Section 10-50.20.030 (Architectural Standards) with specific reference to the Location and Orientation of Building Entrances and Windows Subsections.

Figure A. [Add new photograph – new Dunkin Donuts Building]

B. The primary entrance to a building shall be located to face a street or be connected to a street through the design of a building entry zone. The primary entrance to a building may also face a plaza or pedestrian way. [Add illustration from LDC, Chapter 16 – Middle of Page 54]

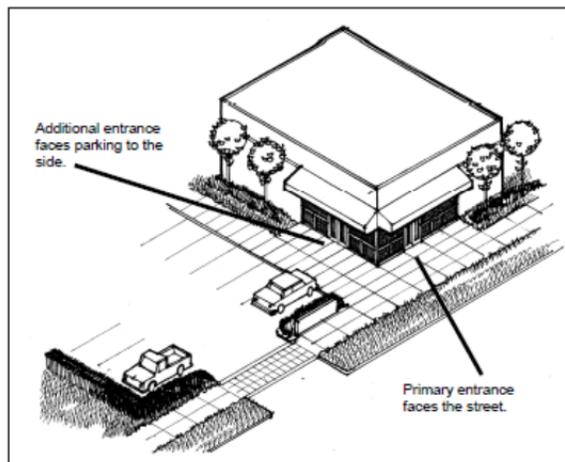


Figure B.

*This is a new section to this Division that incorporates design standards from the LDC that were inadvertently omitted from the new Zoning Code. Staff has indirectly required building forward design through the application of Section 10-30.60.050 (Parking Lots, Driveways and Service Areas) – see below – in which parking areas are required to be behind or to the side of a building. The former LDC standard requiring a building entrance to face a street has been modified to include the building entry zone, a concept introduced in 2014 into the Zoning Code with the amendments to Division 10-50.100 (Sign Standards).*

*Many of the former design standards have been consolidated and simplified, and the drawings from the LDC's design standards will be included in this Division to better illustrate these concepts.*

## 10-30.60.07~~50~~ Parking Lots, Driveways and Service Areas

- Page 30.60-9

### A. Applicable to All Zones

3. To the maximum extent feasible, parking lots on a primary frontage shall be completely ~~or mostly~~-located to the side or behind a building rather than in front to reduce the visual impact of the parking lot.

*This amendment more precisely and clearly defines the requirement for a parking area to be placed behind or to the side of a building on a primary frontage only consistent with staff's application of the former LDC. This means that on a secondary frontage this standard would not apply. This standard is directly related to the standard in new Section 10-30.60.060 (Building Placement) paragraph A regarding building forward design. Staff has analyzed a number of developments recently approved in the City and they would meet this standard, some with minor modifications to the site design. Insert a new illustration.*

6. ~~Parking lots shall also meet the standards established in Section 10-50.80.080 (Parking Spaces, Lot Design and Layout).~~Drive-through aisles and stacking areas shall meet the design standards established in Section 10-40.60.160 (Drive-through Retail).

*The provision proposed to be deleted in this paragraph is already stated in Paragraph 1 of this Section, and is therefore, redundant. The new text in the proposed amendment provides a useful cross reference to the standards for drive-through aisles and stacking areas in Section 10-40.60.160 (Drive-through Retail).*

7. Developments shall minimize the number of curb cuts onto a public street along a property edge by sharing driveways with an adjacent property to the maximum extent feasible.
8. Direct vehicular access via Rroads or driveways shall ~~be linked with the~~ overall site circulation patterns with those of adjacent parcels.

*This minor amendment based on language in the former LDC's Design Guidelines reinforces the need for connections between adjoining parcels.*

9. Driveways shall not be located between the front of a building and the property line adjacent to the public right-of-way.

*This amendment ensures that driveways (as well as parking areas – see #3 above) are not placed between a building and a public right-of-way.*

- ~~109.~~ Service entrances, waste disposal areas, and other similar uses shall be oriented toward service lanes and away from major streets.

*Renumber all following paragraphs.*

**10-30.60.09~~60~~ Open Spaces, Civic Spaces, and Outdoor Public Spaces**

- Page 30.60-911

**B. Applicable to Non-Transect Zones**

**1. Civic or Public Space Requirement**

- c. Development sites that provide civic spaces are allowed the following:

- (1) A five percent reduction of on-site forest and/or slope resource protection standards as required by Division 10-50.80 (Resource Protection Standards) is permitted when on-site design conforms to the *Flagstaff Area Open Spaces and Greenways Plan* and public non-motorized pedestrian [and bicycle](#) access is included when applicable.

*This minor amendment clarifies that the resources reduction would also apply to a FUTS trail.*

Renumber the following sections:

**10-30.60.08~~70~~ Pedestrian and Bicycle Circulation System**

**10-30.60.09~~60~~ Open Spaces, Civic Spaces, and Outdoor Public Spaces**

**10-30.60.10~~70~~ Private Streets**

**Division 10-30.70: Residential Sustainable Building Standards**

**10-30.70.040 Minimum Standards**

- Page 30.70-3

**B. Transportation/ Air Quality**

2. The development is located within at least ¼ mile of a FUTS trail ~~or~~ connected to it.

*This minor amendment corrects the intent of this requirement, i.e. the development must be either within ¼ mile of a FUTS trail or is connected to the FUTS trail.*

# Division 10-30.30: Heritage Preservation

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## Final Planning and Zoning Commission Recommendation

### Sections:

- 10-30.30.010 Purpose
- 10-30.30.020 Applicability
- 10-30.30.030 General Provisions
- 10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones
- 10-30.30.050 Cultural Resources
- 10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone
- 10-30.30.070 Violations and Enforcement
- 10-30.30.080 Appeals

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### **10-30.30.010 Purpose**

The purpose of this Division is to protect and enhance the cultural, historical, and archaeological heritage of the City of Flagstaff by recognizing, preserving, enhancing, and perpetuating the use of those objects, structures, sites, and landscape features that represent distinctive elements of the City's cultural, political, architectural, and archaeological history. The Council finds and intends that preservation of the City's heritage is in the interest of the health, economic prosperity, education, cultural enrichment, and general welfare of the public. This Division implements the City's General Plan and is implemented pursuant to the provisions of the *National Historic Preservation Act of 1966*, as amended, the Certified Local Government program (16 U.S.C. 470a 101(c)(1)), and A.R.S. § 9-462.01, providing the standards and procedures for heritage preservation. Information on the benefits to a property owner and the various incentive programs that are available to assist a property owner to preserve and protect cultural resources on their properties is available from the City Historic Preservation Officer.

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### **10-30.30.020 Applicability**

- A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this Division, and review and approval pursuant to this Division is required for the following:
1. Designation of Landmark Properties or Historic Overlay Zones (Section 10-30.30.040);
  2. Cultural Resource Studies (Section 10-30.30.050.A); and
  3. Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).

**B. Exceptions**

Compliance with the requirements of this Division is not required for the following:

1. Work that the Building Official certifies as correcting an imminent hazard, for which no temporary corrective measures will suffice in protecting the public safety;
2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,
3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

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**10-30.30.030 General Provisions****A. Conflicting Provisions**

When the provisions of this Division conflict with any other laws, codes, or regulations, then the provisions of this Division shall govern, except for matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

**B. Application Requirements**

In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division, an applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together with the required fee established in Appendix 2, Planning Fee Schedule.:

**C. Consent Approval****1. Applicability**

The Historic Preservation Officer may review and approve or conditionally approve the following:

- a. Cultural Resource Studies that are Letter Reports; and
- b. Certificates of No Effect for minor work that has a limited impact in relation to the total cultural resource, including:
  - (1) Conforming signs excluding comprehensive sign programs;
  - (2) A remodel, addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet;

- (3) An accessory structure that is not more than the lesser of 10 percent of the main building's footprint or 400 square feet;
  - (4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways, or landscaping;
  - (5) Demolition or removal of inappropriate features that are non-original, including additions, accessory structures, and structures that are not cultural resources; and
  - (6) Modifications to support systems (mechanical, electrical, satellite dishes, and so forth) that are properly sited and screened.
- c. Any matter that the Heritage Preservation commission refers to the Historic Preservation Officer for approval.

## 2. Process

Consent approval by the Historic Preservation Officer is an administrative review and approval that occurs outside of a public meeting.

### a. Referral to Heritage Preservation Commission

The Historic Preservation Officer may refer any matter to the Heritage Preservation Commission for any reason, and shall refer any matter to the Heritage Preservation Commission when a denial appears appropriate.

### b. Heritage Preservation Commission Oversight

The Historic Preservation Officer shall regularly review consent matters with the Heritage Preservation Commission.

## D. Concurrent Development Application Review

At the applicant's option, development proposals that require an approval pursuant to this Division may proceed concurrently with other development reviews and processes. However, no permit shall be granted, and no work shall commence, until an approval pursuant to this Division has been granted and mitigation measures have been incorporated into the final design and documentation of the development.

## E. Expiration of Approvals

1. Any approval pursuant to this Division shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).

2. Any approval pursuant to this Division automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

**F. Unknown or Undiscovered Conditions**

During the course of any work all work that could impact a cultural resource shall be stopped immediately and the Historic Preservation Officer shall be notified if;

1. A potential cultural resource is discovered which was previously unknown; or
2. Any conditions are discovered that prohibit conformance with any approval or conditional approval issued pursuant to this Division; or
3. Any conditions are discovered that warrant any deviation from plans that served as the basis of any approval or conditional approval issued pursuant to this Division.

The work shall remain stopped until the applicant has obtained new, additional, or revised approvals pursuant to this Division.

**G. Flagstaff Register of Historic Places**

The Flagstaff Register of Historic Places identifies properties or zones designated by the Council as Landmark Properties or Historic Overlay Zones, which are depicted as such on the official Zoning Map of the City.

Supplemental to the Flagstaff Register of Historic Places, the Historic Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmark Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).

Information concerning the nature and/or location of any archaeological resource shall not be made available to the public, pursuant to Federal and State laws.

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**10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones**

**A. Purpose**

Designation of a property as a Landmark Property or Historic Overlay Zone formally recognizes its significance, and the need to preserve its historic features.

**B. Applicability**

1. **Landmark Property:** An individual property, object, structure, site, sign, or landscape feature may be designated as a Landmark Property within the Landmark Overlay Zone if it is significant in accordance with the provisions of this Division.
2. **Historic Overlay Zone:** A group of properties may be designated as a Historic Overlay Zone if a majority of the properties are significant in accordance with the provisions of this Section or if they provide the necessary setting for a Landmark Property.

**C. Process for Designation of a Landmark Property**

The designation of a Landmark Property shall follow the procedural steps represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and described below:

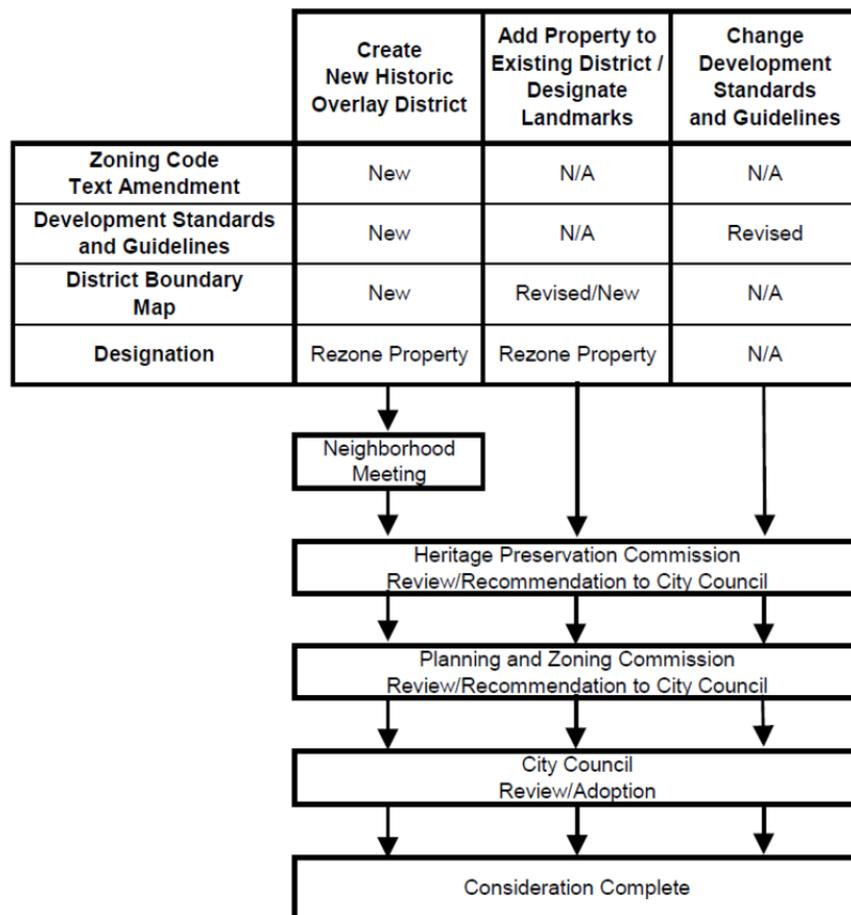


Figure A. Processes for the Designation of a Landmark Property and Historic Overlay Zone

1. An application for designation of a Landmark Property, or an amendment to a Landmark Property, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Landmark Property requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Landmark Property.
2. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. Property owner consent is required for designation of a Landmark Property.
3. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
  - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
  - (2) A recommendation on whether the proposed Landmark Property designation should be granted, granted with conditions to mitigate any anticipated impacts, or denied.
4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
5. Prior to the Planning Commission public hearing as required in Section 10-20.50.040.H (Planning Commission Public Hearing), the Heritage Preservation Commission shall conduct a public meeting which shall serve in lieu of the required neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).
6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the

Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

**D. Process for Designation of a Historic Overlay Zone**

The designation of property or properties as a Historic Overlay Zone is represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and shall follow the procedural steps described below:

- a. An application for designation of property or properties as a Historic Overlay Zone, or an amendment to a Historic Overlay Zone, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Historic Overlay Zone requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Historic Overlay Zone.
- b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels;
- c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
  - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
  - (2) A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.
4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
5. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).
8. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.
9. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.
10. New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.
  - a. Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.
  - b. Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.
11. **Interim Protection for Nominations**

Commencing with the Historic Preservation Commission making a recommendation for approval of a Historic Overlay Zone, Building or Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

  - a. The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work is not subject to the provisions of this Division, or will clearly not have a major impact on a significant resource.
  - b. The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone shall be subject to the provisions of this Division.

- c. Six months have transpired since the Historic Preservation Commission's recommendation for approval of the Historic Overlay Zone with no approval or denial.

#### **E. Individual Signs of Historic or Cultural Significance**

1. Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a Landmark Property in accordance with the provisions of this Division if they meet the following criteria:
  - a. The sign has been in continuous existence at its present location for not less than 50 years;
  - b. The sign is of exemplary technology, craftsmanship or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;
  - c. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance;
  - d. If the sign has been altered, it must be restorable to its historic function and appearance; and
  - e. The sign complies with movement, bracing, and illumination requirements contained in Section 10-50.100.050.D (Structure and Installation).
2. **Effect of Designation**

When a sign is found to be significant, designated as a Landmark Property (Section 10-30.30.040.C), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.100 (Sign Regulations).

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#### **10-30.30.050 Cultural Resources**

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are therefore a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

**A. Cultural Resource Studies****1. Purpose**

To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

**2. Applicability**

- a. Cultural Resource Studies are required for all public and private developments involving:
  - (1) Properties listed on the Flagstaff Register of Historic Places; or
  - (2) Properties listed on the Arizona Register of Historic Places; or
  - (3) Properties listed on the National Register of Historic Places; or
  - (4) Undeveloped land; or
  - (5) Structures over 50 years old at the time of application.
- b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:
  - (1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or
  - (2) The structure is not significant or lacks integrity; or
  - (3) The proposed work is excepted from this Division pursuant to Section 10-30.30.030.C.1; or
  - (4) The proposed work does not have major impacts, diminish the significance or integrity of the resource, is reversible, or is temporary; or
  - (5) The structure is post World War II (1945) production housing; or
  - (6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.
- c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

### 3. Specific Application Requirements

#### a. Types of Studies

Upon consultation with the Historic Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

#### b. Preparation

Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (36 CFR 61 Appendix A)* as currently amended and annotated by the National Park Service.

#### c. Report Format

The Historic Preservation Officer will work with the professional conducting the study to determine which one of the following report formats, it is appropriate:

##### (1) Letter Reports

A Letter Report is appropriate when;

- (a) Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or
- (b) The integrity of a cultural resource is already severely compromised; or
- (c) The proposed work will not compromise the significance or integrity of the cultural resource; and
- (d) When no mitigation measures are warranted.

The report need only demonstrate that one of these conditions exists.

##### (2) Phase 1 Cultural Resource Studies

When a Letter Report is not appropriate, a Phase 1 Cultural Resource Study shall be prepared. A Phase 1 Cultural Resource Study shall;

- (a) Identify the presence of cultural resources;
- (b) Evaluate the potential for additional cultural resources being discovered;
- (c) Assess the significance of identified and potential cultural resources;

- (d) Assess the integrity of identified resources;
- (e) Assess identified and potential impacts proposed;
- (f) Provide measures to mitigate major impacts on cultural resources; and
- (g) Advise whether Phase 2 or Phase 3 Cultural Resource Studies will be required.

(3) **Phase 2 Cultural Resource Studies**

A Phase 2 Cultural Resource Study is required when major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that would maintain the significance and integrity of the resource. A Phase 2 Cultural Resource Study includes all of the contents of a Phase 1 Cultural Resource Study plus complete text descriptions, as-built plans, and archival grade photography that fully document all physical aspects of the resource(s), including its setting. For Archeological Resource Studies, the required field research shall also include sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

(4) **Phase 3 Cultural Resource Studies**

A Phase 3 Cultural Resource Study is only used for archeological resources and requires complete data recovery, which must be systematically excavated, inventoried, recorded, and mapped. The planned recovery must be designed to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

(5) **National Historic Preservation Act Section 106 Documentation**

Documentation prepared pursuant to Section 106 of the National Historic Preservation Act of 1966 and approved by the Arizona State Historic Preservation Officer may serve as one of the above report formats. This alternate format is appropriate when the level of review and content of the Section 106 documentation meets the requirements of this Division.

d. **Content**

A Cultural Resource Study shall be submitted as a bound document and in an electronic format in a form as determined by the Historic Preservation Officer, and shall contain text, plans, photographs, and other appropriate documentation.

4. **Process**

(1) **Heritage Preservation Commission Review**

The Heritage Preservation Commission shall review and accept

Cultural Resource Studies, and may approve or conditionally approve proposed mitigation measures. Alternatively, the Heritage Preservation Commission may require additional research, documentation, or mitigation measures prior to acceptance. Letter Reports may be accepted by a consent approval process described in Section 10-30.30.030.C.

- (2) When a Cultural Resource Study has been accepted, it shall be offered for curation to the appropriate repository as directed by the Historic Preservation Officer or the State Historic Preservation Office, and in accordance with the standards set forth in 36 CFR 79.9 and 79.10.
- (3) The processes for consideration of cultural resources are provided in Figure B (Processes for Consideration of Cultural Resources).

