

## WORK SESSION AGENDA

CITY COUNCIL WORK SESSION  
TUESDAY  
SEPTEMBER 29, 2015

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

1. Call to Order
2. Pledge of Allegiance
3. 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

4. **Preliminary Review of Draft Agenda for the October 6, 2015, City Council Meeting.\***

*\* Public comment on draft agenda items may be taken under "Review of Draft Agenda Items", at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the Review section may submit a speaker card for their items of interest to the recording clerk.*

- A. **Review of 10/06/2015 Item 10-C:** Microwave network design and build to replace current fiber network.

5. **Public Participation**

*Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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. **Presentation on the City's Investments by The PFM Group.**
7. **Review of Constitutional Issues and Panhandling within the City of Flagstaff.**
8. **Fourth Street Safety/Pedestrian Improvements.**
9. **Policy Discussion on Proposed Amendments to Zoning Code Chapter 10-30 (General to All).**

**10. Review of Draft Agenda Items for the October 6, 2015, City Council Meeting.\***

*\* Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

**11. Public Participation**

**12. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.**

**13. 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

# Memorandum

6.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** Andy Wagemaker, Revenue Director  
**Date:** 09/15/2015  
**Meeting Date:** 09/29/2015



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### TITLE:

**Presentation on the City's Investments by The PFM Group.**

### DESIRED OUTCOME:

At this work session, the City's investment management firm, The PFM Group, will present a brief background on how the firm helps the City manage its investment portfolio and the services that it provides the City.

### EXECUTIVE SUMMARY:

Historically, the City managed its own investment portfolio. In early 2011, the City looked into hiring an investment management firm to handle the City's investments and issued a Request for Proposal (RFP). On July 5, 2011, City Council approved a contract with The PFM Group for investment management services. On November 12, 2013, The PFM Group presented a brief overview on the City's investments. This presentation is an updated overview of the City's investments.

### 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

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**Attachments:** [Investment Presentation](#)



# Investment Program Update

## September 29, 2015



### The PFM Group

Public Financial Management, Inc.  
PFM Asset Management LLC  
PFM Advisors

1820 East Ray Road  
Chandler, AZ 85225  
855-885-9621  
Lauren Brant, Managing Director  
Paulina Woo, Senior Managing Consultant

# City's Investment Objectives

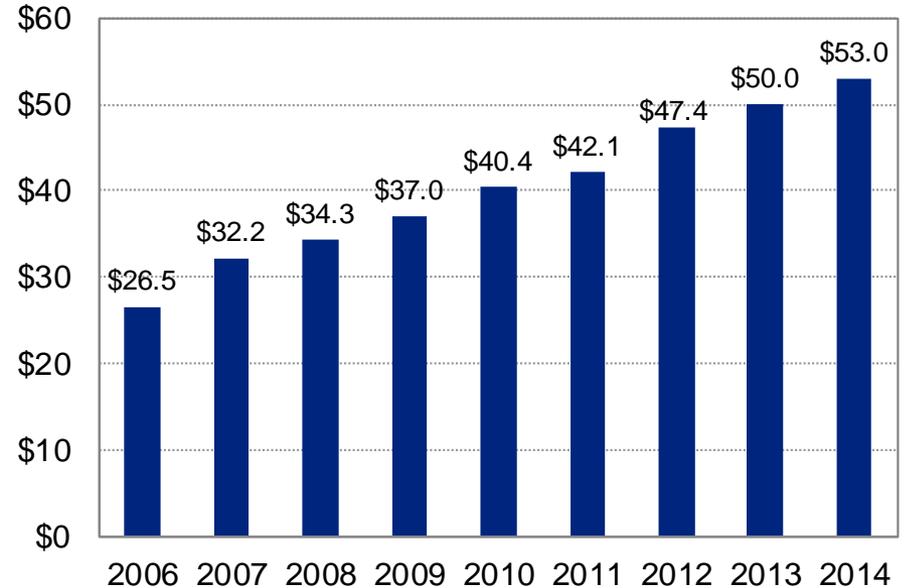
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- **Safety of Principal:** Ensure preservation of capital
- **Liquidity:** Provide liquidity to meet operating requirements
- **Yield:** Attain market rate of return; subordinate to safety and liquidity

# Overview of PFM Asset Management LLC

- Independent investment advisor
  - No inventory of securities
  - Competitively bids every security
- Registered with the SEC
  - Fiduciary responsibility
- Public sector focus
- Professionals with 30+ years of asset management experience
- Over \$2 billion of assets for Arizona public agencies<sup>1</sup>

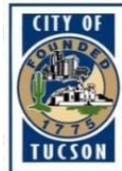
**Assets Under Management<sup>2</sup>**  
\$ in Billions



1. As of June 30, 2015.

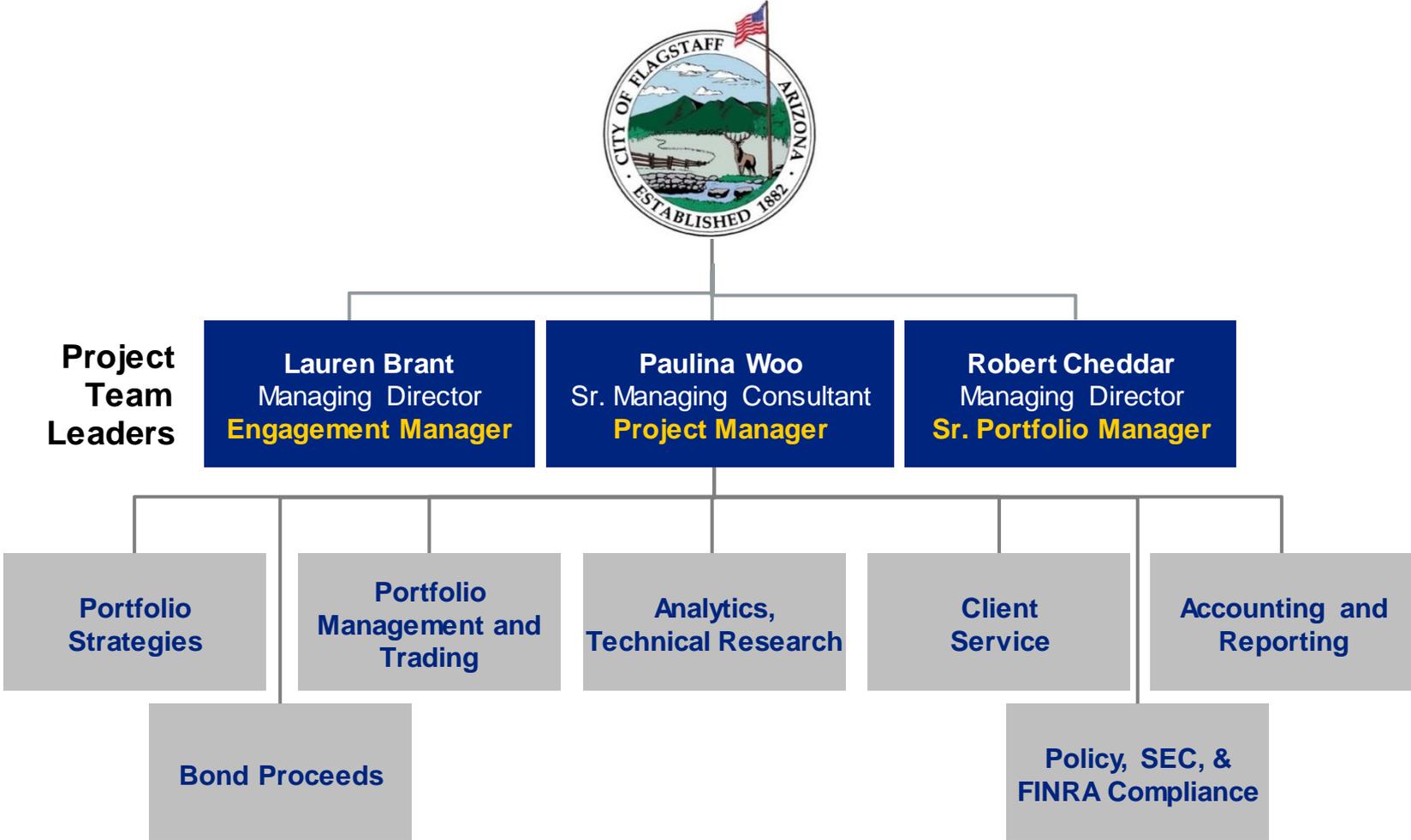
2. Discretionary assets as of December 31, 2014.

# Strong Commitment to Arizona



See disclaimers at the end of presentation.