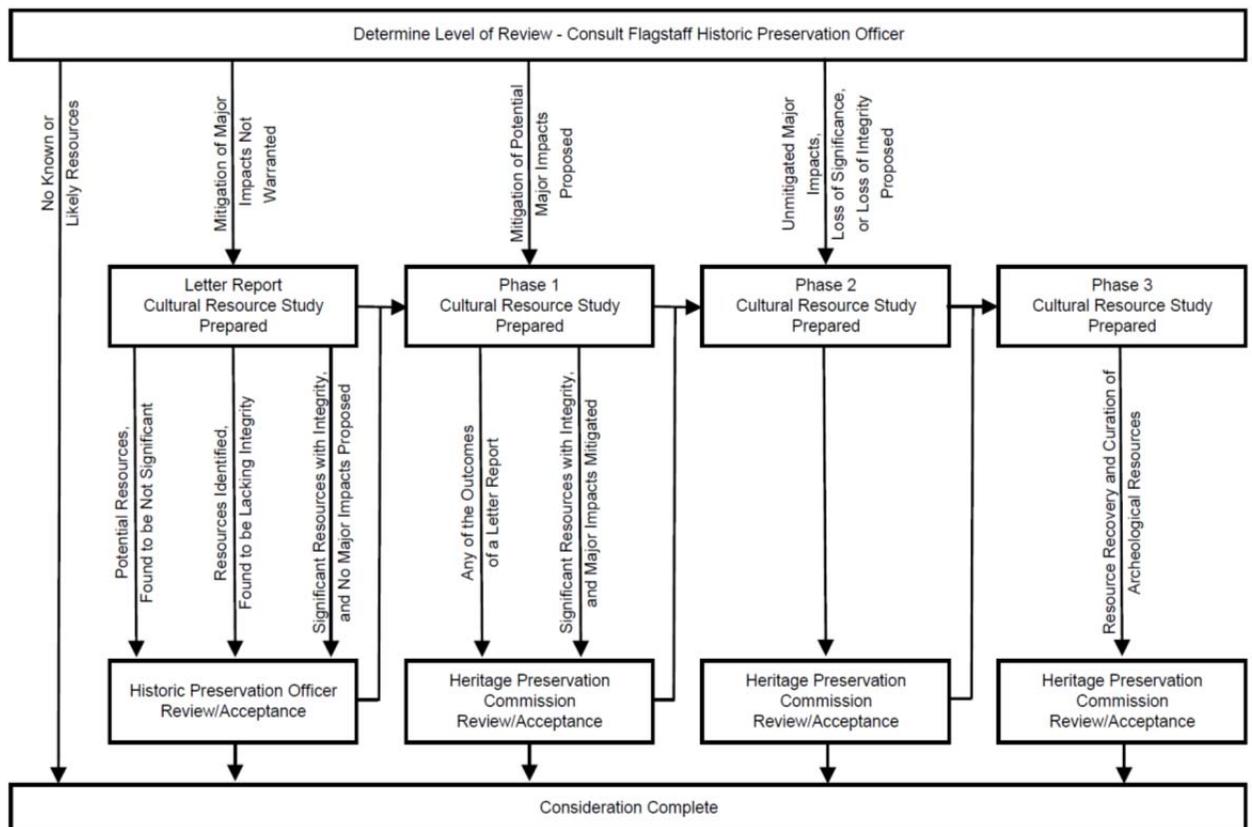


Figure B. Processes for Consideration of Cultural Resources

**5. Required Recommendations by the Report Preparer**

- a. A Phase 1 Cultural Resource Study shall include a recommendation for the preparation of a Phase 2 Cultural Resource Study when:
  - (1) The assessment of whether a cultural resource’s presence or significance is indeterminate; or

- (2) Major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that maintain the significance and integrity of the resource.
- b. A Phase 2 Cultural Resource Study shall include a recommendation for the preparation of a Phase 3 Cultural Resource Study when:
  - (1) Significant archeological resources are present in the development area; and
  - (2) Actual or potential impacts are major impacts; and
  - (3) When no other mitigation measures are proposed that maintain the significance and integrity of the resource.

**B. Determination of Significance of Cultural Resources**

The criteria for determining the significance of a cultural resource is based on the potential of the cultural resource to contribute to our understanding of the past.

1. A cultural resource is significant if:
  - a. It is listed or eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or
  - b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or
  - c. It represents the work of, or for, an important individual; or
  - d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or
  - e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.
2. A resource is generally not significant if:
  - a. It is less than 50 years old at the time of application; or
  - b. The features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.
3. Requirement to Meet the Criteria, Regardless of Age: Properties that are 50 years old are not automatically significant. In order to be significant,

all resources, regardless of age, must be demonstrated to meet the criteria for determining the significance of a cultural resource.

### C. Determination of Integrity

Integrity is the ability of a property to convey its significance and is based on significance, i.e. why, where, and when a property is important. Integrity is the authenticity of a property's physical identity clearly indicated by the retention of characteristics that existed during the property's period of significance. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant.

1. Historic properties either retain integrity (convey their significance) or they do not.
2. The historic physical features that represent the significance of a property must remain and must be visible enough to convey their significance. However, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain sufficient physical features, historic character, and appearance that enable it to convey its historic identity and the reasons for its significance.
3. To retain historic integrity a property will always possess several, and usually most, of the following seven aspects of integrity:
  - a. **Location:** The place where the historic property was constructed or the place where the historic event occurred.
  - b. **Design:** The combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.
  - c. **Setting:** The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.
  - d. **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. A property must retain the key exterior materials dating from the period of its historic significance.
  - e. **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

- f. **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.
  - g. **Association:** The direct link between an important historic event or person and a historic property.
4. Integrity is not the same as condition. Integrity relates to the presence or absence of historic materials and character defining features. Condition relates to the relative state of physical deterioration of the property. Integrity is generally more relevant to the significance of a property than condition. However, if a property is in such poor condition that original materials and features may no longer be salvageable, then the property's integrity may be adversely impacted and compromised.
  5. To be considered authentic, a property must incorporate a substantial amount of the original features and materials. While new material can exactly copy significant features, if too much historic material is replaced with new material, the integrity of the property is lost and integrity can never be re-created. The precise replication of features with new materials may produce a building that looks like a historic building, but without substantial retention of actual historic materials, the integrity of the property is lost.

**D. Determination of Major Impacts to Cultural Resources**

Impacts to resources are major when they directly or indirectly alter or destroy any of the characteristics that make the resource significant, including when they may diminish the integrity of the resource including its location, design, setting, materials, workmanship, feeling or association.

1. Major impacts include:
  - a. Physical destruction or damage to all or part of the resource;
  - b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;
  - c. Relocation or isolation of the cultural resource from its setting;
  - d. Excessive replacement of original materials;
  - e. Alteration of the character of the cultural resource's setting;
  - f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
  - g. Neglect of a cultural resource resulting in its deterioration or destruction.

2. An impact is generally not major if:
  - a. It does not alter the resource; or,
  - b. It is reversible; or,
  - c. It is temporary.

#### E. Mitigation Measures

##### 1. Purpose

To the greatest extent feasible, mitigation measures minimize or offset major impacts on resources with a general threshold of reducing the impacts to a level that is less than a major impact.

##### 2. Applicability

All proposed work that will or may have a major impact on a significant cultural resource, as determined by an appropriate Cultural Resource Study shall incorporate mitigation measures.

##### 3. Professional Design Required

The preparer of a Cultural Resource Study shall design the appropriate mitigation measures. These may include alternative projects, alternative designs, additional work, or other means. The appropriate type and scope of measures varies depending on the cultural resource and impacts, and shall be recommended based on the professional expertise of the preparer and the following:

###### a. For Potential Resources or Potential Impacts

Construction monitoring by the report preparer is an acceptable mitigation measure. If monitoring indicates that the work will produce a major impact to a significant cultural resource, construction shall cease in the area of the resource and the report preparer, subject to approval pursuant to this Division, shall develop and apply appropriate mitigation measures.

###### b. For Identified Major Impacts

The following mitigation measure designs are presented in order of general preference:

- (1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;
- (2) Preservation of cultural resources in place;
- (3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;
- (4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements;

(5) Data recovery.

c. **Human Remains**

Federal and State laws provide standards and regulations for the handling, care and removal of human remains.

F. **Standards and Guidelines**

The following standards and guidelines apply to the preparation, review, and acceptance of Cultural Resource Studies pursuant to this Section;

1. *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.
2. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*
3. *Preservation Briefs* and other similar best practice documents published by the National Park Service

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**10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone**

A. **Purpose**

This Section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated Landmark Properties and properties within a Historic Overlay Zone.

B. **General Applicability**

Except as provided in Section 10-30.30.020.B, all proposed work on a Landmark Property and within a Historic Overlay Zone, whether or not any other approval or permit is required, including demolition, shall be approved pursuant to this Division.

C. **Process**

Except as provided in Section 10-30.30.030.B, prior to the granting of any required approvals or permits and prior to the commencement of any work on a Landmark Property or within a Historic Overlay Zone, the Heritage Preservation Commission or the Historic Preservation Officer shall review all work proposed and approve or conditionally approve the work in the form of a Certificate of No Effect, Certificate of Appropriateness, or Certificate of Economic Hardship. The process for review and approval of work within a Historic Overlay Zone is represented in Figure C (Processes for Review of Development in a Landmark Property and Historic Overlay Zone).

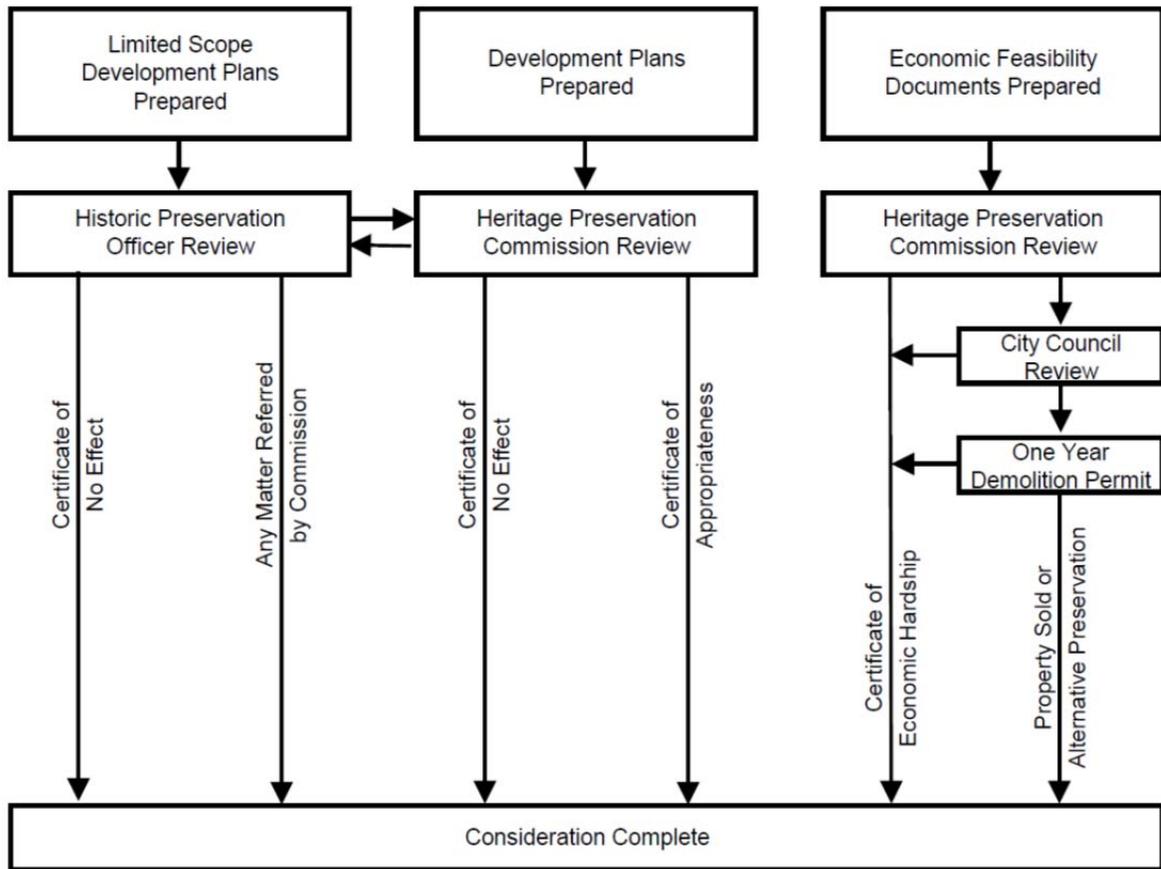


Figure C. Processes for Review of Development in a Landmark Property and Historic Overlay Zone

**D. Certification of No Effect**

**1. Applicability**

This approval is appropriate if the proposed work is compatible with the historic or archaeological character of a cultural resource, such that there will be no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.

**2. Criteria for Approval**

When approving a Certification of No Effect, the Historic Preservation Officer or Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:

- (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
  - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
  - d. There are no major impacts to any on-site cultural resources; and
  - e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G - Development Standards and Guidelines).

#### E. Certification of Appropriateness

##### 1. Applicability

This approval is appropriate if the proposed work alters a cultural resource, but does so in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance or integrity of the resource.

##### 2. Criteria for Approval

When approving a Certification of Appropriateness, the Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:
  - (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
  - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently sought, identified, and evaluated;
- d. Major impacts on cultural resources are sufficiently mitigated; and
- e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G).

## F. Certification of Economic Hardship

### 1. Applicability

This approval is appropriate if the proposed work, including demolition, and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.

### 2. Criteria for Approval

When approving a Certification of Economic Hardship, the Heritage Preservation Commission shall find that:

- a. The cultural resources associated with the proposed work have been sufficiently identified, and evaluated;
- b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);
- c. Preservation is economically infeasible;
- d. The economic hardship is not a self-created hardship;
- e. Alternative development has been fully explored; and
- f. Alternative financing has been fully explored.

### 3. Temporary Delay of Demolition

If a Certificate of Economic Hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, state and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative, and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.

## G. Development Standards and Guidelines

The following standards and guidelines apply to all approvals granted pursuant to this Section:

### 1. City Code, Title 10 Zoning Code

The Heritage Preservation Commission and the Historic Preservation Officer shall apply the development standards and guidelines provided in

Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.

## 2. Industry Standards and Guidelines

- a. *The Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.
- b. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*
- c. *Preservation Briefs* and other similar best practice documents published by the National Park Service.

## 3. Zone Specific Development Standards and Guidelines

These standards and guidelines are available from the Planning Section.

- a. *Design Handbook for Downtown Flagstaff (1997);*
- b. *Townsite Historic Overlay Zone Design Standards and Guidelines (June 2007);*
- c. *Landmark Zone Design Standards and Guidelines (March 2008);* and,
- d. Others as may be adopted in association with any designation of a new Historic Overlay Zone.

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## 10-30.30.070 Violations and Enforcement

- A. All work authorized as a result of an approval granted pursuant to this Division shall conform to any requirements included with it. Deviations from the plans that served as the basis of the approval of a Certificate of Appropriateness, or from any conditions of approval, constitute a violation of the provisions of this Division. Violations shall be governed by the provisions of Division 10-20.110 (Enforcement).
- B. It shall be the duty of the Heritage Preservation Officer and/or the City Building Inspector to inspect periodically and assure compliance of any work performed pursuant to the provisions of this Division. Enforcement shall be governed by the provisions of Division 10-20.110 (Enforcement).

**10-30.30.080 Appeals**

Any person, firm, or corporation aggrieved by a decision of the Historic Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

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## Division 10-30.30: Heritage Preservation

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### Final Planning and Zoning Commission Recommendation

To make the proposed amendments in Division 10-30.30 easier to follow and understand, the entire Division is included here in Track Changes format. While the scope of the amendments looks large, the majority are clerical in nature intended to improve the readability of the Division. A summary of major/substantive amendments (e.g. a where new process or procedural requirement is proposed, a standard is changed, etc.) is provided in the table below:

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-30.30.030 General Provisions	30.30-3	Application Requirements: Moved to the beginning of this Section. Includes new text referring to the City's standard application process. Consistent with the rest of the Zoning Code, all submittal requirements have been removed from this Division to be included on the appropriate application forms.	3
10-30.30.030 General Provisions	30.30-6	Unknown or Undiscovered Conditions: Clarifies under what conditions work may be stopped if a cultural resource is identified.	6
10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones	30.30-7	This has been made a new Section for clarity and ease of use. Also, the processes for designation of a Landmark Property is separated from that for a Historic Overlay Zone, and more comprehensive explanations of the designation process are included.	7
10-30.30.050 Cultural Resources	30.30-15	Cultural Resources: Includes an explanation of why cultural resources are important.	15
10-30.30.050 Cultural Resources	30.30-15	Applicability: Clarifies and expands on the conditions when a cultural resource study is not needed.	15
10-30.30.050 Cultural Resources	30.30-17	Includes a reference to National Historic Preservation Act Section 106 Documentation	18
10-30.30.050 Cultural Resources	30.30-22	Determination of Integrity: Includes a new Subsection to provide more detail on what defines the integrity of a cultural resource.	22

## Division 10-30.30: Heritage Preservation

### Sections:

- [10-30.30.010 Purpose](#)
- [10-30.30.020 Applicability](#)
- [10-30.30.030 General Provisions](#)
- [10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones](#)
- [10-30.30.050 Cultural Resources](#)
- [10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone](#)
- [10-30.30.070 Violations and Enforcement](#)
- [10-30.30.080 Appeals](#)
- ~~10-30.30.010 Purpose~~
- ~~10-30.30.020 Applicability~~
- ~~10-30.30.030 General Provisions~~
- ~~10-30.30.040 Flagstaff Register of Historic Places~~
- ~~10-30.30.050 Cultural Resources~~
- ~~10-30.30.060 Development of Property within a Historic Overlay Zone~~
- ~~10-30.30.070 Violations and Enforcement~~
- ~~10-30.30.080 Appeals~~

*Note that explanations in italic font are only included for significant changes in this draft.*

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### **10-30.30.010 Purpose**

The purpose of this Division is to protect and enhance the cultural, historical, and archaeological heritage of the City of Flagstaff by recognizing, preserving, enhancing, and perpetuating the use of those objects, structures, sites, and landscape features that represent distinctive elements of the City's cultural, political, architectural, and archaeological history. The Council finds and intends that preservation of the City's heritage is in the interest of the health, economic prosperity, education, cultural enrichment, and general welfare of the public. This Division implements the City's General Plan and is implemented pursuant to the provisions of the *National Historic Preservation Act of 1966*, as amended, the Certified Local Government program (16 U.S.C. 470a 101(c)(1)), and A.R.S. § 9-462.01, providing the standards and procedures for heritage preservation. Information on the benefits to a property owner and the various incentive programs that are available to assist a property owner to preserve and protect cultural resources on their properties is available from the City Historic Preservation Officer.

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### **10-30.30.020 Applicability**

- A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this [DivisionSection](#), and review and

approval ~~pursuant to this Division by the Heritage Preservation Commission~~ is required for the following:

1. Designation of Landmark ~~s, Historic Properties,~~ or Historic Overlay Zones (Section 10-30.30.040~~.B~~);

2. Cultural Resource Studies (Section 10-30.30.050.A); and

~~3. — Mitigation Measures (Section 10-30.30.050.D); and~~

*As mitigation measures are included in the Section on Cultural Resource Studies staff recommends that this reference may be deleted.*

~~4.3.~~ Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).

#### B. Exceptions

Compliance with the requirements of this Division is not required for the following:

1. Work ~~that~~which the Building Official certifies as correcting an imminent hazard, ~~for which and that~~ no temporary corrective measures will suffice in protecting the public safety;

2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,

3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

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### 10-30.30.030 General Provisions

#### A. Conflicting Provisions

When ~~it is not feasible for proposed development to comply with the provisions of~~ this Division conflict with ~~and~~ any other laws, codes, or regulations, then the provisions of this Division shall govern, except for matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

#### C.B. General Application Requirements

In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division Heritage Preservation Commission, an the applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together -with the required payment of appropriate fees established as stipulated in Appendix 2, Planning Fee Schedule. - Specific application requirements are established in the following Sections:

- ~~1. Designation of Landmarks, Historic Properties, or Historic Overlay Zones (Section 10-30.30.040.B);~~
- ~~2. Cultural Resource Studies (Section 10-30.30.050.A);~~
- ~~3. Certificate of No Effect (Section 10-30.30.060.D);~~
- ~~4. Certificate of Appropriateness (Section 10-30.30.060.E); and,~~
- ~~5. Certificate of Economic Hardship (Section 10-30.30.060.F);~~

~~D. \_\_\_\_\_~~

*This Subsection on Application Requirements has been moved to the beginning of this Section where it is more logically placed. Text referring to the City's standard application process has also been inserted to make this Section easier to understand.*

**~~E.C. \_\_\_\_\_~~ Consent Approval ~~Process~~**

~~In lieu of review and approval by the Heritage Preservation Commission, the Historic Preservation Officer may review and approve the following:~~

1. **Applicability**

The Historic Preservation Officer may review and approve or conditionally approve the following:

- a. Cultural ~~R~~esource ~~S~~tudies that are ~~L~~etter ~~R~~eports; and
- b. Certificates of No Effect ~~for building permits~~ for minor work that has a limited impact in relation to the total cultural resource, including:
  - (1) Conforming signs excluding comprehensive sign programs;
  - (2) A ~~remodel,~~ addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet ~~and that is not visible from any public right-of-way;~~
  - (3) An accessory structure that is not more than ~~the~~ lesser of 10 percent of the main building's footprint or 400 square feet ~~and that is not visible from any public right-of-way;~~
  - (4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways, or landscaping;
  - (5) Demolition or removal of inappropriate features that are non-original ~~and lacking in integrity~~, including additions, accessory structures, and structures that are not cultural resources; and

(6) Modifications to support systems (mechanical, electrical, satellite dishes, and so forth) that are properly sited and screened.

~~(6)c.~~ Any matter that the Heritage Preservation commission refers to the Historic Preservation Officer for approval.

## 2. Process

~~a.~~ Consent approval by the ~~Historic~~**Heritage** Preservation Officer is an ~~administrative~~**informal** review and approval that occurs outside of a public meeting.

### ~~b.a.~~ **Referral to Heritage Preservation Commission**

The Historic Preservation Officer may refer any matter to the Heritage Preservation Commission for any reason, and shall refer any matter to the Heritage Preservation Commission when a denial appears appropriate.

### ~~e.b.~~ **Heritage Preservation Commission Oversight**

~~With the discussion serving to guide future considerations, t~~The Historic Preservation Officer shall regularly review consent matters with the Heritage Preservation Commission.