# How PFM Supports the City



*Supported by PFM's Team of 199 Professionals*

# Investment Program Achievements

*Portfolio is managed to achieve the City's investment objectives:*

<b>Safety</b>	<ul style="list-style-type: none"><li>• Compliance with City's Investment Policy and Arizona Revised Statutes</li><li>• High quality, fixed-income securities monitored daily</li><li>• Diversification by sector and issuer</li><li>• Transparency in trade and reporting processes</li></ul>
<b>Liquidity</b>	<ul style="list-style-type: none"><li>• All securities are highly liquid and can easily be traded</li><li>• Securities targeted to known cash flow needs</li><li>• Ongoing communication with staff regarding needs (e.g., land purchases)</li></ul>
<b>Yield</b>	<ul style="list-style-type: none"><li>• Tools and analyses to determine sectors that offer best relative value</li><li>• Performance relative to an industry standard benchmark</li><li>• Proactive management, when opportunities arise</li><li>• Generated \$2 million in earnings since inception</li></ul>

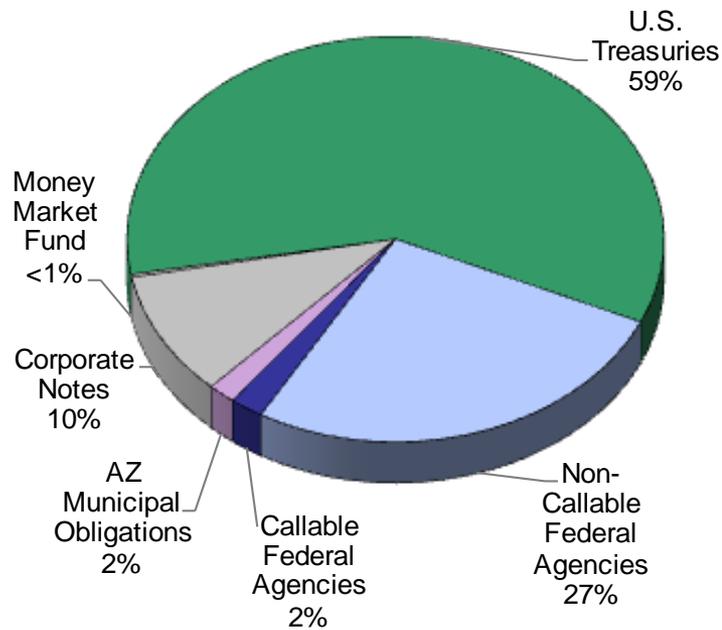
*\* Earnings on accrual basis October 31, 2011 – June 30, 2015. Earnings represent only PFM-managed portfolio (excludes City's liquid and CDARs holdings).*

# Overview of City's Current Managed Portfolio

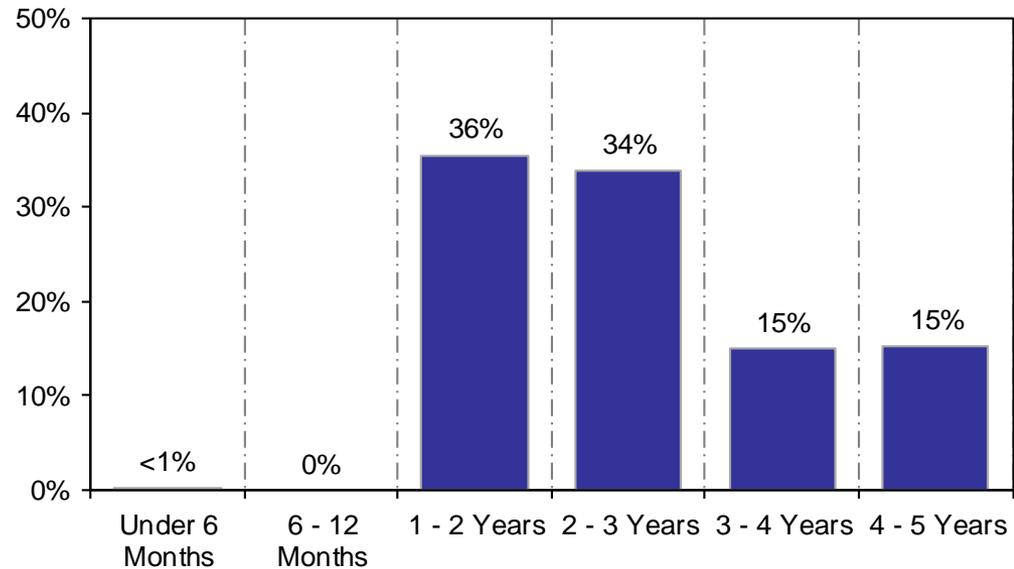
## Portfolio Characteristics as of June 30, 2015

- Market Value: \$82,430,090
- Average Credit Quality: AA+
- Yield at Cost: 1.08%
- Average Maturity: 2.59 years

### Sector Allocation



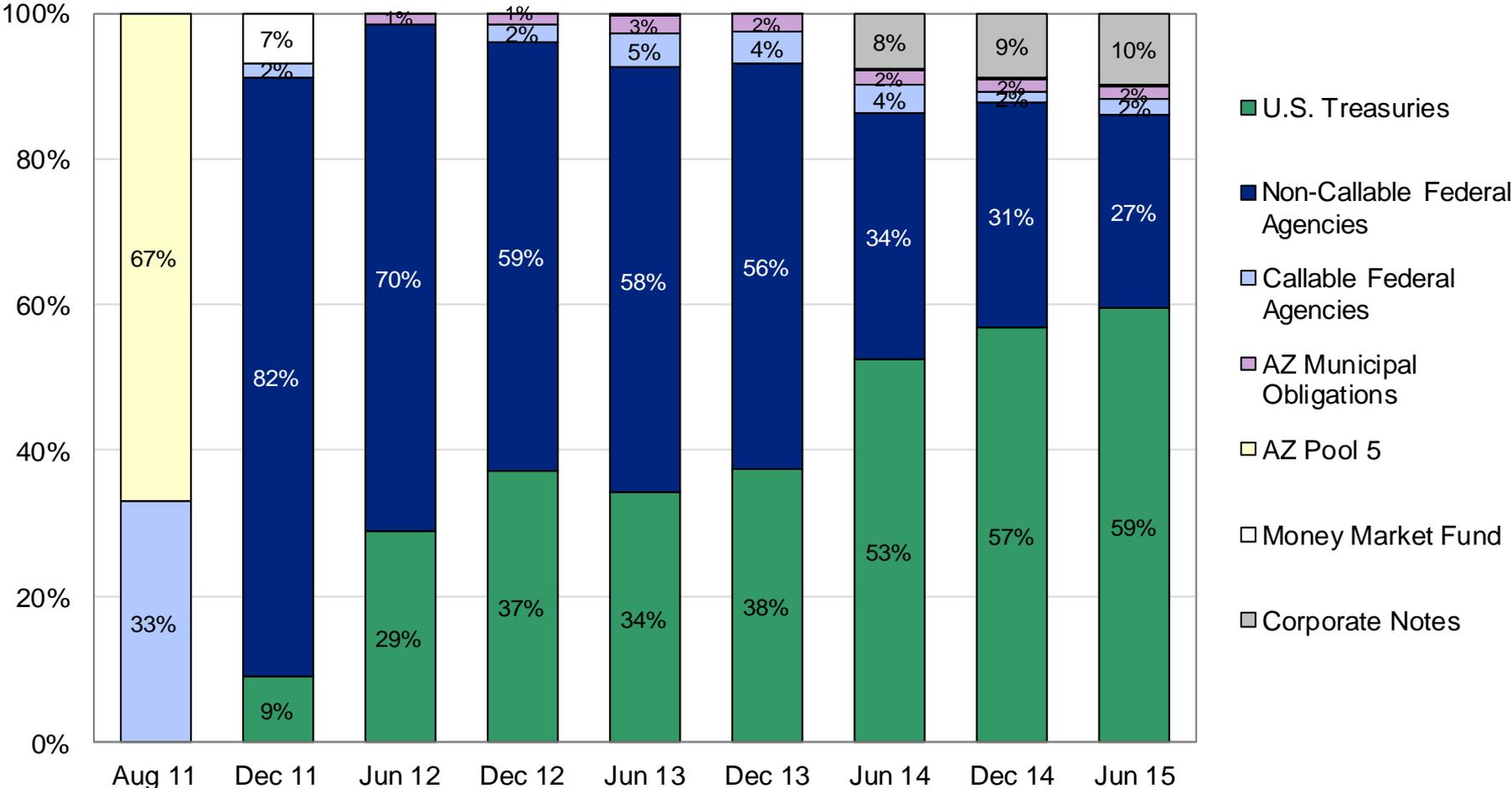
### Maturity Distribution



Source: City of Flagstaff Portfolio

# Dynamic Sector Diversification

**Flagstaff Sector Allocation  
August 2011 – June 2015**



Source: City of Flagstaff Portfolio

# Value of Proactive Management

- We purchase securities with intent to hold to maturity.
- Market opportunities arise throughout the life of the security where it makes sense to move out of one investment and into another.
- During FY14/15 we executed 38 transactions.

## Example of Trade in the Portfolio

Trade Date	Transaction	Security	Maturity	Par Value (millions)	Market Yield	Realized G/L
8/6/14	Buy	FHLB Notes	9/28/16	\$1.95	0.61%	-
8/6/14	Sell	U.S. Treasury	8/31/16	\$1.93	0.52%	\$10,952

*This trade is illustrative and does not reflect all the transactions over the period.*

### Federal Agency Acronyms

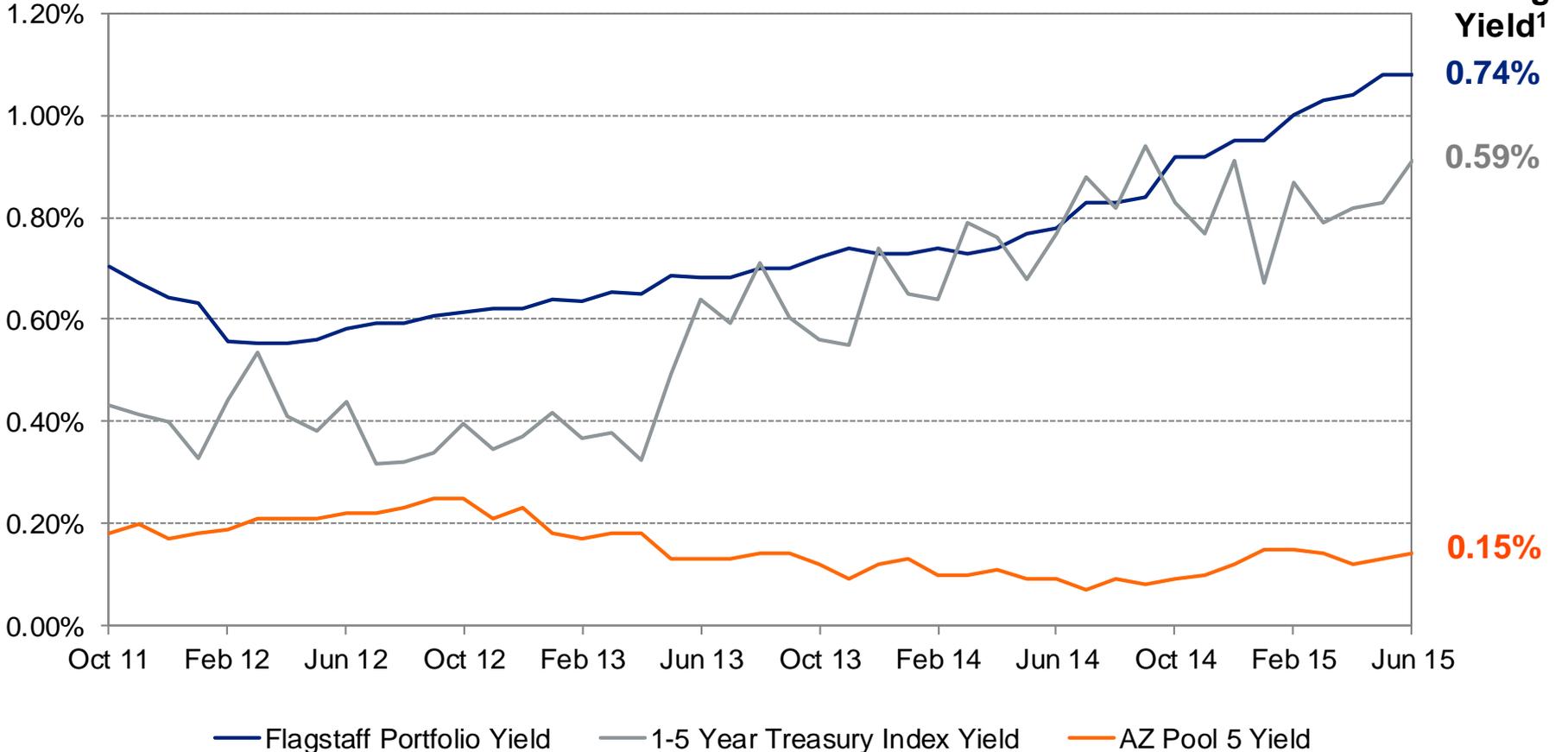
FHLB: Federal Home Loan Banks

FHLMC: Federal Home Loan Mortgage Corporation (Freddie Mac)

FNMA: Federal National Mortgage Association (Fannie Mae)

# Portfolio Maintains Attractive Yield

**Yield Comparisons**  
October 31, 2011 – June 30, 2015



Sources: City of Flagstaff Portfolio, Merrill Lynch/BofA Global Bond Indices, and Arizona Treasurer's Office.  
<sup>1</sup>Average yield represents the average monthly yield between October 2011 and June 2015.

# Economic Update

- Gradual domestic economic recovery and employment growth.
- Global economic weakness (Europe and China).
- High market volatility, but overall upward interest rate trend.
- Federal Reserve expected to raise interest rates in late 2015.



2- Year U.S. Treasury Yield  
June 2012 – June 2015



Source: Bloomberg

# Current Investment Strategy

- Maintain safety of City's assets, while strategically enhancing earnings.
- Utilize the following management strategies:
  - Position the portfolio prudently in anticipation of rising rates.
  - Actively adjust the average maturity of the portfolio in the volatile interest rate environment.
  - Capitalize on sector and market opportunities to safely generate earnings.
  - Maintain diversified portfolio by sector, issuer, and maturity.

# Disclaimer

*This material is based on information obtained from sources generally believed to be reliable and available to the public, however PFM Asset Management LLC cannot guarantee its accuracy, completeness or suitability. This material is for general information purposes only and is not intended to provide specific advice or a specific recommendation. All statements as to what will or may happen under certain circumstances are based on assumptions, some but not all of which are noted in the presentation. Assumptions may or may not be proven correct as actual events occur, and results may depend on events outside of your or our control. Changes in assumptions may have a material effect on results. Past performance does not necessarily reflect and is not a guaranty of future results. The information contained in this presentation is not an offer to purchase or sell any securities.*

*PFMAM's clients listed were selected to demonstrate commitment to the public sector in Arizona. This list is provided for informational purposes only and is not an endorsement or testimonial by these clients. It is not known whether these clients approve or disapprove of PFMAM's services. A full client list is available upon request.*

# Memorandum

7.

## CITY OF FLAGSTAFF



**To:** The Honorable Mayor and Council  
**From:** Paul Lasiewicki, Police Lieutenant  
**Date:** 09/05/2015  
**Meeting Date:** 09/29/2015

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### TITLE:

**Review of Constitutional Issues and Panhandling within the City of Flagstaff.**

### DESIRED OUTCOME:

The desired outcomes of Flagstaff Police Department's (FPD) panhandling abatement efforts are to reduce criminal activity associated with panhandlers, improve public safety, and enhance the quality of life for the citizens of Flagstaff and visitors while remaining dedicated to the Constitutional rights of all members of the public.

### EXECUTIVE SUMMARY:

DURING THIS WORK SESSION PRESENTATION, FLAGSTAFF PD WILL:

1. Define panhandling, identify problems associated with panhandling, and describe the history of the enforceability of Arizona's Loitering-to-Beg Law.
2. Describe how the role of the police has changed as a result of the repeal of Arizona's Loitering-to-Beg law.
3. Describe ongoing efforts employed by FPD to reduce criminal activity associated with panhandling, as well as FPD's Better Bucks initiative to eliminate panhandling by professional panhandlers.
4. Explain the outcomes of these efforts to date.

### 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.
- 5) Develop and implement guiding principles that address public safety service levels through appropriate staffing levels.

This presentation will be for information only.

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**Attachments:** [PowerPoint](#)



# CONSTITUTIONAL ISSUES AND PANHANDLING IN FLAGSTAFF

Lt. Paul  
Lasiewicki

Marianne  
Sullivan

# A BRIEF HISTORY OF THE PANHANDLING PROBLEM IN FLAGSTAFF

- **Pre-September 2013**
  - ARS 13-2905 Present in a public place to beg, unless specifically authorized by law.
- **American Civil Liberties Union challenged the AZ Law**
- **U.S. District Judge prohibited the enforcement of AZ's Panhandling law**

# FEDERAL DISTRICT COURT'S RULING

“Flagstaff Defendants shall be permanently enjoined from interfering with, targeting, citing, arresting, or prosecuting any person on the basis of their act(s) of peaceful begging in public areas within the City OF Flagstaff. This injunction does not prohibit content neutral time, place, and manner restrictions that are consistent with court decisions interpreting the 1<sup>st</sup> Amendment of the U.S. Constitution and the free speech clause of the Arizona Constitution.”