### ~~F. General Application Requirements~~

~~In addition to any specific provisions, for all reviews, considerations, or approvals by the Heritage Preservation Commission, the applicant shall submit a completed application on a form prescribed by the City, with payment of appropriate fees as stipulated in Appendix 2, Planning Fee Schedule. Specific application requirements are established in the following Sections:~~

- ~~1. Designation of Landmarks, Historic Properties, or Historic Overlay Zones (Section 10-30.30.040.B);~~
- ~~2. Cultural Resource Studies (Section 10-30.30.050.A);~~
- ~~3. Certificate of No Effect (Section 10-30.30.060.D);~~
- ~~4. Certificate of Appropriateness (Section 10-30.30.060.E); and,~~
- ~~5. Certificate of Economic Hardship (Section 10-30.30.060.F).~~

### ~~G.D.~~ **Concurrent Development Application Review**

At the applicant's option, development proposals that require ~~Heritage Preservation Commission~~**an** approval ~~pursuant to this Division~~ may proceed concurrently with other development reviews and processes. However, no permit shall be granted, and no work shall commence, until ~~Heritage Preservation Commission~~**an** approval ~~pursuant to this Division~~ has been granted and mitigation measures have been incorporated into the final design and documentation of the development.

**H.E. Expiration of Approvals**

1. Any approval pursuant to this Division ~~by the Heritage Preservation Commission or the Heritage Preservation Officer~~ shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).
2. Any approval pursuant to this Division ~~by the Heritage Preservation Commission or Heritage Preservation Officer~~ automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

**F. Unknown or Undiscovered Conditions**

During the course of any work, ~~if a potential cultural resource is discovered which was previously unknown,~~ all work that could impact a ~~the~~ cultural resource shall be stopped immediately and the Historic Heritage Preservation Officer shall be notified if:

1. A potential cultural resource is discovered which was previously unknown; or
2. Any conditions are discovered that prohibit conformance with any approval or conditional approval issued pursuant to this Division; or
3. Any conditions are discovered that warrant any deviation from plans that served as the basis of any approval or conditional approval issued pursuant to this Division.

~~If the Heritage Preservation Officer determines that the cultural resource is potentially significant, t~~The work shall remain stopped until and the applicant has obtained new, additional, or revised approvals pursuant to this Division. ~~shall submit (or re-submit) a plan for the treatment of the resource for Heritage Preservation Commission review and approval.~~

*The new text inserted above provides clarity by describing under what conditions work must be stopped and the HPO notified if an impact to a cultural resource has been identified.*

**G. Flagstaff Register of Historic Places**

The Flagstaff Register of Historic Places identifies properties or zones designated by the Council as Landmark Properties or Historic Overlay Zones, which are depicted as such on the official Zoning Map of the City.

Supplemental to the Flagstaff Register of Historic Places, the Historic Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties

believed to be eligible for designation as Landmark Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).

- ~~I.~~ Information concerning the nature and/or location of any archaeological resource shall not be made available to the public, pursuant to Federal and State laws.

*This Subsection has been moved to this location without any changes as it did not make sense as a separate Section 10-30-30.040.*

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### ~~10-30.30.040 — Flagstaff Register of Historic Places~~

~~A. — The Flagstaff Register of Historic Places consists of properties or zones designated by the Council as Landmarks, Historic Properties or Historic Overlay Zones and depicted as such on the official Zoning Map of the City.~~

~~Supplemental to the Flagstaff Register of Historic Places, the Heritage Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmarks, Historic Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).~~

~~The Historic Preservation Officer shall not make available to the public information concerning the nature and/or location of any archaeological resource, pursuant to Federal and State laws.~~

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### 10-30.30.040 Designation of Landmark Properties, or Historic Overlay Zones

#### ~~I.~~A. Purpose

Designation of a property as a Landmark, ~~Historic~~ Property, or Historic Overlay Zone formally recognizes its significance, and the need to preserve its historic features.

*This new Section helps to clearly explain how Land Properties and Historic Overlay Zones are designated.*

#### 2. Applicability

- a. Landmark Property: An individual property, object, structure, site, sign, or landscape feature may be designated as a Landmark Property within the Landmark Overlay Zone if it is significant in accordance with the provisions of this Division ~~and the Development Standards and Guidelines of the Landmark Zone are applicable.~~

~~b. An individual property, object, structure, site, or landscape feature may be designated as a Historic Property if it is significant in accordance with the provisions of this Division and individualized Development Standards and Guidelines are warranted.~~

*The term "Historic Property" is the same as a "Landmark Property", and therefore, has been removed from this Division.*

~~e.b. **Historic Overlay Zone:** A group of properties may be designated as a Historic Overlay Zone if a majority of the properties are significant in accordance with the provisions of this Section or if they provide the necessary setting for a Landmark Property.~~

*A number of important revisions are proposed in Subsection 3 below. In order to simplify and clarify the Code for the end user, the process for designation a Landmark Property (Subsection 3) has been separated from the process for designation of a Historic Overlay Zone (Subsection 4). Further, a much clearer and more comprehensive explanation of the process for each of these designations is included consistent with similar process explanations in the Zoning Code.*

3. **Process for Designation of a Landmark Property**

~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone is accomplished through adoption of a Historic Overlay Zone as represented in Figure A (Processes for Historic Overlay Zones), and shall follow all of the procedural steps represented in Figure A (Processes for Designation of a Landmark Property) and described below requirements of an application for a zoning map amendment specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

- ~~a. An application for designation of a Landmark Property, or an amendment to a Landmark Property, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Landmark Property requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Landmark Property.~~
- ~~b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. Property owner consent is required for designation of a Landmark Property;~~
- ~~c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:~~

- (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
  - (2) A recommendation on whether the proposed Landmark Property designation should be granted, granted with conditions to mitigate any anticipated impacts, or denied.
- d. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
- ~~a.e.~~ Prior to the Planning Heritage Preservation Commission public hearing as required in Section 10-20.50.040.H (Planning Commission Public Hearing), the Heritage Preservation Commission Officer shall conduct a public meeting which shall serve in lieu of the the required neighborhood meeting pursuant to Section 10.20.30.0670 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).
- ~~f.~~ Prior to, or jointly with, the Planning Commission public hearing, The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. conduct a public hearing and shall cause its The Heritage Preservation Commission may recommendation for approval, approval with conditions, or denial of the Landmark Property request. of the proposed Historic Overlay Zone to be forwarded to the Planning Commission and Council.
- g. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.0100 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).
- ~~b.~~
  - ~~e.~~ In addition to the above procedures, new Historic Overlay Zones may also require a text amendment to the Code to create the new zone following the procedures outlined in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map).

Modification(s) to the boundaries of designated Historic Overlay Zones, including or excluding properties, shall be adopted in accordance with this process.
  - ~~d.~~

#### 4. Process for Designation of a Historic Overlay Zone

The designation of property or properties as a Historic Overlay Zone is represented in Figure B (Processes for Designation of a Historic Overlay Zone) and shall follow the procedural steps described below:

- a. An application for designation of property or properties as a Historic Overlay Zone, or an amendment to a Historic Overlay Zone, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Historic Overlay Zone requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Historic Overlay Zone.
- b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels;
- c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
  - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
  - (2) A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.
- d. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
- e. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).
- f. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and

Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.

- g. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).
- h. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.
- e.i. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.

#### ~~4. Specific Application Requirements~~

~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone requires a Zoning Map amendment of the property to a Historic Overlay Zone and shall follow all of the application requirements of a Zoning Map amendment application specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

~~The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation;~~

- ~~a. Applications for designation do not require an assessment of natural resources otherwise required in Division 10-50.80 (Resource Protection Standards), any public facilities and service impact analysis, a site plan, or a Development Master Plan; and~~
- ~~b. In addition to the other specified submittal requirements, applications for designation require the submittal of:
  - ~~(1) A description of the proposal that includes descriptions of the cultural resources (including significance and integrity), the context (including text, maps, and photographs), a map and legal description of the proposed boundaries and how the proposed boundaries were determined;~~
  - ~~(2) Proposed zone specific development standards and guidelines (if any); and~~
  - ~~(3) If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51~~~~

~~percent of the included parcels.~~

*Throughout the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and Historic Overlay Zone have been removed from this Division and will be added to updated application forms.*

#### ~~5. Process~~

~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone is accomplished through adoption of a Historic Overlay Zone as represented in Figure A (Processes for Historic Overlay Zones), and shall follow all of the procedural requirements of an application for a zoning map amendment specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

~~a. Prior to the Heritage Preservation Commission public hearing, the Heritage Preservation Officer shall conduct the required neighborhood meeting pursuant to Section 10.20.30.070 (Neighborhood Meeting).~~

~~a. Prior to, or jointly with, the Planning Commission public hearing, the Heritage Preservation Commission shall conduct a public hearing and shall cause its recommendation for approval or denial of the proposed Historic Overlay Zone to be forwarded to the Planning Commission and Council. Public hearings shall be noticed and conducted in accordance with Section 10.20.30.0100 (Public Hearing Procedures).~~

~~b. In addition to the above procedures, new Historic Overlay Zones may also require a text amendment to the Code to create the new zone following the procedures outlined in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map).~~

~~c. Modification(s) to the boundaries of designated Historic Overlay Zones, including or excluding properties, shall be adopted in accordance with this process.~~

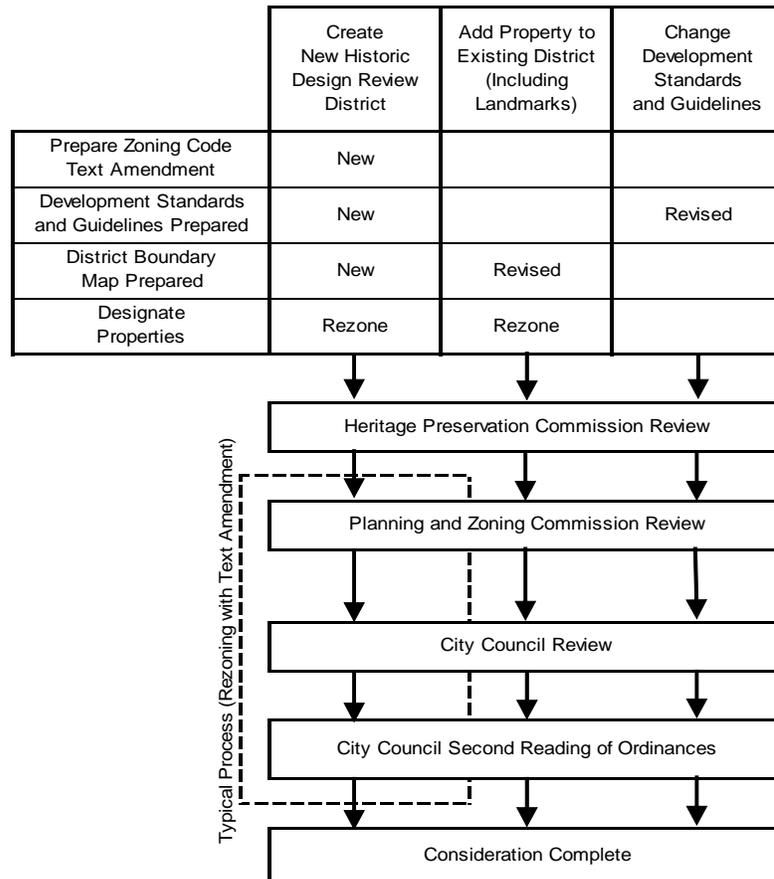


Figure BA - Processes for Historic Overlay Zones

[Add a new Figure A for Landmark Properties and amend Figure B.](#)

10. ~~Zone Specific Development Standards and Guidelines~~ [New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.](#)

~~d.a.~~ Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.

~~e.b.~~ Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.

11. **Interim Protection for Nominations**

— Commencing with the Historic Preservation Commission making a

recommendation for approval of a Historic Overlay Zone, Building or Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

- ~~f.a.~~ The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work ~~is~~would not ~~be~~ subject to the provisions of this Division, or, ~~that the proposed work~~ will clearly not have a major impact on a significant resource.
- ~~g.b.~~ The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone~~delayed permits~~ shall be fully subject to the provisions of this Division, ~~including any zone specific development standards and guidelines and approval by the Heritage Preservation Commission.~~
- ~~h.c.~~ Six months have transpired since the Historic Preservation Commission's recommendation for approval of the Historic Overlay Zone with no approval or denial.

#### E. Individual Signs of Historic or Cultural Significance

1. Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a ~~L~~Landmark Property in accordance with the provisions of this Division if they meet the following criteria:
  - a. The sign has been in continuous existence at its present location for not less than 50 years;
  - b. The sign is of exemplary technology, craftsmanship or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;
  - c. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance;
  - d. If the sign has been altered, it must be restorable to its historic function and appearance; and
  - e. The sign complies with movement, bracing, and illumination requirements contained in Section 10-50.~~9100~~.050.D (Structure and Installation).
2. **Effect of Designation**  
When a sign is found to be significant, designated as a Landmark Property (Section 10-30.30.040.~~CB~~), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.~~9100~~ (Sign Regulations).

**10-30.30.050 Cultural Resources**

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are, therefore, a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

**A. Cultural Resource Studies****1. Purpose**

To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

**2. Applicability**

a. Cultural Resource Studies are required for all public and private developments involving:

- (1) Properties listed on the Flagstaff Register of Historic Places; or
- (2) Properties listed on the Arizona Register of Historic Places; or
- (3) Properties listed on the National Register of Historic Places; or
- (4) Undeveloped land; or
- (5) Structures over 50 years old at the time of application.

b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:

(1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or

~~(1)~~(2) The structure is not significant or lacks integrity; or

~~(2)~~(3) The proposed work is excepted from this Division pursuant to ~~meets the consent approval process criteria~~ (Section 10-30.30.030.CB.1); or

~~(3)~~(4) The proposed work does not have major impacts, ~~diminish~~alter the significance or integrity of the resource, is reversible, or is temporary; or

- (5) The structure is post World War II (1945) production housing; or;
- ~~(4)~~(6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.

*This amendment clarifies and expands on the conditions when a cultural resource study is not needed.*

- c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

### 3. Specific Application Requirements

#### a. Types of Studies

Upon consultation with the ~~Historic~~Heritage Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

#### b. Preparation

Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (36 CFR 61 Appendix A)* as currently amended and annotated by the National Park Service.

#### c. Report Format

~~With the concurrence of the~~The ~~Heritage~~Historic Preservation Officer will work with the professional conducting the study to determine which, a preparer may select, one of the following report formats ~~when, in their professional opinion,~~ it is appropriate:

##### (1) Letter Reports

A Letter Report is appropriate when;

(a) ~~s~~Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or

(b) ~~r~~The integrity of a cultural resource is already severely compromised; or

(c) ~~t~~The proposed work will not compromise the significance or integrity of the cultural resource; and

(d) ~~w~~When no mitigation measures are warranted.

~~(1)~~ The report need only ~~content can be abbreviated to that necessary to demonstrate~~ that one of these conditions exists. ~~If on-site inspection or other investigation it appears that~~

~~cultural resources may be present, the applicant shall conduct and file a Phase 1 Cultural Resource Study.~~

(2) Phase 1 Cultural Resource Studies

When a Letter Report is not appropriate, a Phase 1 Cultural Resource Study shall be prepared. A Phase 1 Cultural Resource Study shall:

(a) Identify the presence of cultural resources;

(b) Evaluate the potential for additional cultural resources being discovered;

(c) Assess the significance of identified and potential cultural resources;

(d) Assess the integrity of identified resources;

(e) Assess identified and potential impacts proposed;

(f) Provide measures to mitigate major impacts on cultural resources; and

~~(g)~~ (g) Advise whether Phase 2 or Phase 3 Cultural Resource Studies ~~should~~ will be required.

(3) Phase 2 Cultural Resource Studies

~~When a~~ A Phase 2 Cultural Resource Study is required when major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that would maintain the significance and integrity of the resource. ~~A Phase 2 Cultural Resource Study~~ the field research shall ~~includes all of the contents of a Phase 1 Cultural Resource Study plus the preparation of~~ complete text descriptions, as-built plans, and archival grade photography; that fully document ~~of all physical~~ aspects of the ~~cultural~~-resource(s), including its setting. For Archeological Resource Studies, the required field research shall also include sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

*This amendment clarifies the conditions under which a Phase 2 Cultural Resource Study is required.*

(4) Phase 3 Cultural Resource Studies

A Phase 3 Cultural Resource Study is only used for archeological resources and requires ~~includes~~ complete data recovery, which must be systematically excavated, inventoried, recorded, and mapped. ~~with~~ The planned recovery must be designed to the

satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

~~(4)~~(5) National Historic Preservation Act Section 106

Documentation

Documentation prepared pursuant to Section 106 of the National Historic Preservation Act of 1966 and approved by the Arizona State Historic Preservation Officer may serve as one of the above report formats. This alternate format is appropriate when the level of review and content of the Section 106 documentation meets the requirements of this Division.

*This is an important addition to this Section as it refers to a currently in effect process that is currently used by the State HPO in cooperation with the City Historic Preservation Officer.*

~~d.~~ d. **Content**

A Cultural Resource Study shall be submitted as a bound document and in an electronic format in a form as determined by the Historic Preservation Officer, and shall contain text, plans, photographs, and other appropriate documentation. ~~to provide:~~

- ~~(1) Introductory information (identification of the development, property owners, clients, study preparers, contents, and index);~~
- ~~(2) A description of the study area and context and a description of the study area boundaries and how these were determined;~~
- ~~(3) A description of existing conditions;~~
- ~~(4) A description of proposed work;~~
- ~~(5) A summary of research results; reviews of literature and records (AZSITE, ASLD, Government Land Office Maps, and Sanborn Maps, land use records and so forth);~~
- ~~(6) A detailed description of the site history;~~
- ~~(7) A complete description and evaluation of the significance and integrity of actual and potential cultural resources;~~
- ~~(8) An evaluation of potential impacts of proposed work on actual or potential cultural resources, including any indirect or residual impacts;~~
- ~~(9) Specific recommendations for mitigation of major impacts on actual or potential cultural resources;~~
- ~~(10) ——— When appropriate, specific recommendations for additional research and documentation; and~~

- ~~(11) ——— Appendixes: A description of the field research methods (including disposition of recovered data when appropriate), a bibliography, and summary of the report preparer's professional qualifications and experience.~~

*Throughout the remainder of the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and Historic Overlay Zone have been removed from this Division and will be added to updated application forms.*

#### 4.d.Process

##### a.(1) Heritage Preservation Commission Review

The Heritage Preservation Commission shall review and accept Cultural Resource Studies, and may approve or conditionally approve proposed mitigation measures. Alternatively, the Heritage Preservation Commission may require additional research, documentation, or mitigation measures prior to acceptance. Letter Reports may be accepted by a consent approval process described in Section 10-30.30.030.CB.

- ~~(1)(2) Following When a Phase 2 or Phase 3 Cultural Resource Study, ~~documented resource data or recovered data~~ has been accepted, it shall be offered for curation to the appropriate repository as directed by the Heritage Historic Preservation Officer or the State Historic Preservation Office, and in accordance with the standards set forth in 36 CFR 79.9 and 79.10.~~

- ~~(2)(3) The processes for consideration of cultural resources are provided in Figure C (Processes for Consideration of Cultural Resources).~~

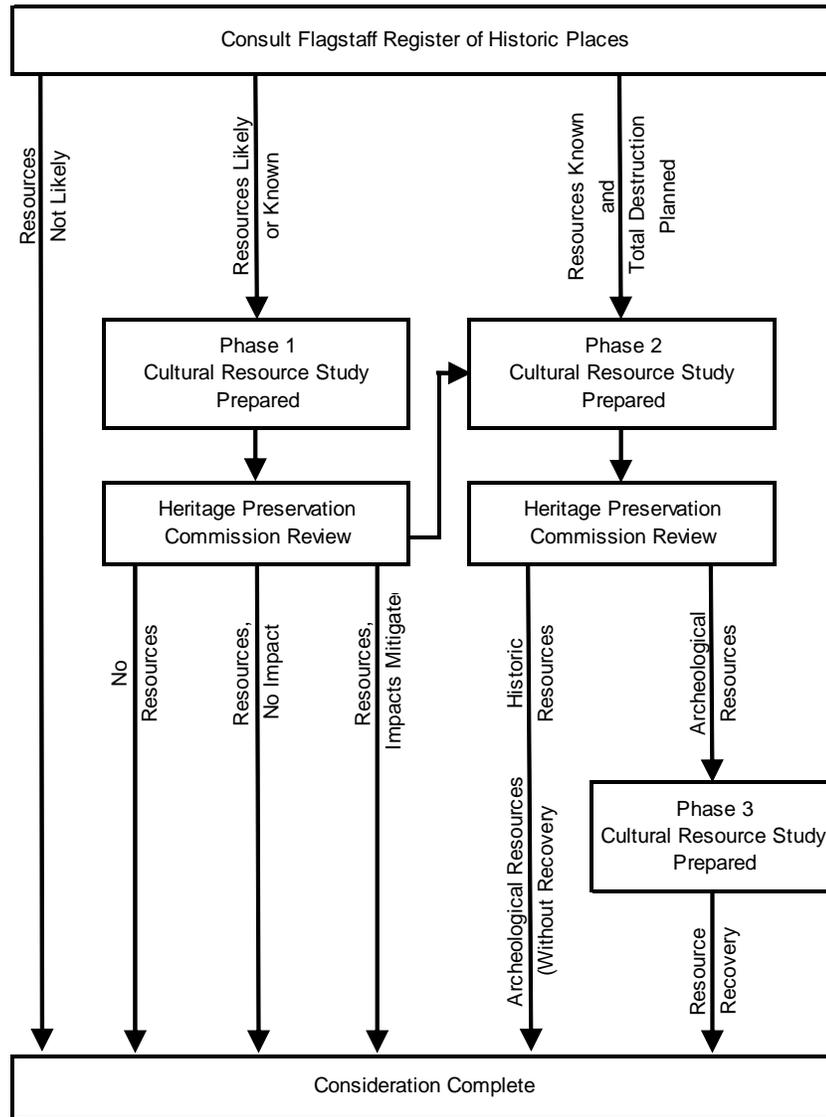


Figure B - Processes for Consideration of Cultural Resources

### 5. Required Recommendations by the Report Preparer

- a. A Phase 1 Cultural Resource Study shall include a recommendation for the preparation of a Phase 2 Cultural Resource Study when:
  - (1) The assessment of whether a cultural resource's presence or significance is indeterminate; or,
  - (2) ~~Identified or potential cultural resources are determined to be significant and total destruction (demolition) is proposed~~ Major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that maintain the significance and integrity of the resource.