# AGGRESSIVE SOLICITATION ORDINANCE

## FCC 06-01-001-0001

Aggressive Manner includes:

- Intentionally or recklessly make Physical contact or touching another person in the course of Solicitation without the person's consent.
- Continuing to solicit from a person within 5 feet of that person, after they have made a negative response to such solicitation.
- Intentionally, knowingly or recklessly obstructing the safe or free passage of the person being solicited, or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued by the City, shall not constitute obstruction of pedestrian or vehicular traffic

# AGGRESSIVE SOLICITATION ORDINANCE

## FCC 06-01-001-0001

Soliciting is prohibited in the following circumstances:

- In any public transportation vehicle or from any persons within fifteen (15) feet of any transit stop, bus stop, taxi stand, train station platform or the inside of the train station;
- Within fifteen (15) feet of any entrance or exit of any bank, financial institution, or automated teller machine facility, without the consent of the owner or other person legally in possession of such facility;
- Immediately adjacent to the entrance of a business in a manner that physically interferes with ingress or egress to that business entrance.
- On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property

# ROLE OF POLICE

- Public education role
- Police are the “Catch-All Social Service”
- Community concerns about panhandlers

# WHAT FPD IS DOING

- Proactive non-enforcement patrol efforts
- Business partnerships – Signed trespass orders
- Public education efforts

# WHAT FPD IS DOING

- **Aggressive solicitation ordinance**
  - Allows FPD to take enforcement action under certain prescribed circumstances
- **Better Bucks voucher program**
  - The Shadows Foundation
  - Partnerships with local businesses
  - Partnerships with local social services
  - Extensive public outreach campaign

# FPD ONGOING EFFORTS

- Woods Watch
- Operation 40
- Repeat Offender (ROPE) Program
- Alcohol Stabilization Support (financial)
- Homeless Shelter Support

# DATA COMPARISON

- **Pre-September 2013:** very few complaints of panhandlers because State Law allowed FPD to manage panhandling as a crime
- **Post-September 2013:** 221 calls to FPD from mid-September 2013 to mid-September 2014 (approximately 15 complaints per month)
- **Past year:** 207 calls to FPD
- **2 Arrests for Aggressive Solicitation**
- **37 Arrests for unrelated crimes of people contacted for panhandling**

# CONCLUSION

- FPD has reached out to every corner of our community for help in addressing the panhandling problem
- Panhandling is not a problem that we will be able to enforce our way out of. Money is the reward, and as long as people keep making money panhandling, there will continue to be professional panhandlers.
- We ask for the help of our citizens to embrace Better Bucks as a more compassionate alternative to cash when donating to panhandlers.

# Memorandum

8.

## CITY OF FLAGSTAFF



**To:** The Honorable Mayor and Council  
**From:** Randy Whitaker, Project Manager  
**Date:** 09/21/2015  
**Meeting Date:** 09/29/2015

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### TITLE:

**Fourth Street Safety/Pedestrian Improvements.**

### DESIRED OUTCOME:

Discussion and general direction by Council

### EXECUTIVE SUMMARY:

This City Council Presentation is an update on the current design effort.

The project has been in development since 2009 with a study led by the consultant, Otak Incorporated. The study had numerous public meetings and technical evaluations. On April 15, 2014 the results were presented to Council and the following direction was given:

1. Council was not interested in reducing travel lanes anywhere on Fourth Street
2. Council was not interested in eliminating left turn lanes
3. Council is interested in providing pedestrian crosswalks
4. Council is interested in resolving the 6<sup>th</sup>/7<sup>th</sup> intersection with minimum impact on property owners

In the summer of 2014 temporary crosswalks were placed at Fourth Street/3<sup>rd</sup> Avenue and at Fourth Street/Dortha Avenue. Pre-crosswalk installation and post-crosswalk pedestrian counts were taken along Fourth Street. The decision was made to place permanent crosswalks at the temporary locations.

Woodson Engineering has completed the construction plans for the project elements associated with the permanent pedestrian crossings that can be constructed within existing right-of-way. Construction this season will include installing the Pedestrian Actuated Signals and the raised Pedestrian Refuge Islands associated with the signals. Staff has started discussions with a contractor on the Job-Order-Contract (JOC) list.

### 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

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**Attachments:** [powerpoint](#)



# Fourth Street Safety/Pedestrian Improvements



# Fourth Street Pedestrian Improvements

## KEY PROJECT ELEMENTS

- **SIGNALIZED CROSSWALKS (PEDESTRIAN ACTUATED)**
  - **BUS PULLOUTS (COORDINATED WITH SIGNALIZED CROSSWALKS)**
- **SIDEWALK ALONG EAST SIDE OF FOURTH STREET (7<sup>TH</sup> TO RT. 66)**
- **IMPROVE OPERATION OF 6<sup>TH</sup>/7<sup>TH</sup> INTERSECTIONS AND LOCKETT/CEDAR.**

# Phases

- **SIGNALIZED CROSSWALKS**
  - **Fall 2015**
- **BUS PULLOUTS & SIDEWALK ALONG EAST SIDE OF FOURTH STREET (7<sup>TH</sup> TO RT. 66)**
  - **ADDITIONAL ROW REQUIRED**
- **IMPROVE OPERATION OF 6<sup>TH</sup>/7<sup>TH</sup> & LOCKETT/CEDAR INTERSECTIONS**
  - **SCOPE NEEDS TO BE DEFINED**



# Funding

- Transportation Tax
  - FY15/16: \$412,060
- Beautification/Streetscape
  - FY15/16: \$1,575,000

# Current Status

- Crosswalk and Ped Signal Drawings Completed
- 30% Plans completed for general layout of sidewalk and bus pullouts along 4<sup>th</sup> Street.