*This amendment clarifies the need for a Phase 2 Cultural Resource Study when major impacts to a resource are proposed.*

- b. A Phase 2 Cultural Resource Study shall include a recommendation for the preparation of a Phase 3 Cultural Resource Study when:
  - (1) Significant archeological resources are present in the development area; ~~and~~,
  - (2) Actual or potential impacts are major impacts; ~~and~~,
  - (3) When no other mitigation measures are proposed that maintain the significance and integrity of the resource ~~Avoidance is not an option.~~

*This amendment clarifies the need for a Phase 3 Cultural Resource Study.*

### B. Determination of Significance of Cultural Resources

The criteria for determining the significance of a cultural resource is based on the potential of the cultural resource to contribute to our understanding of the past.

1. A cultural resource is significant if:
  - a. It is listed or eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or
  - b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or
  - c. It represents the work of, or for, an important individual; or

- d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or
  - e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.
2. A resource is generally not significant if:
    - a. It is less than 50 years old at the time of application; or
    - b. The features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.
  3. Requirement to Meet the Criteria, Regardless of Age: Properties that are 50 years old are not automatically significant. In order to be significant, all resources, regardless of age, must be demonstrated to meet the criteria for determining the significance of a cultural resource.

C. **Determination of Integrity**

Integrity is the ability of a property to convey its significance and is based on significance, i.e. why, where, and when a property is important. Integrity is the authenticity of a property's physical identity clearly indicated by the retention of characteristics that existed during the property's period of significance. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant.

1. Historic properties either retain integrity (convey their significance) or they do not.
2. The historic physical features that represent the significance of a property must remain and must be visible enough to convey their significance. However, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain sufficient physical features, historic character, and appearance that enable it to convey its historic identity and the reasons for its significance.
3. To retain historic integrity a property will always possess several, and usually most, of the following seven aspects of integrity:
  - a. **Location:** The place where the historic property was constructed or the place where the historic event occurred.
  - b. **Design:** The combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

- c. Setting: The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.
  - d. Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. A property must retain the key exterior materials dating from the period of its historic significance.
  - e. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
  - f. Feeling: A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.
  - g. Association: The direct link between an important historic event or person and a historic property.
4. Integrity is not the same as condition. Integrity relates to the presence or absence of historic materials and character defining features. Condition relates to the relative state of physical deterioration of the property. Integrity is generally more relevant to the significance of a property than condition. However, if a property is in such poor condition that original materials and features may no longer be salvageable, then the property's integrity may be adversely impacted and compromised.
- To be considered authentic, a property must incorporate a substantial amount of the original features and materials. While new material can exactly copy significant features, if too much historic material is replaced with new material, the integrity of the property is lost and integrity can never be re-created. The precise replication of features with new materials may produce a building that looks like a historic building, but without substantial retention of actual historic materials, the integrity of the property is lost.

*Staff recommends that this new Subsection should be included as it provides more detail on what defines the integrity of a cultural resource consistent with the existing Code's criteria used to define "significance" and "major impacts". This is also consistent with standards for placing a property on the National Registry.*

#### D. Determination of Major Impacts ~~To~~ Cultural Resources

Impacts to resources are major when they directly or indirectly alter or destroy any of the characteristics that make the ~~cultural~~ resource significant, including when they may diminish the integrity of the resource's including its location, design, setting, materials, workmanship, feeling or association.

1. Major impacts include:
  - a. Physical destruction or damage to all or part of the resource;
  - b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;
  - c. Relocation or isolation of the cultural resource from its setting;
  - ~~e.~~d. Excessive replacement of original materials;
  - ~~d.~~e. Alteration of the character of the cultural resource's setting;
  - ~~e.~~f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
  - ~~f.~~g. Neglect of a cultural resource resulting in its deterioration or destruction.
2. An impact is generally not major if:
  - a. It does not alter the resource; or,
  - b. It is reversible; or,
  - c. It is temporary.

#### E. Mitigation Measures

1. **Purpose**  
To the greatest extent feasible, mitigation measures minimize or offset major impacts on resources with a general threshold of reducing the impacts to a level that is less than a major impact.
2. **Applicability**  
~~For a~~All proposed work ~~for which a Cultural Resource Study has identified that the work~~ will or may have a major impact on a significant cultural resource, as determined by an appropriate Cultural Resource Study ~~such proposed work~~ shall incorporate mitigation measures.
3. **Professional Design Required**  
The preparer of a Cultural Resource Study shall design the appropriate mitigation measures. These may include alternative projects, alternative designs, additional work, or other means. The appropriate type and scope of measures varies depending on the cultural resource and impacts, and shall be recommended based on the professional expertise of the preparer and the following:
  - a. **For Potential Resources or Potential Impacts**  
Construction monitoring by the report preparer is an acceptable

mitigation measure. If monitoring indicates that the work will produce a major impact to a significant cultural resource, construction shall cease in the area of the resource and the report preparer, subject to ~~Heritage Preservation Commission~~ approval [pursuant to this Division](#), shall develop and apply appropriate mitigation measures.

**b. For Identified Major Impacts**

The following mitigation measure designs are presented in order of general preference:

- (1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;
- (2) Preservation of cultural resources in place;
- (3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;
- (4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements; ~~and~~
- (5) Data recovery.

**c. Human Remains**

Federal and State laws provide standards and regulations for the handling, care and removal of human remains.

**F. Standards and Guidelines**

The following standards and guidelines apply to the preparation, review, and acceptance of Cultural Resource Studies pursuant to this Section;

1. *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines as currently amended and annotated by The National Park Service.*
2. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*
- ~~e.~~3. *Preservation Briefs and other similar best practice documents published by the National Park Service.*

*This addition establishes the industry recognized standards and guidelines used to evaluate all applications submitted for review pursuant to this Section.*

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**10-30.30.060 Development of [a Landmark Property and](#) Property within a Historic Overlay Zone****A. Purpose**

This Section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated Landmarks, ~~Historic~~ Properties, and properties within a Historic Overlay Zone.

**B. General Applicability**

Except as provided in Section 10-30.30.020.B, [all proposed work on a Landmark Property and](#) within a Historic Overlay Zone, whether or not any other approval or permit is required, ~~all proposed work~~, including demolition, shall be approved [pursuant to this Division](#)~~by the Heritage Preservation Commission~~.

**C. Process**

Except as provided in Section 10-30.30.030.B, prior to the granting of any ~~other~~ required approvals or permits and prior to the commencement of any work [on a Landmark Property or within a Historic Overlay Zone](#), the Heritage Preservation Commission [or the Historic Preservation Officer](#) shall review all work proposed and ~~shall~~ approve or conditionally approve the work in the form of a Certificate of No Effect, Certificate of Appropriateness, or Certificate of Economic Hardship. The process for review and approval of work within a Historic Overlay Zone is represented in Figure [D](#)~~C~~ (Processes for Review of Development in a Historic Overlay Zone).

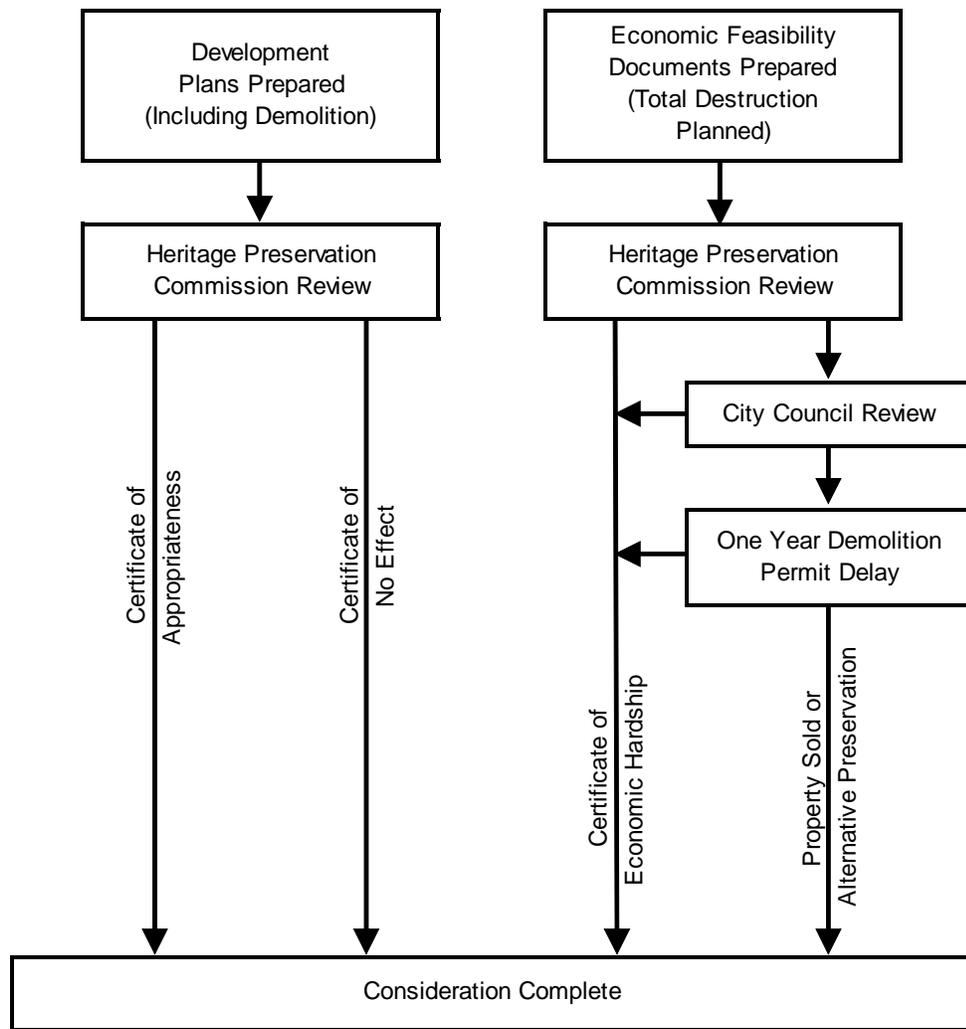


Figure C - Processes for Review of Development in a Historic Overlay Zone

## D. Certification of No Effect

### 1. Applicability

This approval is appropriate if the proposed ~~or~~ work ~~that~~ is compatible with the historic or archaeological character of a cultural resource, such that there will be ~~is~~ no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.

### ~~2. Specific Application Requirements~~

~~The following information is required. All drawings shall be drawn to scale and clearly dimensioned, and shall clearly and accurately represent the development, including existing, demolished, and proposed work.~~

#### ~~a. Site Plan~~

~~Include property lines; topography; existing trees; outlines of neighboring buildings; public ways and improvements; building footprints with front, side, and rear yard dimensions; garages and parking, driveways, and curb cuts; locations of fences, walls, and other structures; signage; and exterior lighting;~~

#### ~~b. Floor Plans~~

~~While interiors are not subject to review, floor plans greatly aid the Heritage Preservation Commission in understanding proposals;~~

#### ~~c. Exterior Elevations~~

~~Elevations should indicate windows and doors, materials, railings and other details and features. Height and elevation marks shall be indicated, including heights from grade to top of eaves, ridge, roof, parapet, etc.;~~

#### ~~d. Exterior Details~~

~~Additional details shall be provided as necessary. Building sections may be required;~~

#### ~~e. Landscape Plan (If required);~~

#### ~~f. Colors~~

~~Color board depicting the colors of all exterior materials and finishes; and~~

#### ~~g. Photographs~~

~~Photographs of the development's context, including the elements of basic design compatibility from the property itself, the surrounding properties and the neighborhood as appropriate.~~

*Throughout the remainder of the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and*

*Historic Overlay Zone have been removed from this Division and will be added to updated application forms*

### ~~3.2.~~ **Criteria for Approval**

When approving a Certificationone of No Effect, the [Historic Preservation Officer or](#) Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:
  - (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
  - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently ~~sought,~~ identified, and evaluated;
- d. There are no major impacts [to any on-site](#) cultural resources; and
- e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G - Development Standards and Guidelines).

## E. Certificationone of Appropriateness

### 1. **Applicability**

This approval is appropriate [if the proposed](#) ~~or~~ work ~~that~~ alters a cultural resource, [but does so](#) in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance [or integrity](#) of the resource.

### ~~2. Specific Application Requirements~~

~~The application information required for a Certificate of Appropriateness is the same as that required for a Certificate of No Effect (See Section 10-30.30.060.D)~~

### ~~3.2.~~ **Criteria for Approval**

When approving a Certificationone of Appropriateness, the Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;

- b. The proposed work is compatible with its context:
  - (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
  - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently sought, identified, and evaluated;
- d. Major impacts on cultural resources are sufficiently mitigated; and
- e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G).

#### F. Certification of Economic Hardship

##### 1. **Applicability**

This approval is appropriate if the proposed ~~when~~ work, including demolition, and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.

##### ~~2. **Specific Application Requirements**~~

~~The following information is required:~~

- ~~a. Cost estimates for the work and any required mitigation measures;~~
- ~~b. Appraisals of the property as it exists, as proposed, and incorporating any required mitigation measures;~~
- ~~c. Economic feasibility studies, including for rehabilitation or reuse of the existing structure on the property, statements of the property's historic gross income, and maintenance expenses;~~
- ~~d. Evidence of any alternatives that were explored;~~
- ~~e. Evidence that the applicant has sought preservation assistance from available sources;~~
- ~~f. Evidence that the owner has been unable to sell the property; and~~
- ~~g.a. Other information considered necessary by the Heritage Preservation Commission.~~

### **3.2. Criteria for Approval**

When approving a Certification of Economic Hardship, the Heritage Preservation Commission shall find that:

- a. The cultural resources associated with the proposed work have been sufficiently ~~sought~~, identified, and evaluated;
- b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);
- c. Preservation is economically infeasible;
- d. The economic hardship is not a self-created hardship;
- e. Alternative development has been fully explored; and
- f. Alternative financing has been fully explored.

### **4.3. Temporary Delay of Demolition**

If a Certificate of Economic Hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, state and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative, and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.

## **G. Development Standards and Guidelines**

~~The Heritage Preservation Commission shall apply the development standards and guidelines provided in Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal. The Heritage Preservation Commission shall also apply the following additional standards and guidelines [apply to all approvals granted pursuant to this Section](#):~~

### **1. City Code, Title 10 Zoning Code**

The Heritage Preservation Commission and the Historic Preservation Officer shall apply the development standards and guidelines provided in Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.

### **1.2. Industry Standards and Guidelines**

#### **a. Archeology and Historic Preservation**

*The Archeology and Historic Preservation: Secretary of the Interior's*

*Standards and Guidelines* as currently amended and annotated by The National Park Service.

b. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*

~~b.c.~~ [Preservation Briefs and other similar best practice documents published by the National Park Service.](#)

*These amendments clarify how standards and guidelines apply to approvals granted pursuant to the Section.*

### ~~2.3.~~ **Zone Specific Development Standards and Guidelines**

[These standards and guidelines are available from the Planning Section.](#)

- a. *Design Handbook for Downtown Flagstaff (1997);*
- b. *Townsite Historic Overlay Zone Design Standards and Guidelines (June 2007);*
- c. *Landmark Zone Design Standards and Guidelines (March 2008); and,*
- d. Others as may be adopted in association with any designation of a new Historic Overlay Zone.

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## **10-30.30.070 Violations and Enforcement**

- A. All work ~~performed pursuant to a Certificate of Appropriateness and a Certificate of No Effect~~ [authorized as a result of an approval granted pursuant to issued in compliance with](#) this Division shall conform to any requirements included with it. Deviations from the plans that served as the basis of the approval of a Certificate of Appropriateness, or from any conditions of approval, constitute a violation of the provisions of this Division. Violations shall be governed by the provisions of Division 10-20.11~~20~~ (Enforcement).
- B. It shall be the duty of the [Heritage Preservation Officer and/or the](#) City Building Inspector to inspect periodically and assure compliance of any work performed pursuant to the provisions of this Division. Enforcement shall be governed by the provisions of Division 10-20.11~~20~~ (Enforcement).

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## **10-30.30.080 Appeals**

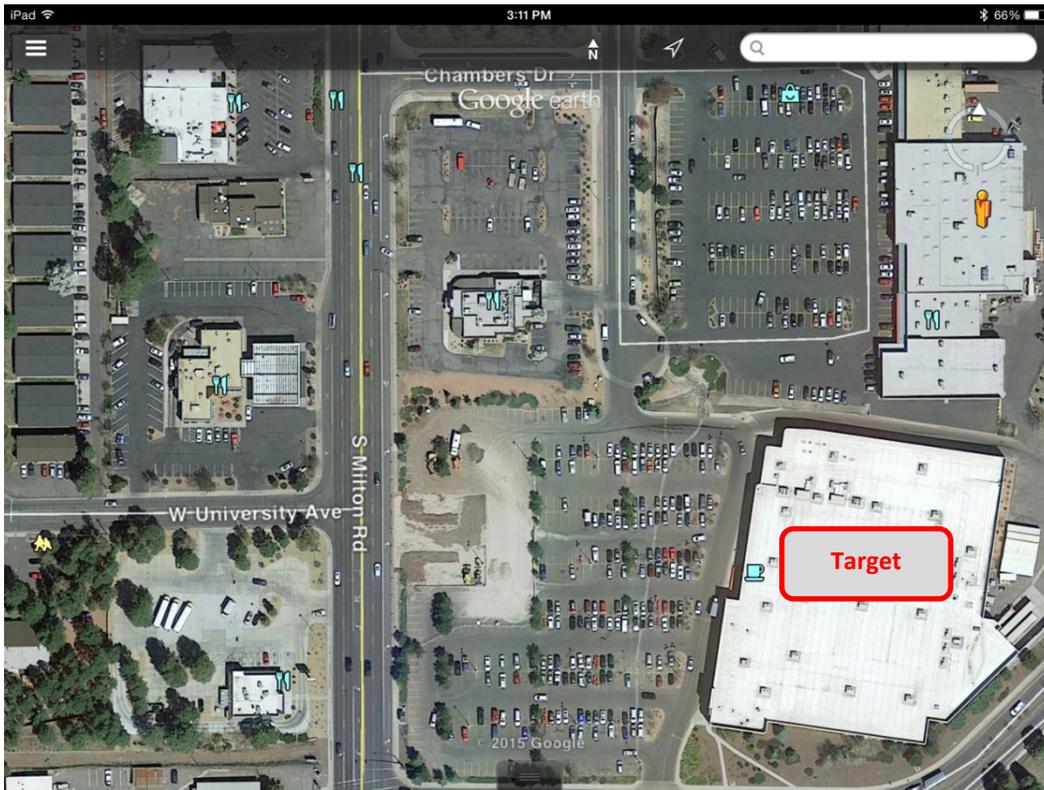
Any person, firm, or corporation aggrieved by a decision of the ~~Historic~~[Heritage](#) Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the

appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

Div10-30.30\_HeritagePreservation\_RedLine\_2015Jun24\_FinalPZ.docx

# Photographs of “Building Forward Design” in New Developments in Flagstaff

September 16, 2015



Photograph of S. Milton Road and Riordan Ranch Road (above) illustrating typical parking-forward/buildings-to-the-rear development patterns, with no connections to the street, prior to adoption of the 1991 Land Development Code.