# Pedestrian Signals



Cedar

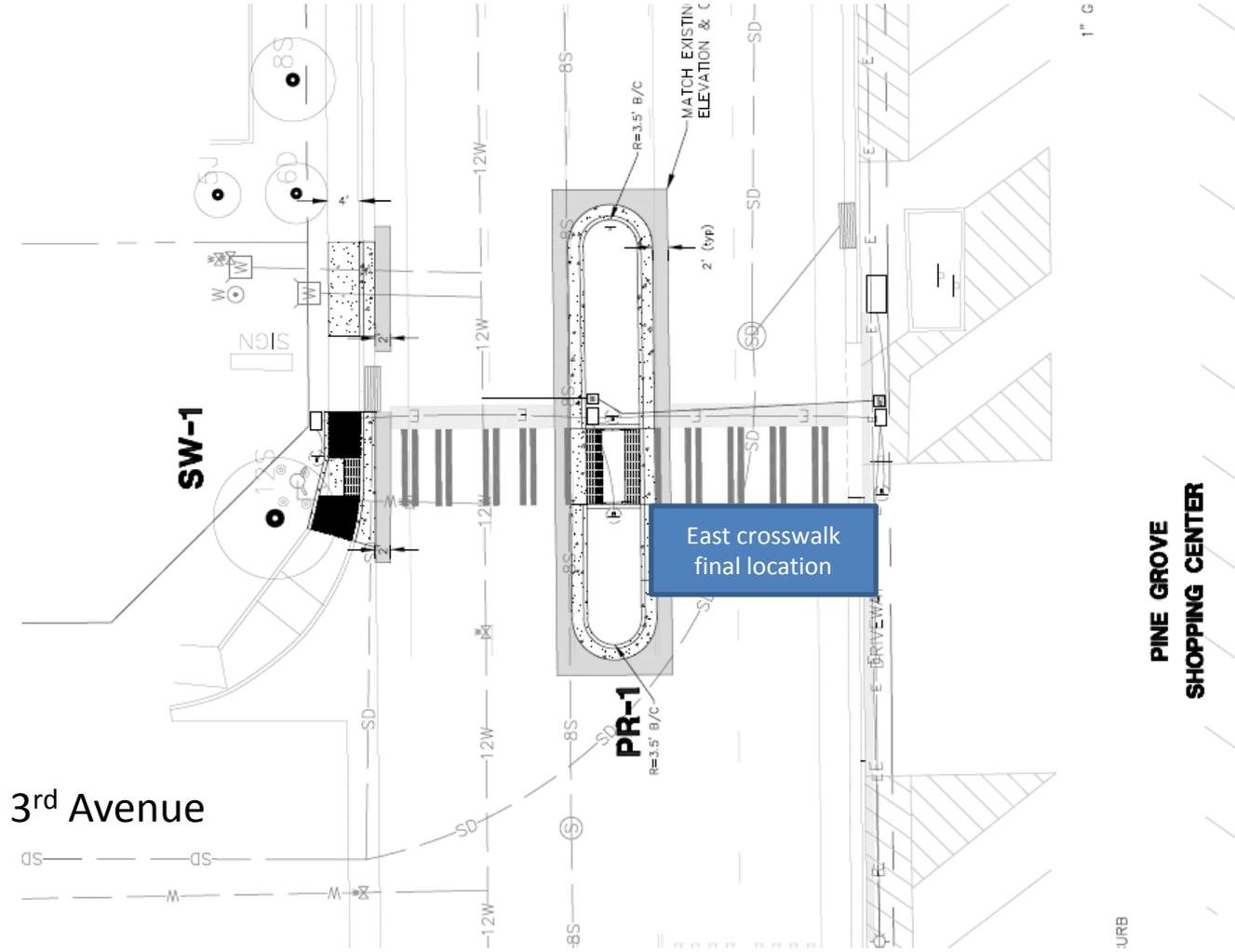


West-BMX Park



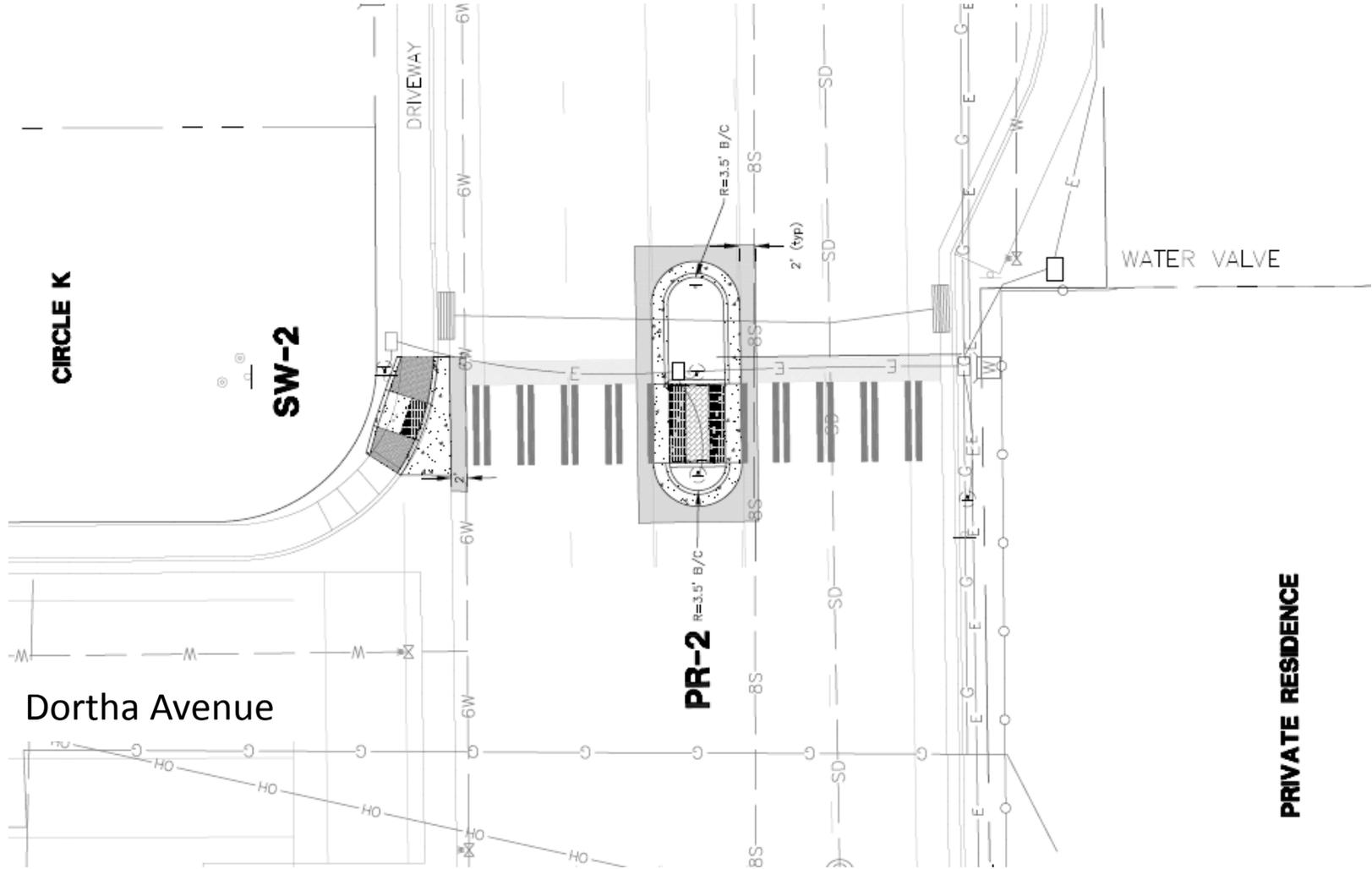
West/Dortha

# 3<sup>rd</sup> Ave Crosswalk



**PINE GROVE  
SHOPPING CENTER**

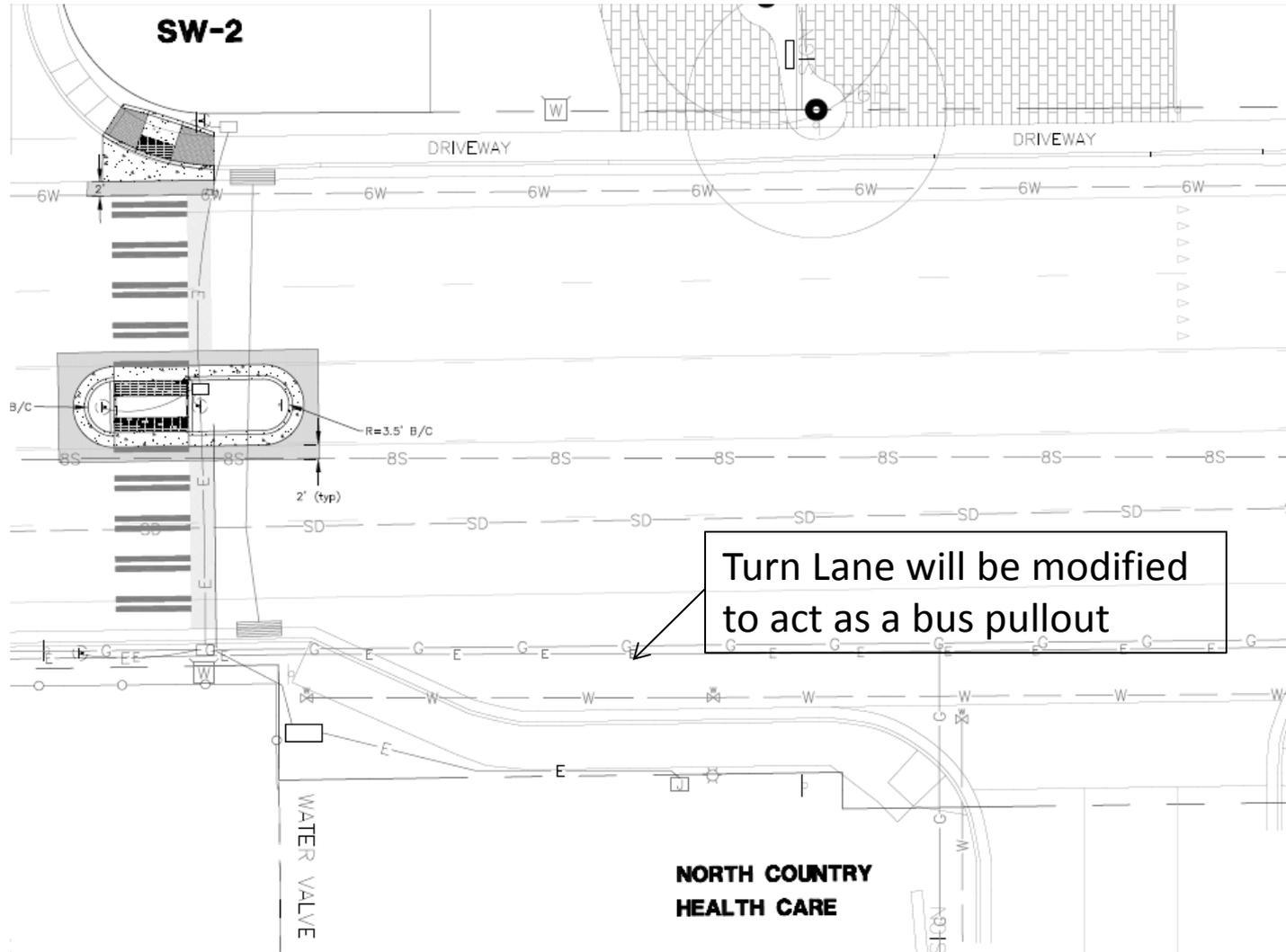
# Dortha Ave Crosswalk



# 3<sup>rd</sup> Ave Bus Pullouts

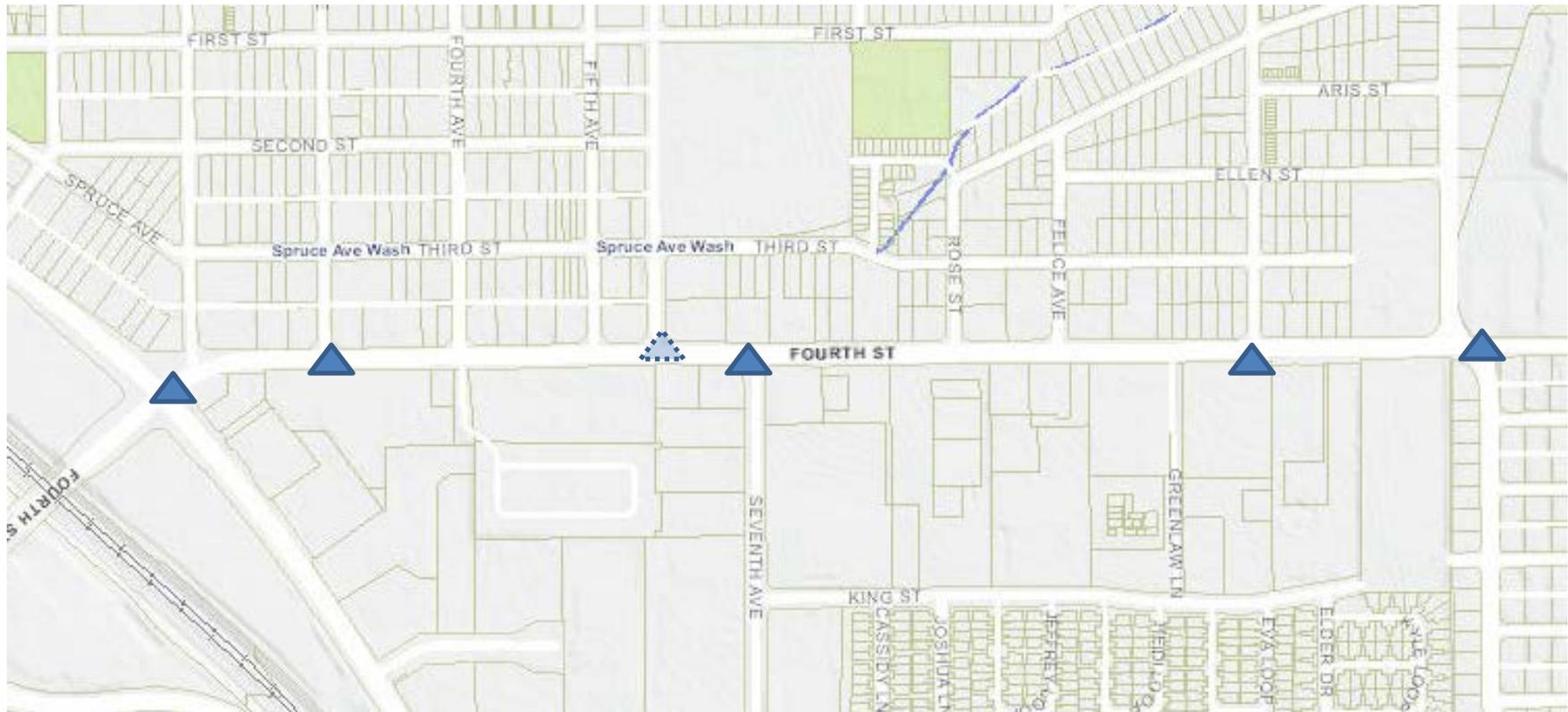


# Dortha Bus Pullout





- January 23,2014
- April 15,2014
  - Mayor Nabours Recap
    1. Council was not interested in reducing travel lanes anywhere on Fourth Street
    2. Council was not interested in eliminating left turn lanes
    3. Council is interested in providing pedestrian crosswalks
    4. Council is interested in resolving the 6<sup>th</sup>/7<sup>th</sup> intersection with minimum impact on property owners



# Sidewalk



# Sidewalk



# Sidewalk





6<sup>th</sup> and 7<sup>th</sup> Ave



Cedar -Lockett



# Discussion

## KEY PROJECT ELEMENTS

- **SIGNALIZED CROSSWALKS (PEDESTRIAN ACTUATED)**
  - **BUS PULLOUTS (COORDINATED WITH SIGNALIZED CROSSWALKS)**
- **SIDEWALK ALONG EAST SIDE OF FOURTH STREET (7<sup>TH</sup> TO RT. 66)**
- **IMPROVE OPERATION OF 6<sup>TH</sup>/7<sup>TH</sup> INTERSECTIONS AND LOCKETT/CEDAR.**

**DATE OF PUBLIC OPEN HOUSE TO BE DETERMINED.**

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 09/09/2015  
**Meeting Date:** 09/29/2015



#### 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 Zoning Code Chapter 10-30 (General to All) of the Flagstaff Zoning Code.

#### EXECUTIVE SUMMARY:

This is the second in 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
- 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 10-30.50 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.

## **SUBSTANTIVE AMENDMENTS**

### **Chapter 10-30, General to All**

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.

### **Division 10-30.30 Heritage Preservation**

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**

One policy question has been identified in the amendments to this Division as detailed in the table in the first attachment.

### **Division 10-30.60 Site Planning Standards**

Five policy questions have been identified in the amendments to this Division as detailed in the table in the first attachment.