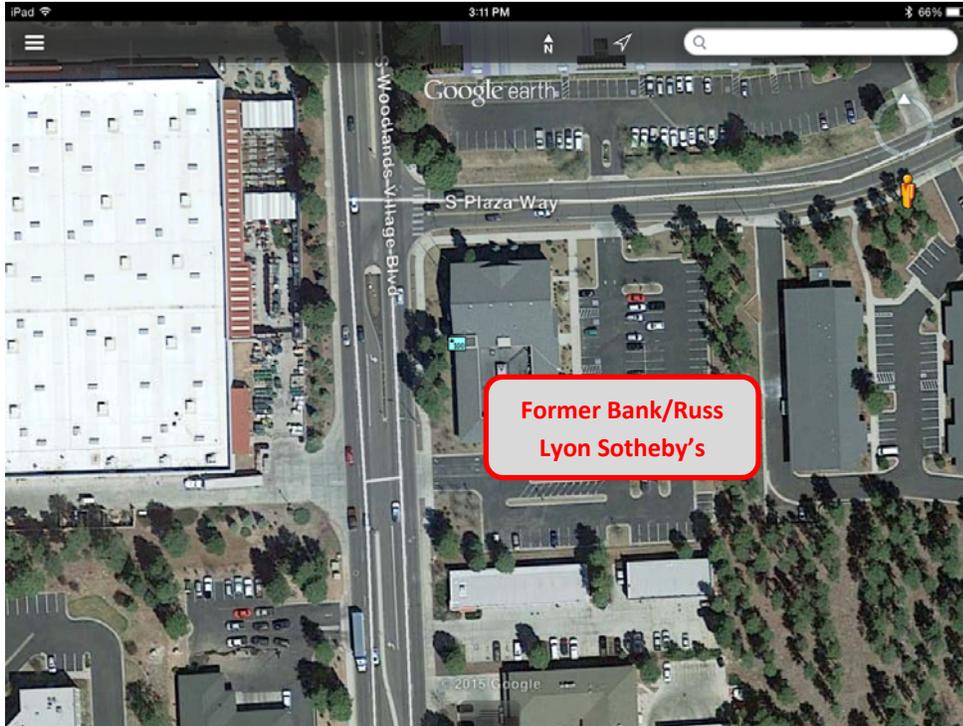


**Target** – typical auto-oriented parking-forward development with no pedestrian connections to the street

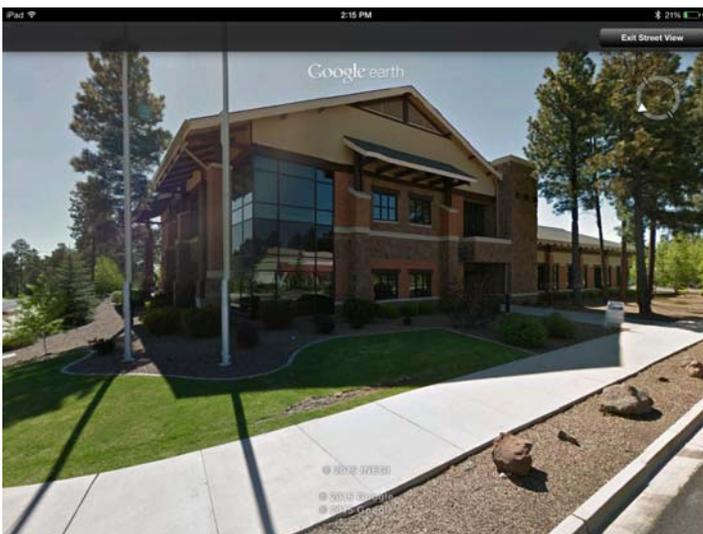


Photograph of the corner of N. Beaver Street and W. Aspen Avenue (above) illustrating a parking-forward/building-to-the-rear development pattern inconsistent with the walkable urban environment that defines downtown (Note that at the time of the building's construction it was approved under then-in-effect standards in the Land Development Code). A rendering of how the property may be redeveloped is provided below.





**Former Bank/Russ Lyon Sotheby's** – Woodland Village Blvd. Good example of building forward design anchoring a corner with good pedestrian connections to the street and with a



Strong pedestrian access from the public right-of-way (left photograph) and with a building entry zone from S. Plaza Way (right photograph). Note that new permanent signage would strengthen the building entry zone.



**Jimmy Johns/Dunkin Donuts and Chick Fila – S. Milton Road.** Excellent example of building forward design anchoring a corner with very good pedestrian connections to the street.



**Jimmy Johns/Dunkin Donuts and Chick Fila –** Building entrances directly face the street to provide strong pedestrian connections.



**Walgreens and Arizona National Bank – E. Route 66.** An example of building forward design with parking to the side or rear.

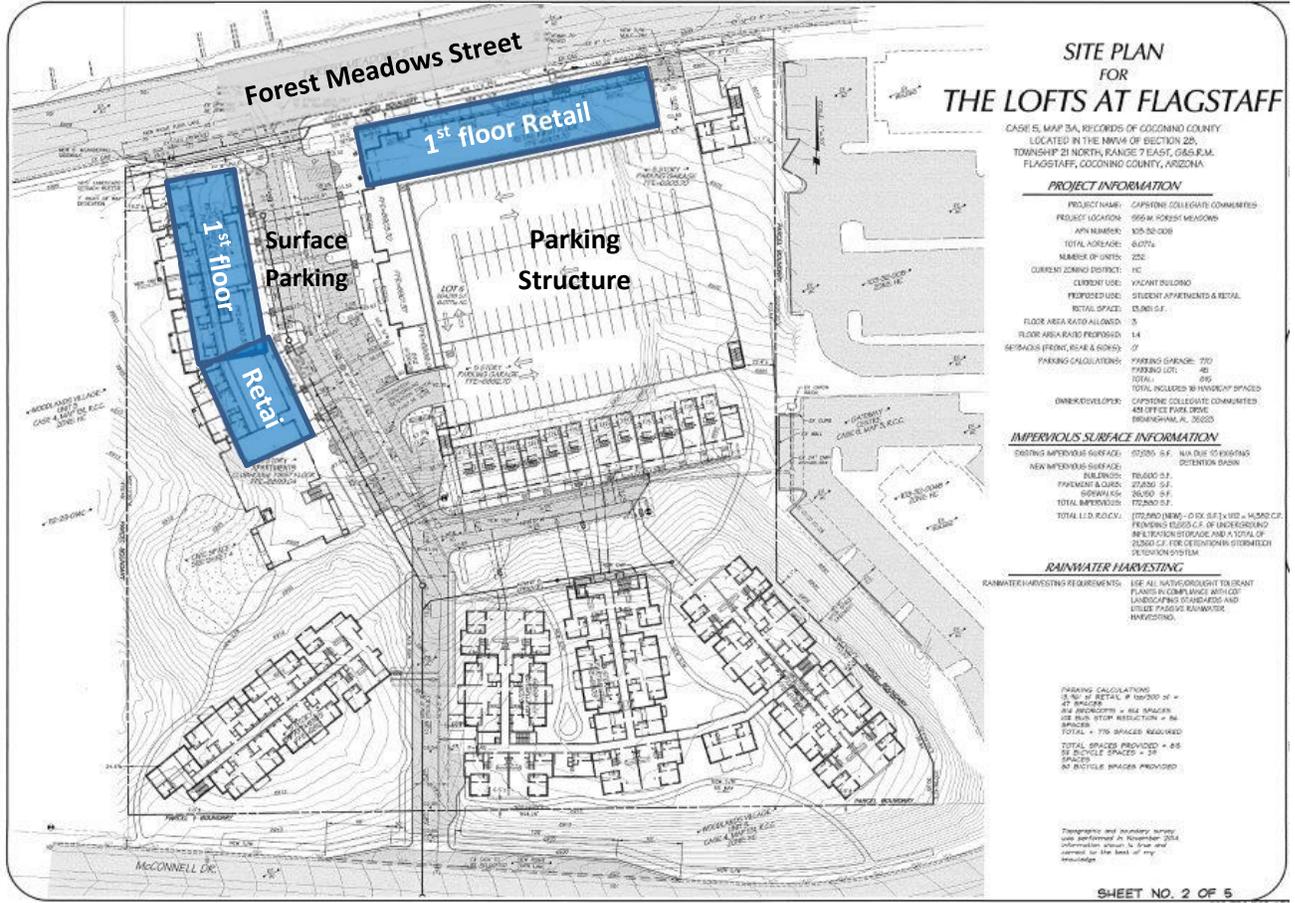


**Arizona National Bank – E. Route 66.** Good pedestrian connections to the street and a building entry zone that could be strengthened with the addition of new signage.



**Walmart** on Huntington Drive – building forward design with parking to the side. The building entrance faces the parking area but is strongly connected with a pedestrian entry zone and walkway connecting through the parking area as is shown in the photograph below.





# Hill Side Lofts

## Flagstaff, Arizona



Forest Meadows Street





## Planning and Development Services Section

# MEMORANDUM

**TO:** Mayor and Council

**THROUGH:** Josh Copley, City Manager

**DISTRIBUTION:** Barbara Goodrich, Deputy City Manager; Mark Landsiedel, Community Development Director; Dan Folke, Planning Director

**FROM:** Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

**Date:** November 23, 2015

**RE:** Amendments to Zoning Code (Chapter 10-30, General to All)  
Response to Council Discussion at the November 10, 2015

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At the November 10<sup>th</sup> Council work session, Dan Folke answered questions from the Council on various sections of Chapter 10-30 (General to All). As I stated in an email to the Council dated November 13, 2015, a copy of which is attached, staff has reconsidered some of the language in the proposed amendments in response to the Council's questions and public comments made at that meeting. The attached document shows these latest amendments, all of which are highlighted so that they are more easily identified from the original amendments forwarded to the Council. Any changes in the narratives explaining the amendments are also highlighted.

An outline summary of the additional amendments follows:

- **Division 10-30.50 Public Improvements:** Includes changes throughout to more clearly address when public improvements are required to mitigate the impacts of new development.
- **Division 10-30.60 Site Planning Standards: Section 10-30.60.060 (Building Placement)** – Includes various changes to provide more clarity and flexibility with regard to standards requiring building forward design.
- **Division 10-30.60 Site Planning Standards: Section 10-30.60.070 (Parking Lots, Driveways, and Service Areas)** – Includes a revision that clarifies that driveways connecting to parking areas or service areas may not be located between the front of a building and the property line. However, an amendment proposed in Section 10-40.60.160 (Drive-through Retail and Service Facility) would allow a drive-through lane to be located between the front of a building and the property line.

Please let me know if you need any additional information, or if you have any questions.



## Roger Eastman

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**From:** Roger Eastman  
**Sent:** Friday, November 13, 2015 10:14 AM  
**To:** Jerry Nabours; Celia Barotz; Celia Barotz; Coral Evans; Coral Evans; Eva.Putzova@nau.edu; Scott Overton; Karla Brewster; Jeff Oravits; Josh Copley  
**Cc:** Mark Landsiedel; Barbara Goodrich; Daniel Folke; Rick Barrett; Michelle D'Andrea; Kevin Fincel; Roger Eastman  
**Subject:** Following up from November 10, 2015 Work Session on the Zoning Code

Good morning:

I truly apologize for bailing out of the work session at the last minute on Tuesday night. I have been dealing with a medical issue for a few weeks, and at about 7:00 pm it flared up again. While I was embarrassed to have to abandon my time with you, I needed to get home. Reggie provided me with a safe ride to Sedona for which I was very thankful. I'm equally thankful for Dan who did an excellent job stepping in for me to answer your questions on Chapter 10-30 of the Zoning Code. Yesterday morning I watched the streaming video of the meeting, and after discussing it with Dan, we agreed that an email to provide further clarification to your questions would be appropriate. I've arranged this response in the order these questions were raised rather than in the order they are placed in the Code.

### **10-30.60.060 Building Placement**

This Section is located within Division 10-30.60 (Site Planning Standards). Mr. Patrick Hurley and Ms. Tory Syracuse provided useful comments on this Section, and the Council's discussion based on those comments was most informative. I agree that more flexibility should be included in the Code to address the unique circumstances that staff and developers may have to deal with when new projects are proposed while still ensuring that a building's entrance should connect either directly to a street or to the side to a pedestrian connection to the parking area (note both are not required - it's one or the other).

I suggest that the best way to provide this flexibility is to include building placement in the Minor Modifications to Development Standards section of the Code (Section 10-20.40.090). This Section specifically allows for minor modifications of development standards (e.g. building height, fence height, minor setback waivers, etc.) to be granted administratively by staff within predefined limits. In this case Table 10-20.40.090.A (Types of Minor Modifications Allowed) would be expanded by adding a new row for building placement and inserting criteria (such as those suggested by Mr. Hurley) to allow some flexibility when unusual circumstances are present. Those proposed by Mr. Hurley were topography, the needs of the business (e.g. security), natural resources, relationship to adjacent buildings, whether the buildings would create a shadow on a road or sidewalk causing a safety concern from snow and ice accumulation, and from where the majority of customers to the business would come. Staff will develop these ideas into a proposal to present to Council at a future work session.

### **10-30.60.050 Compatibility**

This Section is located within Division 10-30.60 (Site Planning Standards). The new amendments in this Section are only in the introductory paragraph on Page 30-12 of the amendment packet. The standards used to assist staff and an applicant assess the compatibility of a new project are already included in the Zoning Code and are proposed to be moved from their current location to Division 10-30.60 (Site Planning Standards) where they are more appropriately located. The intent of the new paragraph at the beginning of this Section is to clarify that compatibility between a new project and existing development is important, and that the standards would be applied when a CUP or zone change is requested. As the Council discussed with Dan, the findings for reviewing a zone change are very broad (consistency with the Regional Plan; not detrimental to public health, safety or welfare; and the suitability of the site so that the new development does not endanger, jeopardize or

create a hazard). The findings for a CUP are also broad - but not as much as for a zone change - and they too seek to ensure that public health, safety and welfare is assured (See ZC Page 20.40-8) while also generally addressing compatibility. The standards in 10-30.60.050 (Compatibility) provide a further level of refinement and detail to assist staff, the P&Z, and Council in their review of a project to ensure that when a CUP or zone change is requested, the new development is appropriate and compatible with surrounding development.

#### **10-30.50.060 Minimum Requirements**

This Section is located within Division 10-30.50 (Public Improvements). Paragraph A (Right-of-Way) which was moved from City Code Title 8 (Public Ways) to the zoning code with the 2011 Code update allows the City Engineer to require right-of-way (ROW) to be dedicated to the City when (1) the property to be developed does not have adequate ROW due to the new development, or (2) to accommodate proposed or contemplated public improvements under the Regional Plan or other approved land use documents (e.g. a specific plan, the RTP, etc). What is not stated explicitly in this Section is that in the first scenario the ROW dedication to the City should be proportional to the impacts caused by the new development, and in the second scenario, the City may have to provide compensation for the ROW dedicated for the public improvements if there is no proportional impact caused by the new development. I will discuss this further with Rick Barrett (City Engineer) and Michelle D'Andrea (City Attorney), and based on the outcome of that discussion may provide the Council with additional clarifying language for your consideration.

#### **10-30.60.070 Parking Lots, Driveways, and Service Areas**

This Section is located within Division 10-30.60 (Site Planning Standards). Citing the driveway from South Fourth Street into the Aquaplex as an example, Councilor Oravitz had a question on the standard for the width of driveways as he thought (at least in this situation) the driveway was too narrow for the size of vehicle/truck typically operated in the City. As Dan mentioned, these standards are not included in the Zoning Code, and instead are located within the Engineering Standards. I will forward Councilor Oravitz's concern to Rick Barrett for his consideration as his team is currently working on the annual update to the Engineering Standards.

#### **A Final Comment - Chapter 10-40 (Specific to Zones)**

In the special work session on October 19th a number of residents provided comments to the Council on staff's proposed amendment that would allow single-family residences and duplexes to be permitted by right in the CC (Community Commercial) Zone. This zone is, for example, applied to the southern portion of the Sunnyside neighborhood, i.e. south of 6th Street. On November 8th Council received an email from Jeff Knorr, a local contractor, in which he provided further comments on this issue. I called and spoke to Jeff on Tuesday afternoon and was able to answer his questions and provide further clarification on the amendments. As a result of this discussion it was apparent that the amendments could be further clarified as they were confusing. Staff has drafted this clarifying language and will present it to Council when the discussion on Chapter 10-40 continues in the future.

Please let me know if you have any questions.

Thanks

roger

Sent from my iPad

Roger E. Eastman, AICP

Comprehensive Planning and Code Administrator

City of Flagstaff

*The density bonus calculation used as an example here is incorrect – the allowed density bonus from Table 10-30.20.050.A. for 12% affordable units results in a 22% density bonus, not 11% as stated in the example.*

## **Division 10-30.30: Heritage Preservation**

*The amendments in this Division are included in a separate document.*

## **Division 10-30.50: Public Improvements**

### **10-30.50.010 Purpose**

- Page 30.50-1

It is the intent and purpose of this Section to set forth the minimum acceptable standards for public improvements **that are required to mitigate the impacts of new development as determined by an appropriate impact study (see Section 10-30.50.060);** to define the responsibility of the applicant in planning, constructing and financing public improvements; and to set forth the City's responsibilities in the review and acceptance of public improvements.

***This minor amendment provides an important clarifying cross reference when public improvements are required to mitigate the impacts of new development.***

### **10-30.50.020 Responsibilities**

- Page 30.50-1

*This responsibilities Section has been divided into two parts – responsibilities associated with all subdivisions, and responsibilities associated with all other development.*

#### **A. Responsibilities - All Single-family Residential Subdivisions**

- 1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with **and required to mitigate the impacts of** the subdivision of land, unless a Development Agreement specifically provides otherwise.**
- 2. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved preliminary plat, zoning case, and/or staff approved stipulations. The applicant must prepare these plans in conjunction with and in conformance to the subdivision plat.**
- 3. The Building Official may only accept a Building Permit application for review no less than 30 days after the final plat for the subdivision has been recorded subject to the provisions of City Code Section 11-20.70.030.G. When the Building Permit is ready to be issued, a condition of its approval shall state that construction activity authorized by the Building Permit may not commence until any uncompleted streets to be used by construction or residential traffic satisfy the requirements of Section 13-10-013-0001 (Use of Uncompleted Streets within a Subdivision) in the Engineering Standards. Such Building Permit application shall be submitted at the applicant's risk, and the City will not be responsible for delays in the issuance of the permit or increases in applicable fees including, but**

not limited to, changes required to the submitted plans as a result of Building Code amendments that may be in effect.

*This amendment allows a building permit to be accepted 30 working days after the final plat for a subdivision has been recorded. The 30 day time period is based on the time needed for parcels numbers to be released from the County and entered into the City's permit tracking software and GIS. It requires a condition of approval of the permit stating that construction may only commence once compliance with Section 13-10-013-0001 of the Engineering Standards has been achieved. Staff acknowledges this is unusually early in the process of constructing a subdivision, (most cities only accept building permits after a subdivision has been completed and accepted), yet it provides an opportunity for home builders to submit their plans for review so that they can be ready for issuance and construction started in a more timely manner than if they waited for the subdivision to be completed and accepted. It is staff's experience that this is particularly important in Flagstaff because of the short construction season that is typical here.*

4. The applicant shall be responsible for ensuring that all public improvements are constructed in compliance with applicable federal, state, county, and City requirements. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a conditional or final Certificate of Occupancy for any building or structure within the subdivision.

*This is a new paragraph that clarifies that the applicant is responsible for ensuring that all agencies sign off before a certificate of occupancy may be issued.*

5. The applicant may meet the requirements of this Division by participating in a City-approved improvement district.

## **B. Responsibilities - All Other Development**

1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with and required to mitigate the impacts of new subdivisions and land development, including commercial subdivisions and all developments subject to Site Plan Review and Approval (see Section 10-20.40.140), unless a Development Agreement specifically provides otherwise.

~~2. These public improvements must be completed and formally accepted before the City will issue a certificate of occupancy for any building or structure within the subdivision or on the property.~~ The Building Official may issue a Building Permit in accordance with the requirements of Section 10-20.40.030 (Building Permits and Certificates of Occupancy) when;

- a. The required Engineering Design Report and/or construction plans for public improvements have been conditionally approved by the City Engineer and found to be in substantial compliance with City standards and specifications; and

b. An assurance has been provided pursuant to Division 10-20.100 (Assurance of Performance for Construction).

*This language in paragraph 2 comes from former Ord. 1925 (Section 8-08-001-0011 (Building Permits)) that was repealed in 2011 with the addition of the cross-reference to Section 10-20.40.030 (Building Permits and Certificates of Occupancy).*

3. The applicant must have an engineer who is registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans ~~must~~shall be based on the approved preliminary plat (if applicable), zoning case, site plan, and/or staff approved ~~and~~ stipulations. The applicant must prepare these plans in conjunction with and in conformance ~~to with the subdivision plat~~ an approved site plan. ~~Improvement plans shall be subject to City approval prior to recordation of the subdivision plat.~~

*The last sentence in the paragraph above has been deleted as this requirement is already included in the Subdivision Regulations, Section 11-20.70.030.G regarding Final Plat Approval.*

4. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a certificate of occupancy for any building or structure on the property. A Conditional Certificate of Occupancy may be issued if the Building Official and City Engineer determine that no life safety concerns are present.

*This paragraph describes long-standing practice originally included in Ord. 1925 to confirm that a certificate of occupancy is only issued after public improvements have been formally accepted.*

5. The applicant may meet the requirements of this Division by participating in a City approved improvement district.

#### 10-30.50.030 Public Improvements Defined

- Page 30.50-1

Public improvements mean any right-of-way, easement, access right or physical improvement that is required to mitigate the impacts of new development, as determined by an appropriate impact study, and which, upon formal acceptance by the City, becomes the responsibility of the City for ownership, maintenance and repair, unless provided by others including the maintenance of sidewalks and certain landscaping (See City Code Chapter 8-01). Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or urban trails and FUTS trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public.