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](#)  
                          [Amendments Chapter 10-30](#)

Amendments Div. 10-30-30 TrackChanges

Amendments Div. 10-30.30 Clean

Photographs - Site Planning Principles

# 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 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.</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; 9/16/2015

### 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:

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
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
10-30.60.040 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 ~~22.11~~ percent. The density bonus would be calculated as:  $100 \times .2211 = 22.11$  units. The total units constructed would be ~~122.11~~ units (100 units + ~~22.11~~ 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 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 ~~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 ~~at~~ 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. 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 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.~~

*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.*

#### **10-30.50.0560 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 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 ~~remaining 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;
  - f. Existing structures and other built improvements;
  - g. Prehistoric and historic sites, structures, and routes, and
  - h. 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

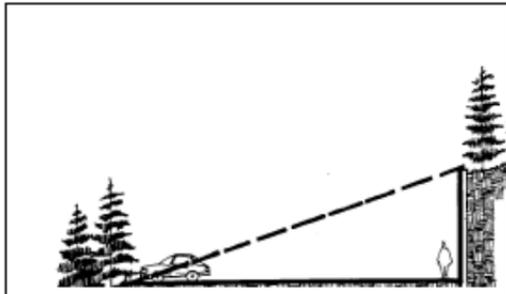
- Page 30.60-6

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.

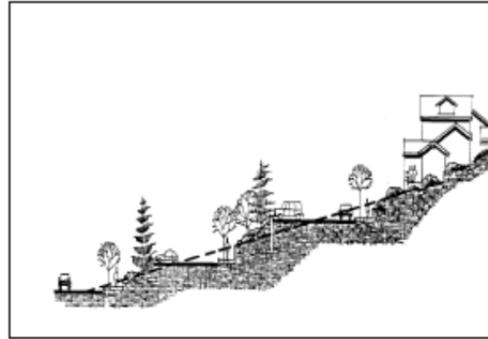
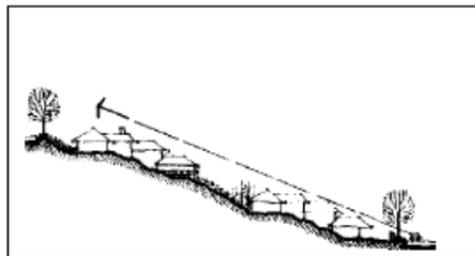


Figure B.

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. \[Add illustration from LDC, Chapter 16 – Top of Page 36\]](#)

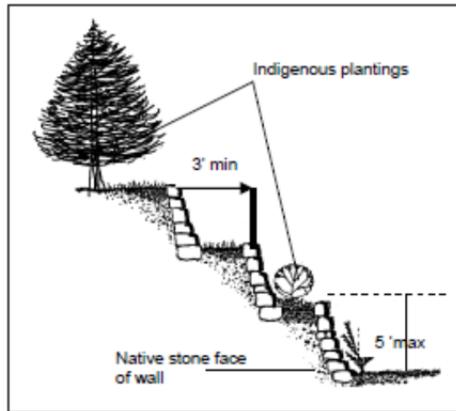


Figure D.

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. [\[Add illustration from LDC, Chapter 16 – Middle of Page 54\]](#)

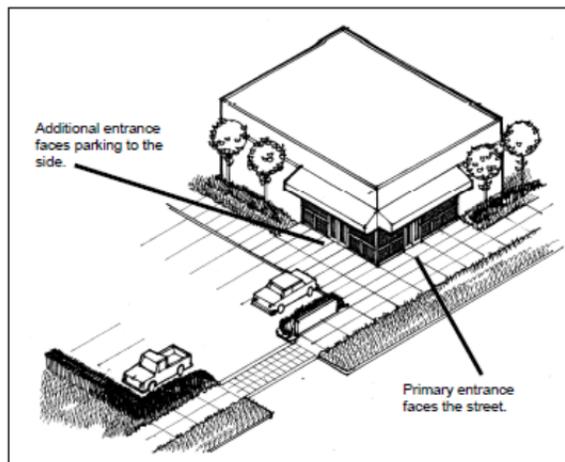


Figure B.