*This minor amendment provides an important clarifying cross reference when public improvements are required to mitigate the impacts of new development.*

## 10-30.50.040 Public Improvement Agreement

- Page 30.50-2

~~If, pursuant to Section 10-30.50.020 (Responsibilities), above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the City's approval and/or issuance of the preliminary plat, site plan or Building Permit. The public improvement agreement shall be in a form approved by the City and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a City approved development agreement. The public improvements agreement may, if approved by the City Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this Division shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.~~

*The City Engineer and City Attorney's office recommends that this section be deleted as it is not needed because there are other mechanisms currently in place in the Engineering Standards as part of the review process for public improvements that made this requirement redundant. This was discussed with the Council some months ago. Note that all following sections in this Division will need to be renumbered and all cross-references checked.*

## 10-30.50.0450 Exemptions

- Page 30.50-2

The following ~~exceptions~~ are exempt from all the requirements of this Division: ~~except for the installation, construction or reconstruction of water and sewer line extensions, drainage improvements, and street and traffic control related improvements.~~

- A. An expansion or alteration of an existing nonresidential or multi-family residential use that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s); ~~or;~~
- B. An expansion or alteration of an existing nonresidential or multi-family residential use that results in a change of ~~less than~~ 50 percent or less of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona; ~~or;~~
- C. Construction of or alteration to a single-family detached residence or a duplex ~~residence~~ of any value ~~or an addition or alteration to an existing single-family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Engineering Standards.~~

*The qualifying clause in the opening sentence of this Section is unnecessary and has been deleted. As this Section does not apply to single-family residences, the term "multi-family residential" has been added throughout as a clarification.*

*The reference in Subsection C. is unnecessary, and has been deleted.*

#### 10-30.50.05~~60~~ Impact Analysis Required

- Page 30.50-3

A. Pursuant to [Chapter 13-05 \(Engineering Design Reports\)](#) of the *Engineering Standards* and the *Stormwater Regulations*, the City Engineer and Stormwater Manager shall require the applicant to furnish impact studies to assess the impact of new development on the City's existing streets, public utilities and drainage infrastructure. The Utility Director shall assess the impact of new development on the City's utility infrastructure.

*These amendments are necessary as the standards for a stormwater impact analysis are established in the City's Stormwater Regulations which are administered by the Stormwater Manager.*

B. When an impact study identifies impacts to the City's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.

C. [Impact analyses shall be valid for the period of time as defined in the Engineering Standards and the Stormwater Regulations.](#)

*This amendment provides a cross-reference to the Engineering Standards and Stormwater Regulations for when an impact analysis is no longer valid.*

D. The requirements of this Subsection may be waived with the consent of both the City and the applicant.

#### 10-30.50.06~~70~~ Minimum Requirements

- Page 30.50-3

The public improvements required pursuant to this Division shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision or land development as determined by the studies described in Section 10-30.50.060 (Impact Analysis Required), above. The presumptive minimum requirements ~~that are required~~ for public improvements [as described in Section 10-30.50.030 \(Public Improvements Defined\)](#) are:

A. **Right-of-Way**

1. If, as determined by the City Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate ~~the proposed or contemplated~~ public improvements ~~that are required to mitigate the impacts of the new development~~, then necessary right-of-way ~~shall~~must be ~~dedicated~~granted to the City.

2. The City Engineer may impose special requirements, such as imposing additional setbacks, to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

a. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remainder ~~ing portion~~ will~~shall~~ be considered a legal nonconforming lot.

~~a.b.~~ When it is necessary for a development to improve a street and, ~~after application of the requirements of Section 10-30.50.040.B,~~ sufficient right-of-way is not available from other area property owners not subject to the provisions of this Division, the Director, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way, provided there is a demonstrated public need for the additional right-of-way. All costs associated with the dedication of such right-of-way, including all legal fees, shall be the responsibility of the applicant.

*The amendments in Subsection A.1 provide an important clarifying cross reference when public improvements are required to mitigate the impacts of new development. Further, the standards in Subsection A have been divided into two new paragraphs to make a distinction between (1) required dedication as a result of impacts created by a new development and (2) dedication necessary because of right-of-way needs contemplated in the General Plan or a similar document. The cross reference deleted in Paragraph 2.b is incorrect, and is not needed. The City Attorney and the City Engineer, consistent with long-standing City practice, recommend that a statement be included to confirm that all costs, including legal fees, associated with right-of-way dedication should be the responsibility of the applicant rather than the City.*

### 10-30.60.060 Building Placement

Building placement on a development site is important because it establishes the form and pattern for the development along a street which in turn affects the human-scale of a site layout, its economic vitality, and how well the site functions with the connections between buildings, parking areas, and adjacent development.

A. Building-forward design solutions that ensure the building front is located at or near the sidewalk edge are required. Display windows and other architectural features that provide interest to pedestrians shall also be incorporated into the design. See also Section 10-50.20.030 (Architectural Standards) with specific reference to the Location and Orientation of Building Entrances and Windows Subsections.

B. When buildings are located at or near a sidewalk edge, the following standards apply to allow flexibility with site layout:

1. Required building foundation landscaping (See Section 10-50.60.050 (Landscaping Standards)) is not required along a street frontage and only peripheral buffer landscaping is required;
2. Forest resource protection standards (See Section 10-50.90.060 (Forest)) may be reduced by 5 percent; and
3. When there is a requirement for both open space (See Section 10-40.30.030 (Residential Zones)) and civic space (See Section 10-30.60.060 (Open Spaces, Civic Spaces and Outdoor Public Spaces)) on a development site, the civic space will be counted towards the open space requirement.

**Figure A.** A good example of a building placed close to a public street with strong pedestrian connections between the sidewalk and building entrances.



A.C. The primary entrance to a building shall be located to face a street or be connected to a street through the design of a building entry zone. The primary entrance to a building may also face a plaza or pedestrian way. When it is not possible to locate the primary entrance to face the street, plaza, or pedestrian way, a secondary entrance should be designed to connect to these public spaces.

[Add illustration from LDC, Chapter 16 – Middle of Page 54]

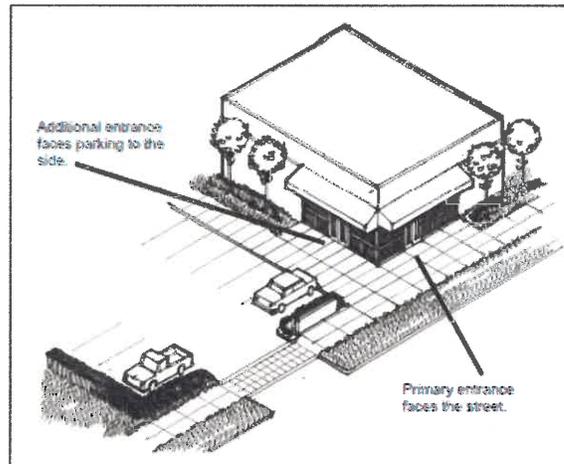


Figure B.

Update this illustration to make it clearer and to illustrate all concepts coded in the Section.

D. If it is not feasible to locate a building at the sidewalk edge (e.g. to accommodate a drive through lane), a screen wall designed to match the building materials of the primary building on the site or similar landscape feature is required. If the prevailing building placement of a block is characterized by building forward design, then the provisions of this Subsection shall not apply.

*This is a new section to this Division that incorporates design standards from the LDC that were inadvertently omitted from the new Zoning Code. Staff has consistently required building forward design through the application of Section 10-30.60.050 (Parking Lots, Driveways and Service Areas) – see below – in which parking areas are required to be behind or to the side of a building. Examples of some successful projects in recent years are included in an attachment to the staff summary for the December 1, 2015 work session. The former LDC standard requiring a building entrance to face a street has been modified to include the building entry zone, a concept introduced in 2014 into the Zoning Code with the amendments to Division 10-50.100 (Sign Standards).*

*Subsection B. has been inserted to provide additional standards that make it easier to place a building forward on a development site. Based on recent staff experience one of the issues is the need for reduced landscaping in such a situation and hence required building foundation along a street frontage is not required because otherwise an excess amount of landscape materials are needed. Further incentives include reductions in forest resources and the ability to overlap civic space with open space. These relaxed standards provide more flexibility to developers and make it easier to meet the intent of building forward design.*

*The amendment proposed in the second sentence of Subsection C. acknowledges that if the primary entrance to the building cannot face a street/sidewalk, then a secondary entrance should be designed to make this connection. This is also possible by applying the “building entry zone” concept so that signage can direct customers to the entrance to the building.*

*New Subsection D. provides a new standard that permits a building not to be placed close to a property line (such as when a drive-through lane needs to be accommodated), in which case a screen wall is required.*

Many of the former design standards have been consolidated and simplified, and the drawings from the LDC's design standards will be included in this Division to better illustrate these concepts.

**COUNCIL:** At the November 10<sup>th</sup> work session the Council directed a number of comments and questions to staff on the amendments proposed above in response to comments received at that work session from two members of the public. Staff has carefully reconsidered the amendments based on this feedback, the result of which is the changes highlighted and explained above. Note that no amendments are necessary in Section 10-20.40.090 (Minor Modifications to Development Standards) as suggested by staff in an email to Council dated November 13, 2015.

Note that an amendment is also proposed in Section 10-40.60.160 (Drive-through Retail or Service Facility) that would allow a drive through lane to be placed between the property line and the front of the building. The current Zoning Code prohibits this practice.

### 10-30.60.0750 Parking Lots, Driveways and Service Areas

- Page 30.60-9

#### A. Applicable to All Zones

3. To the maximum extent feasible, parking lots on a primary frontage shall be completely ~~or mostly~~ located to the side or behind a building rather than in front to reduce the visual impact of the parking lot.

This amendment more precisely and clearly defines the requirement for a parking area to be placed behind or to the side of a building on a primary frontage only consistent with staff's application of the former LDC. This means that on a secondary frontage this standard would not apply. This standard is directly related to the standard in new Section 10-30.60.060 (Building Placement) paragraph A regarding building forward design. Staff has analyzed a number of developments recently approved in the City and they would meet this standard, some with minor modifications to the site design. Insert a new illustration.

6. ~~Parking lots shall also meet the standards established in Section 10-50.80.080 (Parking Spaces, Lot Design and Layout).~~ Drive-through aisles and stacking areas shall meet the design standards established in Section 10-40.60.160 (Drive-through Retail or Service Facility).

The provision proposed to be deleted in this paragraph is already stated in Paragraph 1 of this Section, and is therefore, redundant. The new text in the proposed amendment provides a useful cross reference to the standards for drive-through aisles and stacking areas in Section 10-40.60.160 (Drive-through Retail).

7. Developments shall minimize the number of curb cuts onto a public street along a property edge by sharing driveways with an adjacent property to the maximum extent feasible.
8. Direct vehicular access via Rroads or driveways shall ~~be connect~~linked with the overall site circulation patterns with ~~of~~ adjacent parcels.

This minor amendment based on language in the former LDC's Design Guidelines reinforces the need for connections between adjoining parcels.

9. Driveways that connect to parking areas or service areas shall not be located between the front of a building and the property line adjacent to the public right-of-way.

*This amendment ensures that driveways (as well as parking areas – see #3 above) are not placed between a building and a public right-of-way. Refer also to the amendments proposed in Section 10-40.60.160 (Drive-through Retail or Service Facility) that would allow a drive-through lane to be located between the front of a building and the property line adjacent to a public right-of-way. Such driveways are currently prohibited in the current Zoning Code but are frequently necessary, for example, in the Trax development where site conditions would otherwise prohibit drive-through facilities.*

109. Service entrances, waste disposal areas, and other similar uses shall be oriented toward service lanes and away from major streets.

*Renumber all following paragraphs.*

**10-30.60.09~~60~~ Open Spaces, Civic Spaces, and Outdoor Public Spaces**

- Page 30.60-911

**B. Applicable to Non-Transect Zones**

**1. Civic or Public Space Requirement**

- c. Development sites that provide civic spaces are allowed the following:

- (1) A five percent reduction of on-site forest and/or slope resource protection standards as required by Division 10-50.80 (Resource Protection Standards) is permitted when on-site design conforms to the *Flagstaff Area Open Spaces and Greenways Plan* and public non-motorized pedestrian and bicycle access is included when applicable.

*This minor amendment clarifies that the resources reduction would also apply to a FUTS trail.*

Renumber the following sections:

**10-30.60.08~~70~~ Pedestrian and Bicycle Circulation System**

**10-30.60.09~~60~~ Open Spaces, Civic Spaces, and Outdoor Public Spaces**

**10-30.60.10~~70~~ Private Streets**

**Division 10-30.70: Residential Sustainable Building Standards**

**10-30.70.040 Minimum Standards**

- Page 30.70-3

**B. Transportation/ Air Quality**

2. The development is located within at least ¼ mile of a FUTS trail or connected to it.

*This minor amendment corrects the intent of this requirement, i.e. the development must be either within ¼ mile of a FUTS trail or is connected to the FUTS trail.*

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Roger Eastman, Zoning Code Administrator  
**Date:** 12/01/2015  
**Meeting Date:** 12/15/2015



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**TITLE**

**Policy discussion on proposed amendments to Zoning Code Chapters 10-60 (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps)**

**RECOMMENDED ACTION:**

Staff will be seeking Council direction on any policy issues associated with proposed amendments to Zoning Code Chapters 10-60 (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps)

**EXECUTIVE SUMMARY:**

This work session is part of a series of work sessions with the Council on proposed amendments to the Flagstaff Zoning Code. In these work sessions, staff will introduce the more substantive amendments to the Council explaining the reason for them and why the new amendment is being proposed. The Council will be able to identify any policy issues that warrant a more in-depth discussion, either at the current work session, or in a future work session.

**INFORMATION:**

***COUNCIL GOALS:***

7) Address key issues and processes related to the implementation of the Regional Plan

***REGIONAL PLAN:***

**Goal CC.3.** Preserve, restore, enhance, and reflect the design traditions of Flagstaff in all public and private development efforts.

**POLICY AMENDMENTS**

Staff has not identified the need for in-depth policy discussions with the Council on the amendments proposed in Chapters 10-60, 10-80, or 10-90. However, the proposed amendments to these chapters are attached in case there are specific issues the Council would like to discuss with staff. Brief comments on each of these chapters are provided below.

**Chapter 10-60 (Specific to Thoroughfares)**

Staff has not identified the need for any policy discussions in this chapter as the only amendments proposed ensure consistency with the City's adopted Engineering Standards.

**Chapter 10-70 (Specific to Civic Spaces)**

Staff has not identified the need for any amendments in this chapter.

**Chapter 10-80 (Definitions)**

This chapter includes the most significant amendments, although as stated above staff has not identified any of these warranting a policy discussion with the Council. Staff will be prepared to discuss any specific issues the Council may have on these proposed definitions.

**Chapter 10-90 (Maps)**

Staff has not identified the need for any policy discussions in this chapter as the only amendments proposed provide clarification to the existing text.

The attachment provides details of the proposed amendments to Chapters 10-60 (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps). Full details of all the proposed amendments are included in these documents, including an explanation of why the amendment is proposed. This may be easily identified because it is written in *italic* font. A summary of the substantive amendments to Chapter 10-80 (Definitions) is provided in a table on the first page with a brief description of the amendment and on what page it may be found.

If you have questions, or require clarification on the contents of this staff summary, please contact Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator, at [reastman@flagstaffaz.gov](mailto:reastman@flagstaffaz.gov) or (928) 213-2640.

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**Attachments:**    [Chapters 10-60, 10-80, & 10-90](#)

# Proposed Amendments to the Zoning Code

## Final Planning and Zoning Commission Recommendation

First created: October 26, 2011

Date of previous update: July 19, 2013

Most recent update: January 1, 2015; April 9, 2015; May 11, 2015; May 20, 2015; May 27, 2015; June 10, 2015; June 24, 2015; December 1, 2015

### Chapters 10-60 (Specific to Thoroughfares) and 10-80 (Definitions)

A summary of major/substantive amendments proposed in **Chapter 10-80** (e.g. a new definition is added or an existing definition is changed) is provided in the table below (No substantive amendments are proposed in Chapters 10-60, 10-70 or 10-90):

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
<b>Chapter 10-80: Definitions</b>			
10-80.20.020 Definitions, "B"	80.20-14	New definition for "building forward design"	4
10-80.20.030 Definitions, "C"	80.20-15	New definition for "camping"	4
10-80.20.030 Definitions, "C"	80.20-21	New definition for "construction/storage supply yard"	5
10-80.20.040 Definitions, "D"	80.20-25	Updated definition for "dormitories"	6
10-80.20.060 Definitions, "F"	80.20-33	Updated definition for "rural floodplain"	7
10-80.20.070 Definitions, "G"	80.20-36	Updated definition for "general services"	8
10-80.20.070 Definitions, "G"	80.20-9	Updated definition for "group home"	8
10-80.20.080 Definitions, "H"	80.20-39	Updated definition for "home occupation"	9
10-80.20.090 Definitions, "I"	80.20-42	New definition for "institutional use"	10
10-80.20.130 Definitions, "M"	80.20-52	New definition for "micro-brewery and micro-distillery"	12
10-80.20.160 Definitions, "P"	80.20-61	New definition for "physical fitness facility"	14
10-80.20.160 Definitions, "A"	80.20-62	New definition for "primary street"	14
10-80.20.190 Definitions, "S"	80.20-76	Updated definition for "single room occupancy"	15
10-80.20.190 Definitions, "S"	80.20-76	New definition for "site analysis plan"	16
10-80.20.200 Definitions, "S"	80.20-80	New definition for "taproom"	16
10-80.20.250 Definitions, "Y"	80.20-86	New definition for "yard"	17

## Chapter 10-60: Specific to Thoroughfares

- Page 60.10-6

### Table 10-60.10.080.A Summary of Thoroughfare Components.

1. T3 Movement Type - Travel Lane width for Lots > 1 acre should be 9' not 8'
2. T4 and T5 Movement Type - Bicycle Facility for Free and Speed 30 thoroughfares should be marked as "S" rather than "P".
3. Add a new symbol in the key - "S" for "When authorized by staff".
4. T6 Movement Type - Travel Lane width for Slow thoroughfares should be 9' not 8'; and Parking Lane (if provided) should be 8' not 7' in both T5 and T6 except on SLOW streets where 7' is appropriate.

*The amendments suggested above ensure consistency with the City of Flagstaff's Engineering Standards and values that were incorrectly brought forward from the TND chapter of the former LDC.*

## Chapter 10-80: Definitions

### Division 10-80.20: Definitions of Specialized Terms, etc.

#### Section 10-80.20.010 Definitions, "A."

**Animal Keeping:** ~~Raising or keeping of cattle, goats, horses, sheep, rabbits, poultry, or other animals.~~ The raising or keeping of certain farm animals (including for example, horses, cows, goats, or sheep) as authorized in City Code Chapter 6-03, (Animals). Animal keeping does not include the keeping of common household pets such as birds, dogs, or cats. Does not include shelters or kennels, see "Kennel, Animal Boarding."

*As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.*

**Apartment:** Any real property that has one or more structures and that contains ~~three~~<sup>four</sup> or more dwelling units for rent or lease including mini-dorms.

*This minor amendment ensures consistency with the Building Code and the standards for review of apartment buildings.*

**As-built Plans:** A set of architectural plans and other drawings that document actual existing conditions of a building and site, prepared by a qualified technician who collects accurate data, such as measurements and photographs, to inform the drawings. Unless specified otherwise, the Historic American Building Survey Guidelines shall be used to determine techniques for developing the drawings and for required drawing content.

*This amendment recommended by the Historic Preservation Commission ensures that a term used in the Zoning Code is defined.*

#### Section 10-80.20.020 Definitions, "B."

- Page 80.20-12

**Bed and Breakfast Establishment:** ~~The use of an owner-occupied single-family residence for commercial lodging purposes.~~ Accommodations offered by a private home, consisting of a room for the night and breakfast the next morning for one inclusive price.

*This amendment provides a more general definition for a bed and breakfast and removes all reference to development standards, such as, that the facility must be owner occupied.*

- Page 80.20-13

**Boat:** a small vessel or watercraft propelled on water by oars, sails, or one or more engines. A boat is not considered a recreation vehicle even though it may have facilities for temporary living quarters.

*This amendment provides a definition for a term that was not previously defined in the Zoning Code.*

#### **Buildable Area:**

1. In a manufactured home subdivision, the area where a manufactured home, other structure or automobile parking shall be placed on each lot.

2. The portion of a lot or parcel, exclusive of required setback areas or open space, within which a building or structure may be built.

*This amendment provides a more inconclusive definition of buildable area.*

- Page 80.20-14

**Building-forward Design:** The design and layout of a development site in which buildings are placed as closed to a primary street frontage as possible so that vehicle parking and circulation areas, including driveways, are located behind or to the side of a building. On a corner lot or parcel an appropriate building-forward design would place the building at the intersection.

*This definition helps to clarify and define the concept of building-forward design.*

[Insert appropriate illustration]

**Section 10-80.20.030 Definitions, "C."**

- Page 80.20-16

**~~Cisterns:~~** ~~Storage containers that capture a larger volume of runoff stormwater than a rain barrel.~~ Any above or below ground storage container used solely for the collection and storage of rainwater that has a capacity greater than 100 gallons.

*The amendment to this definition is recommended by City Stormwater Section staff.*

- Page 80.20-19

**Composting Facility:** A facility in which controlled biological decomposition of organic solid waste excluding restaurant grease and septage derived primarily from offsite locations under in-vessel anaerobic or aerobic conditions occurs for commercial purposes.

*This simple amendment clarifies that restaurant grease and septage is not permitted in a composting facility.*

~~**Concept Plan:** A generalized plan that conceptually illustrates a development proposal, including the identification of proposed land uses, land use intensity, circulation, and open space/sensitive areas. The relationship of the proposed development to existing surrounding development and uses should also be reflected.~~

*When Ord. 2013-21 was adopted a new definition of concept plan was adopted by the Council. At this time the old definition shown in strike-out above was inadvertently not deleted. The correct and updated definition was included in the Zoning Code.*

- Page 80.20-21

**Construction Storage/Supply Yard:** An outdoor storage facility operated by or on behalf of a contractor for the storage of large equipment, vehicles, and/or materials commonly used in the individual contractor's type of business, and the repair and maintenance of the contractor's equipment. May include an accessory office or buildings for the storage and repair of equipment and vehicles.

*As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.*

**Coverage:** The portion of a lot, expressed as a percentage, that is covered by any and all buildings and structures including accessory buildings and decks; except ~~for~~ing paved areas, uncovered parking areas, single-level unenclosed covered parking areas such as a carport (unless the roof space is used for any use or activity), structures supporting solar collectors, unenclosed covered walkways, driveways, walks, patios~~lanais~~, terraces, swimming pools, and landscape areas

*This amendment ensures consistency with the former LDC, and staff's interpretation and practice with implementation of the Zoning Code by including structures and decks within the definition of lot coverage.*

#### **Section 10-80.20.040 Definitions, "D."**

- Page 80.20-21

**Day Care, Center:** A facility regulated by the State that provides supervision for less than 24 hours per day for eight~~nine~~ or more children, elderly, or disabled persons in a facility other than a residence. This includes adult day care or adult day health as define in A.R.S 46-191.1.

*This minor amendment is needed because a "Day Care, Home" is defined as a facility "that receives no more than eight children, elderly, etc."*

- Page 80.20-25

**Dormitories:** A building or portion thereof that which contains living quarters in individual rooms for nine or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, ~~or~~ other comparable organization, or an organization or business that provides living quarters for its employees, provided that such building is either owned or managed by such organization. Areas held in common by all tenants within a dormitory include, but are not limited to, common gathering and meeting rooms, cooking facilities, laundry and other facilities. Single-family and two-family dwellings are defined separately. ~~See "Rooming and Boarding Facilities."~~

*This amendment more precisely defines a dormitory. Staff also recommends that the rooming and boarding facility use be eliminated as it is confusing because it incorrectly combines a single room occupancy facility with a dormitory, rooming and boarding facility, and fraternity or sorority.*

**Driveway:** A vehicular lane or lanes within a lot, or shared between two lots, providing access for vehicles ~~usually leading~~ to a garage, parking space, or ~~other~~ parking area.

*This amendment clarifies the definition of a driveway.*

**Drive-through Aisle:** A vehicular lane or lanes provided to serve a drive-through retail or service use including the required drive-through stacking area, area in front of order and pick-up windows, and the exit lane or lanes to a public street.

*This amendment provides a definition for a term that was not previously defined in the Zoning Code.*

- Page 80.20-26

**Duplex:** A residential building designed to be occupied by two families living independently of each other with two attached dwelling units on one lot or parcel. Said units may be attached front-to-back, side-to-side or stacked one atop the other.

1. **Front-to-Back:** An attached building type with two independent living units with one unit placed behind the other and sharing a common or party wall.
2. **Side-by-side:** An attached building type with two side-by-side independent living units sharing a common or party wall.
3. **Stacked:** An attached building type with two independent living units stacked one on top of the other.

*Staff recommends that the definition of “Dwelling, Two-family” should be merged with the definition of “Duplex” as these terms refer to the same building type. This change is reflected in Chapter 10-40 (Specific to Zones) and elsewhere in the Zoning Code where the term two-family dwelling is used.*

**Dwelling:** One or more habitable rooms for residential use that are used as a home, residence, or sleeping place by one or more persons and which mayshall contain sleeping, sanitary, and cooking facilities. Dwelling includes an apartment or condominium. This does not include a motel or hotel room (see “Lodging”) or suite or guest rooms in a boarding house (see “Boarding and Rooming Facilities”) or bed and breakfast (see “Bed and Breakfast Establishment”).

*This minor amendment ensures consistency with the City’s adopted Building Code.*

**Dwelling, Multiple-Family:** A dwelling contained in a building comprised of threefour or more dwelling units.

*This amendment provides consistency with the definition of a multi-family building in the Building Code.*

~~**Dwelling, Secondary Single-Family:** An existing detached residential unit, secondary in scale and bulk to the primary residence, used either as a second unit on an existing lot or on a separate parcel in connection with a land split. Refer to Section 10-40.60.300 (Secondary Single-Family Dwelling).~~

*As this term is being moved from the Zoning Code to Title 11 of the City Code, this definition may be deleted.*

~~**Dwelling, Two-Family:** A residential building designed to be occupied by two families living independently of each other.~~

*Refer to the explanation for the amendment to the definition of duplex on the previous page.*

## Section 10-80.20.060 Definitions, “F.”

- Page 80.20-30

**Fenestration:** The arrangement of openings in a building wall, including windows and doors, allowing light and views between the interior and the exterior of a building.

*This amendment ensures that a term used in the Zoning Code is defined.*

- Page 80.20-32

**Flea Market:** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures outside of an enclosed building.

*This amendment ensures that a term used in the Zoning Code is defined.*

- Page 80.20-33

**Floodplain:** Any areas in a watercourse that have been or may be covered partially or wholly by floodwater from a one hundred-year flood. For the purposes of this Zoning Code, floodplain areas shall be considered as one of the following types:

1. **Urban Floodplains:** Delineated floodplain areas that are located in developed urban areas of the City.
2. **Rural Floodplains:** Delineated floodplain areas that are essentially open space and natural land uses ~~which and~~ are unsuitable for ~~urban~~ development and active recreation purposes due to poor natural soil conditions and periodic flood inundation.

*This amendment is suggested by the City's Stormwater Section to clarify that active recreation (this includes ball fields and golf courses) are not suitable in rural floodplains.*

- Page 80.20-34

**Fraternity, Sorority:** Group living facilities of ~~greater than eight~~ for nine or more occupants, owned by an organization of university or college students or their parent organizations for housing members while enrolled in school and recognized as a student group by the university or college. ~~See "Rooming and Boarding Facility."~~

*The reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.*

**Frontage:** The areas ~~s~~ between a façade and the vehicular lanes inclusive of its built and planted components of private property and the right-of-way. Frontage also includes civic space such as a square or plaza, located within a block. Frontage is divided into private frontage and public frontage. Includes all the property fronting on one side of a street between the two nearest intersecting streets, excluding alleys, measured along the line of the street or, if dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

*This amendment expands the definition of frontage to include a civic space, such as Heritage Square, located within a block.*

**FUTS:** (Pronounced "foot") The Flagstaff Urban Trails System, a city-wide network of non-motorized, shared-use path ways that are used by bicyclists, walkers, hikers, runners, and other users for both recreation and transportation.

**Section 10-80.20.070 Definitions, "G."**

- Page 80.20-35

**Garden Wall:** A non-structural wall used to retain soil to prevent it from eroding away for which no Building Permit required.

*This amendment ensures that a term used in the Zoning Code is defined.*

- Page 80.20-36

**General Services:** Facilities primarily engaged in providing personal services, commercial services, and miscellaneous repair services and shops, including but not limited to the following:

<b>Commercial Services:</b>	<b>Repair Services:</b>	<b>Personal Services:</b>
		Wedding chapels, private
		<del>Fitness Facilities</del>

*On June 21, 2011 when council was approving the final amendments to Chapter 10-80 (Definitions) in the General Services definition on Page 80.20-35 under the Personal Services column of the table "Fitness Facilities" were included as a general services use. This use was inadvertently omitted and was not included within the final published Zoning Code as it should have been. However, following a staff discussion on an application for a rock climbing gym proposed in an LI zone, it was agreed that a cleaner and better way of accomplishing the same goal was to remove fitness facilities from this definition and instead to add "Indoor Commercial Recreation" as "UP7" in the LI-O zone.*

~~—**Government Offices:** Includes governmental office buildings and grounds.~~

*This definition has been moved to Section 10-80.20.150, Definitions "O."*

- Page 80.20-37

**Group Home:** A residential facility for eight or fewer unrelated persons providing living facilities, sleeping rooms, and meals in a family-like environment. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10. This use shall be considered as a single-family dwelling in terms of applicable building form standards. Residents are supervised by a sponsoring entity or its staff which furnishes rehabilitative services to the group home residents. A group home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or other individuals who are their legal guardians. A group home imposes no time limit on how long an individual can reside in the group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. ~~This use shall be considered as a single family dwelling in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10.~~ This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities, see "Institutional Residential."

*The amendments to this definition more accurately define a "group home" and are based on policy recommendations from the American Planning Association for such uses.*

#### **Section 10-80.20.080 Definitions, "H."**

- Page 80.20-39

**Home Occupation:** Any occupation, profession, activity, or use which is ~~customarily, in whole or in part,~~ conducted in a residence and, which does not change the exterior of the property, ~~or~~ affect the character of the residential use, or bring customer traffic into a residential neighborhood. ~~A home occupation does not include pet grooming, sales offices, automobile repairs, commercial stables, massage businesses, veterinary hospitals or clinics, medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations, medical marijuana qualifying patient cultivation locations, or other uses that would bring customer traffic into the neighborhood.~~

*This amendment improves, clarifies and simplifies this definition by eliminating the uses which are not considered as home occupations.*

- Page 80.20-39

**Hospital:** An institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of ~~two or more unrelated~~ persons admitted for overnight stay or longer in order to obtain medical treatment, including surgical, obstetric, psychiatric, and nursing care of illness, disease, injury, infirmity, or deformity. The term "hospital" also includes:

1. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of ~~two or more unrelated~~ persons suffering from emotional or nervous illness; and
2. All places where pregnant women are received, cared for, or treated during delivery, regardless ~~irrespective~~ of the number of patients received; ~~and~~
- ~~3. General and specialized hospitals, tuberculosis sanitarium, maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery.~~

*This amendment updates and clarifies the definition of a hospital.*

#### **Section 10-80.20.090 Definitions, "I."**

- Page 80.20-41

**Internal Illumination:** ~~A source of illumination contained entirely within the sign that makes the contents of the sign visible at night by means of light being transmitted through a translucent material, but wherein the source of the light is not visible.~~

*This definition is redundant and can be deleted as there is already a definition for "Sign, Internally Illuminated".*

- Page 80.20-42

**Inn:** ~~A lodging type, owner-occupied, offering six to 12 bedrooms, permitted to serve breakfast in the mornings to guests.~~

*This definition can be deleted as this term is not used in the Zoning Code.*

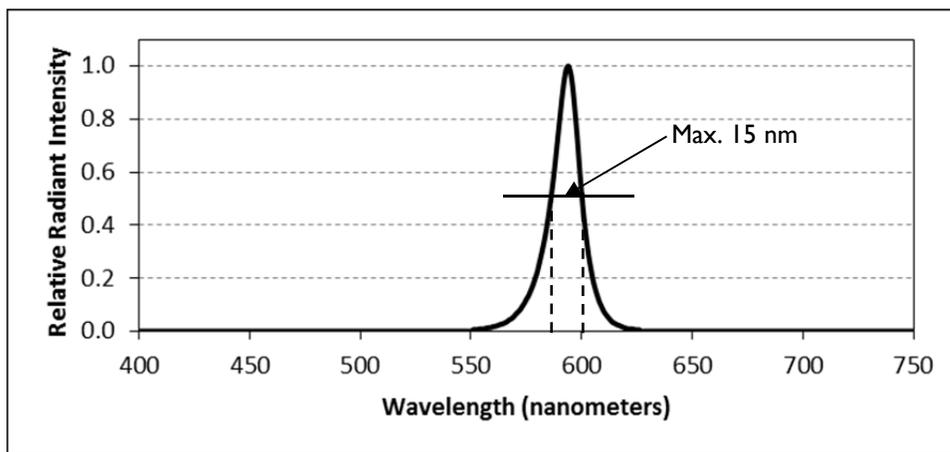
**Institutional Use:** A non-profit or quasi-public use such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public use.

*As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.*

#### 10-50.20.120 Definitions, "L."

- Page 80.20-44

**LED, Narrow-Spectrum Amber:** A light emitting diode (LED) with a spectrum similar to that shown in the graph below, and with a peak wavelength between 585 and 595 nanometers and a full width at 50 percent power no greater than 15 nanometers.



Representative Narrow-Spectrum Amber LED spectrum

*This amendment helps to explain the spectrum characteristics of a Narrow-Spectrum Amber LED lamp.*

- Page 80.20-44

**Light Reflectance Value (LRV):** A measure of visible and usable light that is reflected from a surface when illuminated by a light source, and conversely how much it absorbs. LRV is typically measured on a scale from 0% to 100% where a LRV of zero is assumed to be an absolute black and a LRV of 100% is assumed to be perfectly reflective white.

*This amendment ensures that a term used in the Zoning Code is defined.*

- Page 80.20-45

**Lighting Class 1:** All outdoor lighting used for applications where color rendition is required~~important~~ to preserve the effectiveness of an~~the~~ activity.

**Lighting, Class 2:** All outdoor lighting used for applications, ~~but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security~~ where general illumination for safety or security ~~of the grounds~~ is the primary concern.

**Lighting, Class 3:** Any outdoor lighting used for decorative ~~purposes~~effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees or bushes.

*The amendments to the Lighting Class definitions ensure consistency with the use of these terms in Section 10-50.70.050 B. (Lighting Classes). Examples of the application of these lighting classes have been consolidated in this Code Section.*

- Page 80.20-46 and -47

**Lot Lines:** The recorded boundary that legally and geometrically demarcates a lot. Types of lot lines are as follows:

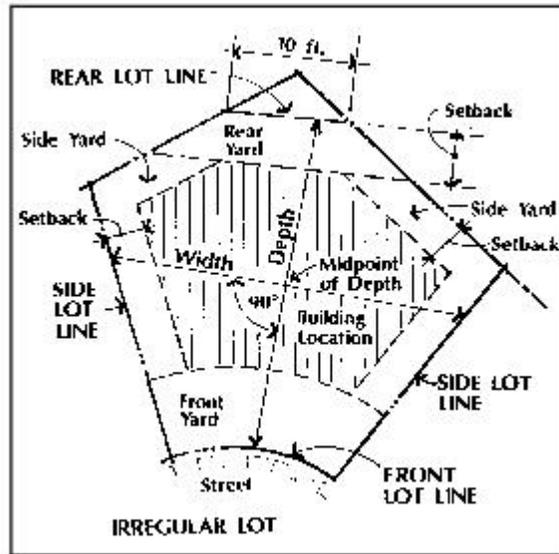
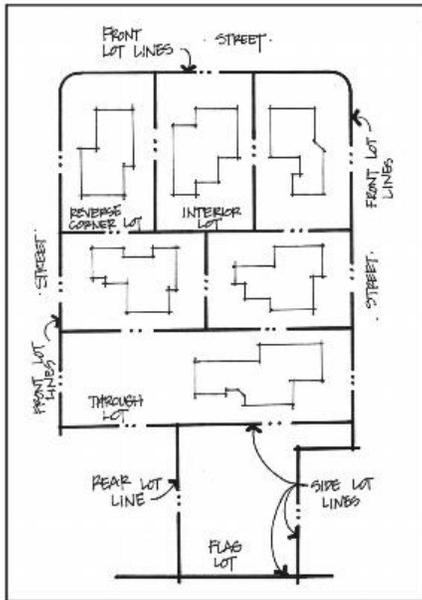
**Lot Line, Front:** A lot line on the lot's frontage.

1. **Corner Lot:** Either of the two lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line ~~which is obviously the front by reason of the prevailing custom of the other buildings on the block.~~ If such front is not evident, then either may be considered the front of the lot, but not both.
2. **Interior Lot:** The property line separating the lot from ~~bounding~~ the street frontage.
3. **Through Lot:** On a through lot both lot lines are front lot lines and the lot is considered to have no rear lot line~~That line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front lot line is not obviously evident, the Director shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots, each with its own frontage.~~

**Lot Line, Rear:** The ~~at~~ lot line which is most distant from and most closely parallel to ~~opposite~~ the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long lying within the lot and parallel to the front lot line. In the event that the front lot line is a curved line, then the rear lot line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front lot line at its midpoint.

**Lot Line, Side:** Lot lines connecting the front and rear lot lines.

*The amendments proposed above are intended to make the definitions easier to understand and apply. Insert illustration(s) to make these definitions clearer.*



### 10-50.20.130 Definitions, "M."

- Page 80.20-52

**Manufactured Home:** A structure built in compliance with Arizona Revised Statute, Title 41, Chapter 16, Articles 1, 2, 3, 4, and 5, Rules and Regulations A.A.C. R4 34 101— R4 34 1001, A.A.C. R4 36 201— R4 36 311, constructed in a factory or axles, and trailer tongue, but is primarily designed to be installed once. A manufactured home can be retro-fitted easily with running gear and moved with a temporary license plate. These units are built to the Housing and Urban Development standards. A transportable structure built on a permanent chassis in a factory or manufacturing plant in compliance with the Housing and Urban Development standards that is designed to be used as a dwelling with or without a permanent foundation and under the regulation of the Arizona State Office of Manufactured Housing.

*This amendment simplifies, clarifies and updates this definition.*

**Manufacturing and Processing, Incidental:** Facilities that are incidental and subordinate to the allowed primary use manufacturing or processing facility on a site, such as a coffee roaster, brewery or distillery.

*This essentially clerical amendment is suggested to clarify the meaning of this sentence.*

- Page 80.20-53

**Micro-brewery or Micro-distillery:** A facility engaged in the production, bottling, and packaging of beer and other fermented malt beverages or spirituous beverages on site that may include a taproom in which guests/customers may sample or purchase the product.

*This is a new definition for these uses that is clearer and more straight forward than calling them "Manufacturing and Processing, Incidental".*

#### 10-50.20.131 Definitions, "N."

- Page 80.20-57

~~**Nonstructural Sign Trim:** The molding, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure and are nonstructural in nature and do not contribute to the support of the sign.~~

*This definition can be deleted as this term is not used in the Zoning Code.*

#### Section 10-80.20.150 Definitions, "O."

- Page 80.20-57

**Offices:** Premises available for the transaction of general business and services including but not limited to professional, management, financial, legal, ~~health~~, social, or government offices, but excluding retail, artisan, and manufacturing uses.

**Offices, Government:** Includes governmental office buildings and grounds.

*This essentially clerical amendment moves this definition from Section 10-20.80.070 (Definitions "G.").*

**Offices, Medical:** An office building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

*This amendment ensures that a term used in the Zoning Code is defined.*

- Page 80.20-58

**Outdoor Storage or Display:** The storage or display of any personal or business materials, products, or equipment outside of a building.

*This amendment ensures that a term used in the Zoning Code is defined.*

- Page 80.20-59

~~**Overstory:** Tall trees in excess of 12 feet in height under which other understory trees and shrubs may be planted.~~

*This term is no longer used in the Zoning Code and may, therefore, be deleted.*

#### Section 10-80.20.160 Definitions, "P."

- Page 80.20-60

**Person:** Any individual, firm, partnership, association, joint venture, corporation, limited liability company, or the state of Arizona or any agency or political subdivision of the State.

*This minor amendment expands the definition of a person to include a limited liability company.*

- Page 80.20-61

**Physical Fitness Facility:** A facility where active or passive exercises and related activities are performed within an enclosed building for the purpose of physical fitness, improved, circulation or flexibility, and/or weight control.

*As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.*

- Page 80.20-62

**Preliminary Plat:** A preliminary map, including sketch and supporting data, of a proposed subdivision, drawn to scale with sufficient information to allow the ~~Review Authority to review the~~ plat to be reviewed, and ~~for to make~~ determinations and recommendations to be made.

*Staff recommends this amendment to better define a preliminary plat as it is significantly more comprehensive than a "sketch".*

**Primary Street:** A primary street is a street with the highest classification compared to other streets that front a lot or parcel, as determined by the Director. The primary street may have the most prominent address and it typically will have the majority of buildings fronting it.

*As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.*

#### **Section 10-80.20.180 Definitions, "R."**

- Page 80.20-64

**Rain Barrels:** Any above or below ground storage container Barrels connected directly to a downspout ~~to capture and store runoff for future use.~~ used solely for the collection and storage of rainwater that has a capacity of 100 gallons or less.

*This definition was suggested by City Stormwater Section staff.*

**Ranching:** Includes grazing and ranching activities such as the breeding and raising of horses and other livestock for commercial gain rather than for personal use.

*This amendment clarifies the definition of ranching consistent with the way this term is used in the Zoning Code.*

- Page 80.20-62

**Recreation, Active:** Recreational pursuits usually performed with others, ~~and~~ often requiring equipment and taking place at facilities, sites, or fields. Such areas may be intensively used and require ~~which required~~ physical alteration to the area in which they are performed. ~~Such areas are intensively used, and~~ Examples include but are not limited to playgrounds, sport courts, baseball/softball and other field sports, golf courses, and swimming pools.

*This amendment better describes active recreation and clarifies that golf courses are considered as active recreation.*

- Page 80.20-65

**Recreational Vehicle (RV):** A mobile structure designed as temporary living quarters for recreation, vacation, camping, or travel use, which is either self-propelled or is mounted on or drawn by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, fifth-wheel trailer, truck camper, motor home, or camper van.

Staff recommends that the term van should be clarified as a camper van, (i.e. one that is outfitted for temporary living quarters) as compared to a van that is used for a variety of other purposes, such as deliveries of goods, transporting people, etc.

- Page 80.20-67

**Rooming and Boarding Facility:** ~~A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence.~~

Staff recommends that this definition be deleted as it is confusing, and that uses grouped under this term in the Definitions should be listed separately. See related amendments in Chapter 10-40 (Specific to Zones - specifically the Use Tables in non-transect zones) and in the Parking Standards (Division 10-50.80).

#### Section 10-80.20.190 Definitions, "S."

- Page 80.20-76

**Single Room Occupancy (SRO):** A residential facility structure that provides living units with separate sleeping and bathroom facilities which are rented on a weekly or monthly basis. ~~that have separate sleeping areas and some combination of shared bath or toilet facilities.~~ Common facilities and services for laundry, cleaning, and meals may be provided for the residents. ~~The structure may or may not have separate or shared cooking facilities for the residents.~~ Single room occupancy includes buildings structures sometimes called residential hotels and rooming houses. ~~See also "Boarding and Rooming Houses."~~

This amendment updates and clarifies the definition of a single room occupancy and the reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.

**Site Analysis Plan:** A Site Analysis Plan allows the physical, heritage, natural and other characteristics of a development site to be mapped so that these characteristics may influence how the site will be developed, minimizing site disturbance and environmental damage while preserving features that are valued.

This amendment provides a definition of a Site Analysis Plan.

- Page 80.20-77

**Solar Roof Paneling:** ~~Roof paneling that uses the sun's light to create electricity directly through photovoltaic cells (PV).~~

As the definition for "solar collector" includes solar roof paneling, this definition is redundant and may be eliminated.

**Sorority:** See "Fraternity, Sorority."

- Page 80.20-79

**Structure:** The result of arranging materials and parts together, such as buildings, towers, tanks (excluding rain barrels and cisterns), and fences (but not including tents or vehicles) and attaching them to the ground. It shall also mean a mobile home, anything constructed or erected, any building of any kind artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to

something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas, walkways, tennis courts, and similar outdoor areas, and fences or walls 3 feet or less in height are not structures.

*The amendment to this definition was suggested by City Stormwater Section staff to ensure that rain barrels and cisterns were not included in the definition for structure.*

#### **Section 10-80.20.200 Definitions, "T."**

- Page 80.20-80

**Taproom:** A retail sales facility where customers may taste and purchase beverages processed on the site, including beer and spirituous liquors.

*As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.*

- Page 80.20-81

**Trade Schools:** A specialized school frequently owned and operated privately for profit providing on-site training of business, commercial, industrial and trade or vocational skills.  
~~Includes trade or vocational training schools.~~

*This amendment provides a more comprehensive definition for a trade school.*

**Townhouse:** A single-family dwelling that shares a party wall with another of the same type placed side by side~~and occupies the full frontage line.~~

*This amendment clarifies that a townhouse does not need to occupy the full frontage line.*

#### **Section 10-80.20.210 Definitions, "U."**

- Page 80.20-83

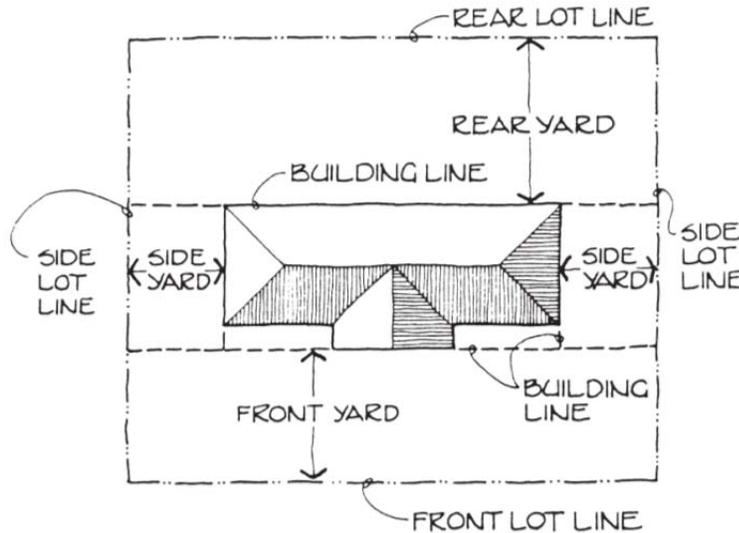
~~**Understory:** Small trees and shrubs that may be either deciduous or evergreen, adding structure, texture, color, and multi-season interest when used as a landscape element that grow under taller trees (See overstory trees). Understory trees are usually no more than 10-12 feet in height and are therefore appropriate to be planted under overhead power lines.~~

*This term is no longer used in the Zoning Code and may, therefore, be deleted.*

**Section 10-80.20.250 Definitions, "Y."**

- Page 80.20-86

**Yard:** An open area at grade between a principal or accessory building or buildings and the nearest lot line that is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Code.



**Yard, Exterior:** A yard extending from the front yard to the rear yard between any building and the exterior side lot line. On corner lots, the exterior side yard is adjacent to a street other than the one which determines the front yard.

**Yard, Front:** A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

**Yard, Interior:** A yard extending from the front yard to the rear yard between the principal building and the side lot line adjacent to another lot measured perpendicular from the side lot line to the closest point of the principal building.

**Yard, Rear:** A yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

*These amendments provide definitions for these important terms used throughout the Zoning Code that were not carried forward from the LDC. Note that a yard is not synonymous with a setback area as a building may be placed further from a lot line than that required by the required setback. In this case then, the yard would have a greater depth than that required by the setback.*

# Chapter 10-90: Maps

## Content:

<b>Division 10-90.10: Purpose</b>	<b>90.10-1</b>
10-90.10.010 Purpose	90.10-1
<b>Division 10-90.20: Cultural Resource Maps</b>	<b>90.20-1</b>
10-90.20.010 Cultural Resource Sensitivity Map	90.20-3
10-90.20.020 Flagstaff Southside Historic District (National Register District) Map	90.20-5
10-90.20.030 Flagstaff Townsite Historic Residential District (National Register District) Map	90.20-7
10-90.20.040 North End Historic Residential District (National Register District) Map	90.20-9
10-90.20.050 Railroad Addition Historic District (National Register District) Map	90.20-11
<del>Division 10-90.30: Rural Floodplain Map</del>	<del>90.30-1</del>
<b>Division 10-90.40: Overlay Maps</b>	<b>90.40-1</b>
10-90.40.010 Airport Avigation Area Map	90.40-3
10-90.40.020 Airport Overlay Zone Map	90.40-5
10-90.40.030 Downtown Historic District Overlay Zone Map	90.40-7
10-90.40.040 Flagstaff Central District Map	90.40-9
10-90.40.050 Resource Protection Overlay (RPO) Map	90.40-11
10-90.40.060 Townsite Overlay Zone Map	90.40-13
<b>Division 10-90.50: Subject Specific Maps</b>	<b>90.50-1</b>
10-90.50.010 Flagstaff Sign Free Zone Map	90.50-3
10-90.50.020 Lighting Zone Map	90.50-5
10-90.50.030 Rural Floodplain Map	90.50-7
10-90.50.040 Placeholder	90.50-9
<del>Division 10-90.50: Lighting Zone Map</del>	<del>90.50-1</del>
<b>Division 10-90.60: Placeholder</b>	<b>90.60-1</b>
<b>Division 10-90.70: Placeholder</b>	<b>90.70-1</b>
<b>Division 10-90.80: Zoning Maps</b>	<b>90.80-1</b>

*These non-substantive amendments improve the organization of this chapter. Cross check throughout the Zoning Code to correct all map references.*

**10-90.80 Zoning Map**

**10-90.80.010 Zoning Map**

B. The Zoning Map comprises two related maps as follows:

1. Zoning Map for the City of Flagstaff showing the non-transect and transect zones [\(illustrated on a Regulating Plan included as an inset on the Zoning Map\)](#) as applied within the City; and,
2. Overlay Zones Map showing the different overlay zones associated with the Zoning Map.

*This minor amendment clarifies that the transect zones are mapped on a Regulating Plan which is included as an inset on the Zoning Map.*

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Reid Miller, Sr. Project Manager - R. Miller  
**Date:** 11/30/2015  
**Meeting Date:** 12/15/2015



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**TITLE**

**Discussion of Disabled-accessible Parking in Downtown.**

**RECOMMENDED ACTION:**

The report is for information only and therefore no action is recommended.

**EXECUTIVE SUMMARY:**

Council requested information about disabled accessible parking in the downtown area. Staff has prepared a brief PowerPoint presentation (attached) that provides an inventory of the public parking lots in the downtown, the total number of parking spaces, the number of disabled accessible spaces in each lot, and the total number of parking spaces in the right-of-way. Also attached is a City Council Report that was prepared by Karl Eberhard and submitted on September 25, 2015. This report provides a little more detailed information on the subject. The presentation also includes staff's recent discussions with the Disability Awareness Commission (D.A.C.) concerning accessible parking in the downtown and code enforcement.

**INFORMATION:**

***COUNCIL GOALS:***

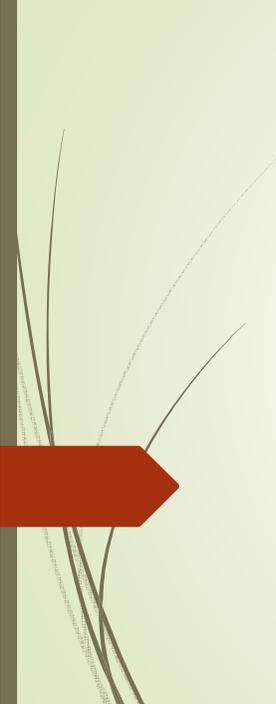
3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics

***REGIONAL PLAN:***

LU.10.2

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**Attachments:** PowerPoint  
CCR



# Accessible Parking

Downtown Flagstaff

Presenter: Reid Miller, Transportation Engineering Project Manager



## Overview

- ▶ Available Parking Downtown
- ▶ Disability Awareness Commission (D.A.C.)
- ▶ Accessible Parking in the Right-of-Way

## Available Parking Downtown

- Downtown Defined
  - The area encompassed by the Flagstaff Downtown Business Improvement and Revitalization District
  - Roughly bounded by Humphrey's/Verde, and Phoenix/Cherry



## Available Parking Downtown Cont.

- List of Parking Lots
  - The table below shows the locations of public parking lots, the total number of parking spaces, and the total number of ADA accessible spaces. Additionally, it includes a total number of parking spaces in the right of way of the Downtown.
- ADA and Zoning Code Compliance
  - The table shows the discrepancies between the ADA Regulations and the current City of Flagstaff Zoning Code

Locations	Total Parking Spaces	Total ADA Provided	Required by ADA Regulations	Over/Under by ADA Regulations	Required by Zoning Code	Over/Under by Zoning Code
Phoenix Avenue - West	134	5	5	0	6	-1
Phoenix Avenue - East	23	1	1	0	2	-1
Train Station/Visitor's Center	46	4	2	2	3	1
Lumberyard Parking Lot	47	4	2	2	3	1
Leroux Parking Lot	12	4	1	3	1	3
Beaver Street Parking Lot	25	2	1	1	2	0
Library	31	2	2	0	2	0
Wheeler Park	53	2	3	-1	3	-1
City Hall	117	5	5	0	6	-1
Cherry Building (COF)	43	2	2	0	3	-1
Municipal Court	16	1	1	0	1	0
Parking in the Right of Way	821	0	0	0	0	0
<b>Total</b>	<b>1368</b>	<b>32</b>	<b>25</b>	<b>7</b>	<b>32</b>	<b>0</b>

## Disability Awareness Commission (D.A.C.)

- Staff attended three monthly meetings to discuss:
  - ADA Parking at special events
  - Code Enforcement
  - ADA Accessible parking in the downtown



New Years Eve Pine Cone Drop

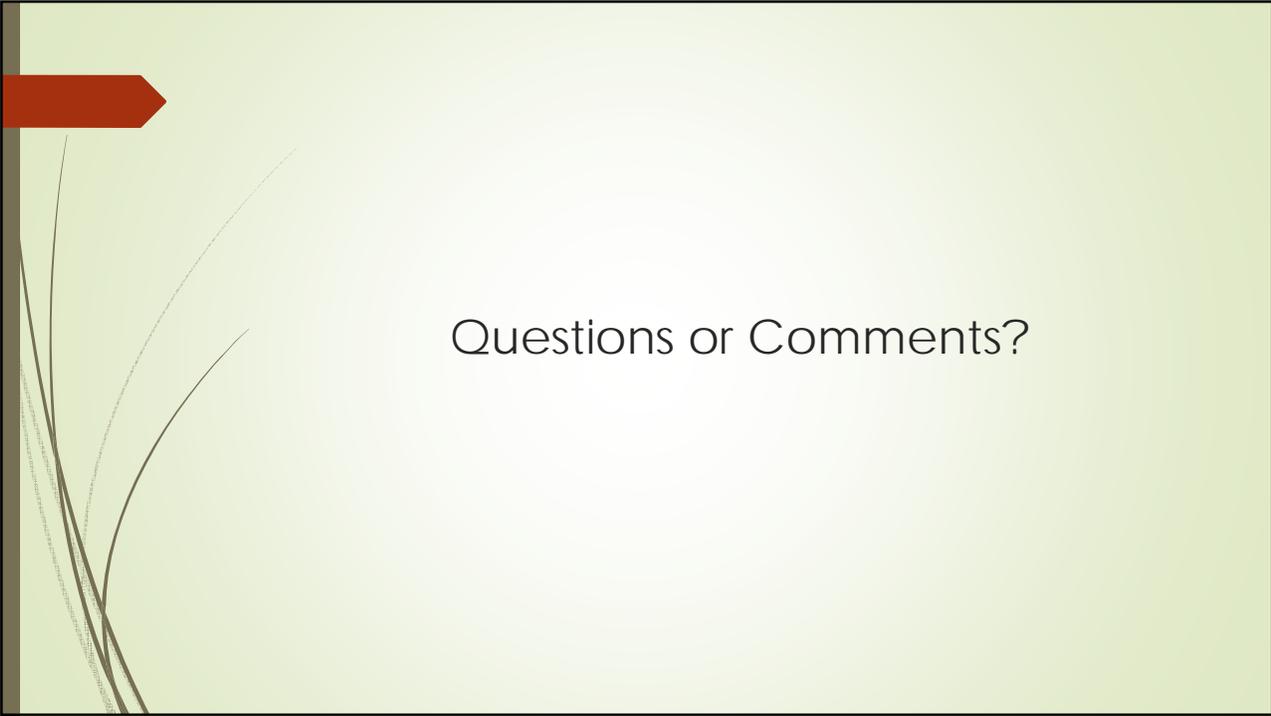


Downtown Light Parade

## Accessible Parking in the Right-of-Way

- The United States Access Board is developing new guidelines that will address various issues including:
  - Access for blind pedestrians at street crossings
  - Roadway design practices
  - Wheelchair access to on-street parking
- Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under title II of the ADA.





CITY COUNCIL REPORT

DATE: September 25, 2015
TO: Mayor and Councilmembers
FROM: Karl Eberhard, Community Design and Redevelopment Manager
David McIntire, Community Investment Director
Heidi Hansen, Economic Vitality Director
CC: Josh Copley, Jerene Watson, Barbara Goodrich, Leadership Team
SUBJECT: Accessible Parking in Downtown

This City Council Report is provided in response to a request for information regarding accessible parking in downtown.

DISCUSSION

For this City Council Report, "downtown" was defined as the area encompassed by the Flagstaff Downtown Business Improvement and Revitalization District, and roughly bounded by Humphrey's Street and Verde Street, and by Phoenix Avenue and Cherry Avenue. This report only addresses City provided public parking and excludes County provided and privately provided parking. A few public parking lots are just outside this boundary, but serve downtown, and are therefore included.

Neither the Americans with Disabilities Act (ADA) nor the Flagstaff Zoning Code requires the provision of accessible parking spaces for on-street parking. However, consideration has been given to adding such a requirement in a future amendment to the ADA. The generally accepted proposal is to require them under the same rules as is currently used for parking lots (see table below) and to permit them to be combined with off-street parking under the same jurisdiction. Under the proposed rule, the following table summarizes accessible parking provided by the City in downtown:

Table with 5 columns: Total, Provided, REQ'D, Surplus, and a percentage column. Row 1: Total Spaces (Lots and Streets): 1368, 32, 24, 8, 33%

Currently we exceed the number of spaces that would be required if the proposed rule were adopted into the ADA.

Next we examined accessible parking provided by the City in parking lots. Both the Americans with Disabilities Act (ADA) and the Flagstaff Zoning Code require the provision of accessible parking spaces within parking lots. The required number of spaces in each lot differs between the two codes. The currently pending Zoning Code Amendments would make the Zoning Code requirements match the ADA requirements. The current ADA requirements are:

Total Number of Parking Spaces in Parking Facility(Lot or Garage)	Minimum Number of Accessible Parking Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

And, the current Zoning Code requirements are:

<b>Table 10-50.80.080.B: Min. Number of Accessible Spaces</b>	
<b>Total Parking in Lot</b>	<b>Required Min Number of Accessible Spaces</b>
1 to 20	1
21 to 40	2
41 to 60	3
61 to 80	4
81 to 100	5
101 to 140	6
141 to 200	7
201 to 300	8
301 to 400	9
401 to 500	10
501 to 1000	2% of total
>1,000	20 plus 1 for each 100 over 1,000

Accessible parking provided by the City in parking lots:

	Accessible Spaces							
	Total	Provided	ADA			Zoning Code		
			REQ'D <sup>1</sup>	Over/Under		REQ'D <sup>1</sup>	Over/Under	
Phoenix Avenue - West	134	5	5	0	-	6	-1	-17%
Phoenix Avenue - East	23	1	1	0	-	2	-1	-50%
Train Station/Visitor's Center	46	4	2	2	100%	3	1	33%
Lumberyard Parking Lot	47	4	2	2	100%	3	1	33%
Leroux Parking Lot	12	4	1	3	300%	1	3	300%
Beaver Street Parking Lot	25	2	1	1	100%	2	0	-
Library	31	2	2	0	-	2	0	-
Wheeler Park	53	2	3	-1	-33%	3	-1	-33%
City Hall	117	5	5	0	-	6	-1	-17%
Cherry Building (CoF)	43	2	2	0	-	3	-1	-33%
Municipal Court	16	1	1	0	-	1	0	-
Total:	547	32 <sup>2</sup>	25	7	28%	32 <sup>2</sup>	0	-
		5.85%	4.57%			5.85%		

1. The number of spaces required for new construction and when parking lots are altered (such as when a parking lot is re-striped or re-surfaced).
2. The fact that the total number is the same for both codes is coincidental, but also irrelevant as both codes require that each lot comply.

Looking at each parking lot individually, except for the Wheeler Park parking lot, all City parking lots meet the ADA requirements for new construction. Having now evaluated our accessible parking at the level of detail provided on this report, and in the process examined the Wheeler Park parking lot in detail, staff can (and plans to) add an accessible space to the Wheeler Park parking lot. When complete, all City parking lots will meet or exceed ADA requirements.

Relative to the existing Zoning Code without amendment, some City lots have fewer spaces than would be required for new construction while others have more. However, the City has not constructed or modified any public parking lots since the Zoning Code was adopted. The provision of additional spaces is not required until these parking lots are altered.

RECOMMENDATION / CONCLUSION

This report is for information only

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 12/03/2015  
**Meeting Date:** 12/15/2015



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**TITLE**

**Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Putzova to place on a future agenda a discussion on affordable housing.

**RECOMMENDED ACTION:**

Council direction.

**EXECUTIVE SUMMARY:**

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Councilmember Putzova has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda.

**INFORMATION:**

None

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**Attachments:**