*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

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 Divisione Heritage Preservation Commission, anthe 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~~, ~~n~~ 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.~~

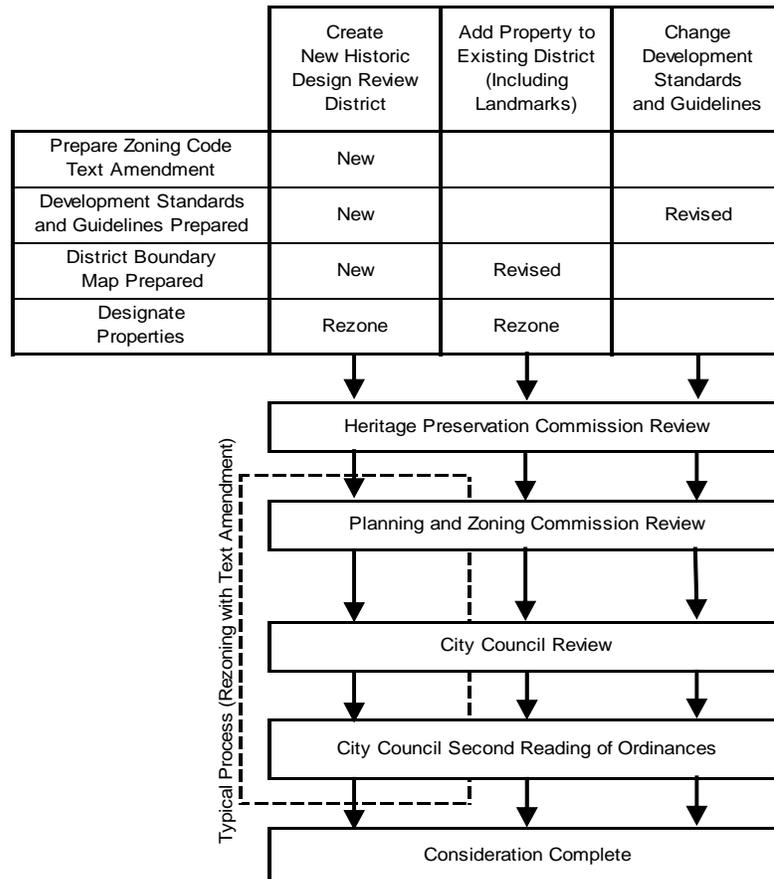


Figure BA - Processes for Historic Overlay Zones

[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 ~~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).~~

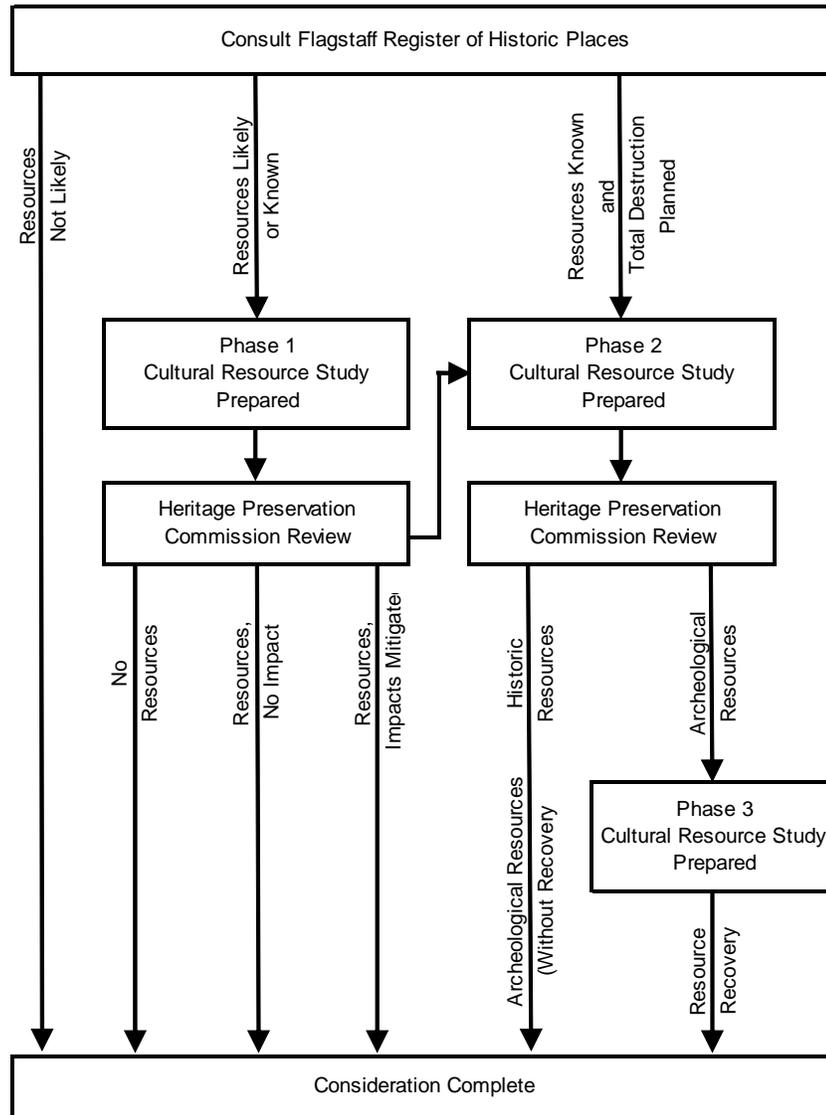


Figure B - Processes for Consideration of Cultural Resources

### 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).

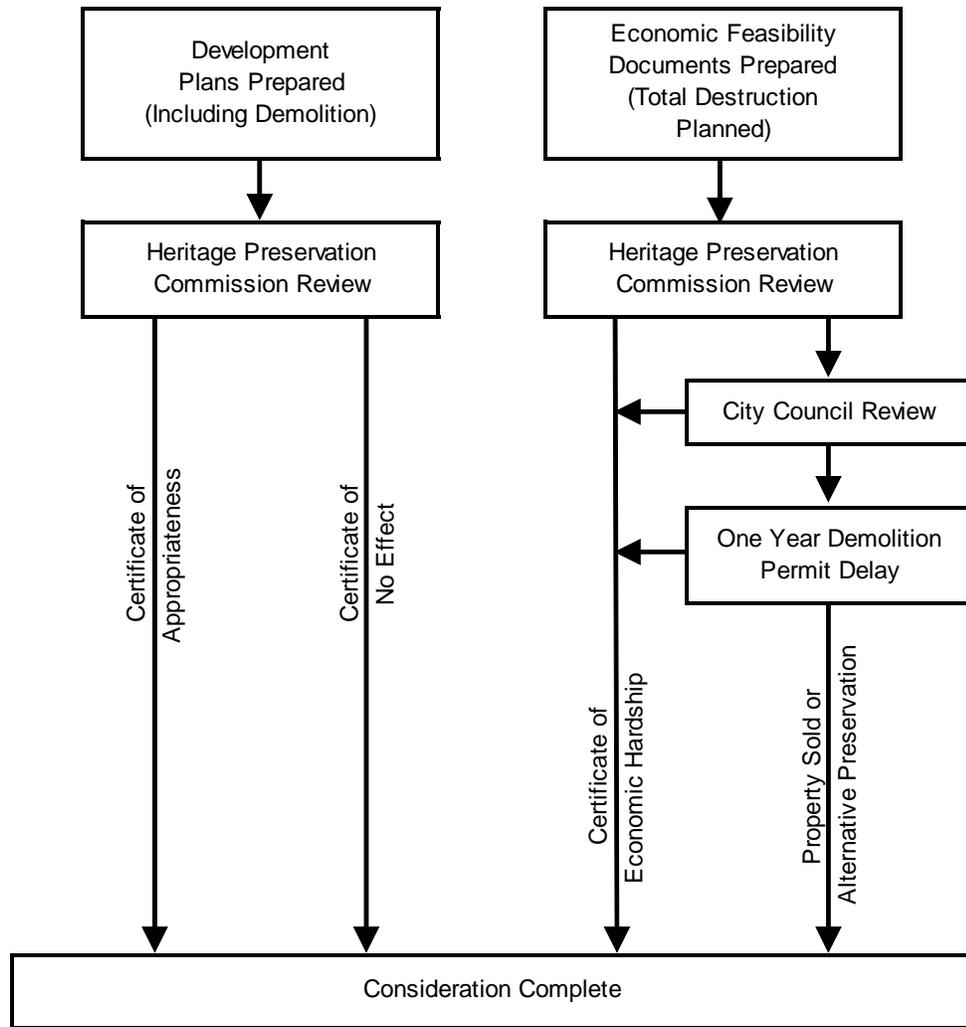


Figure C - Processes for Review of Development in a Historic Overlay Zone

#### 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. **a. 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).

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# 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:

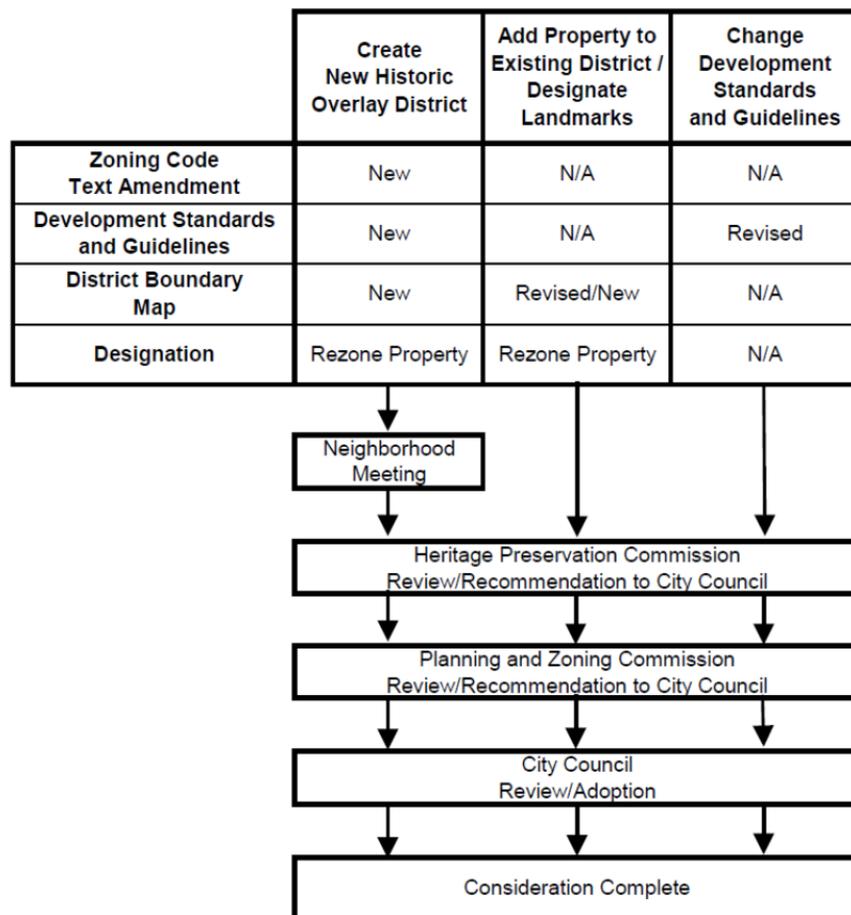


Figure A. Processes for the Designation of a Landmark Property and Historic Overlay Zone

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).

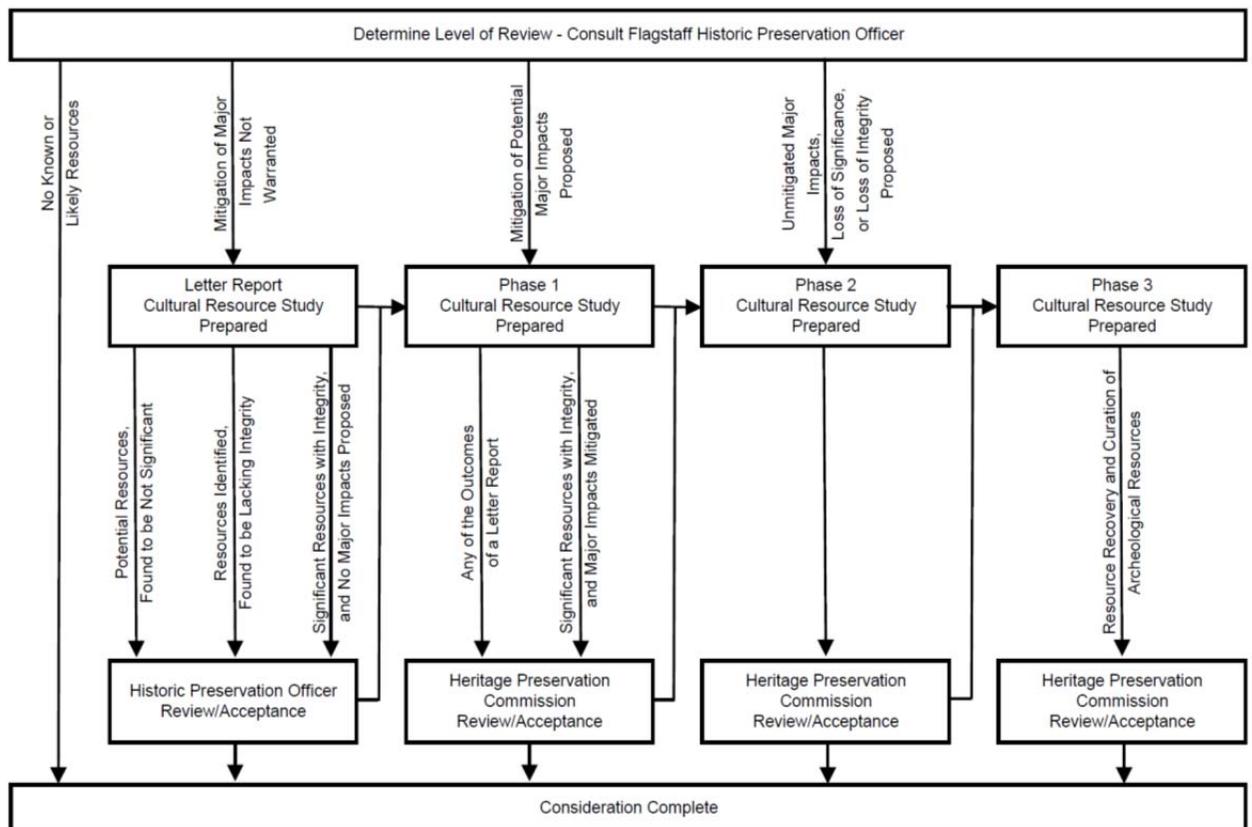


Figure B. Processes for Consideration of Cultural Resources

**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).

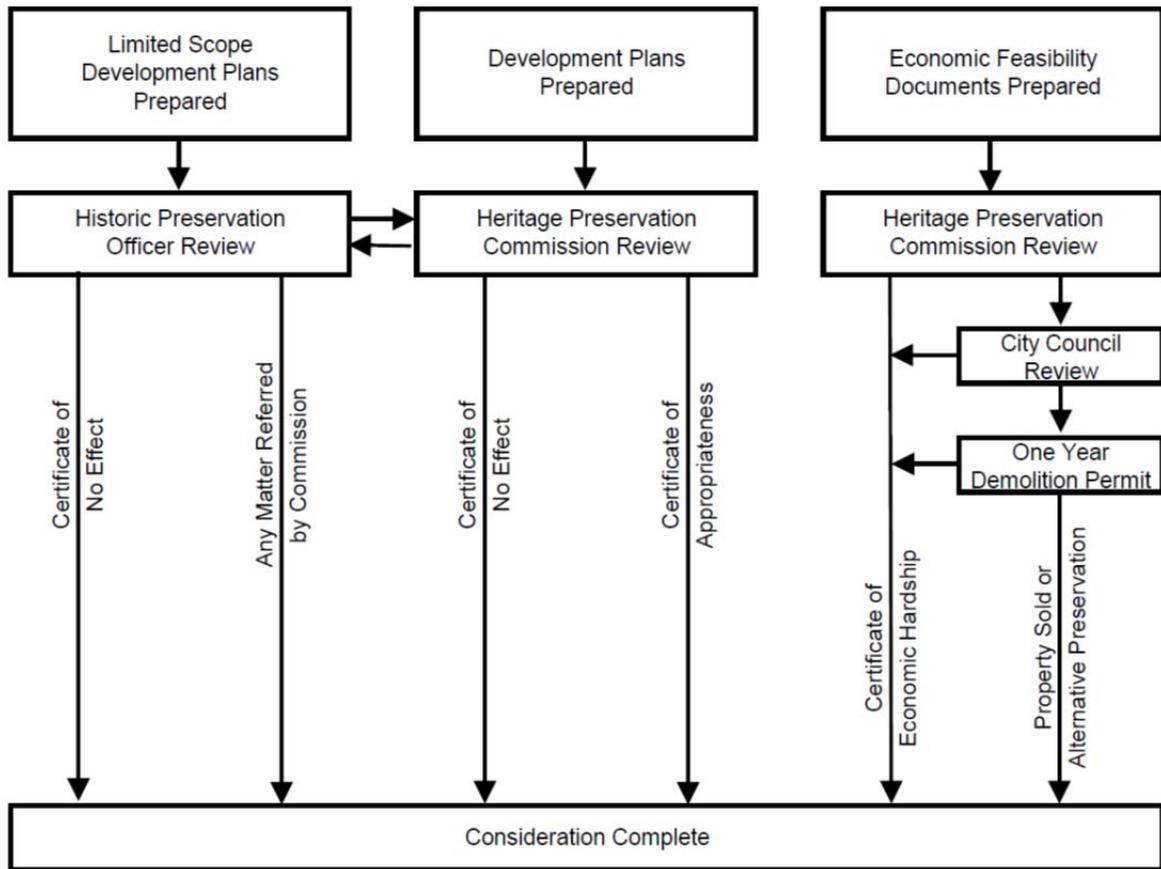


Figure C. Processes for Review of Development in a Landmark Property and Historic Overlay Zone

**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).

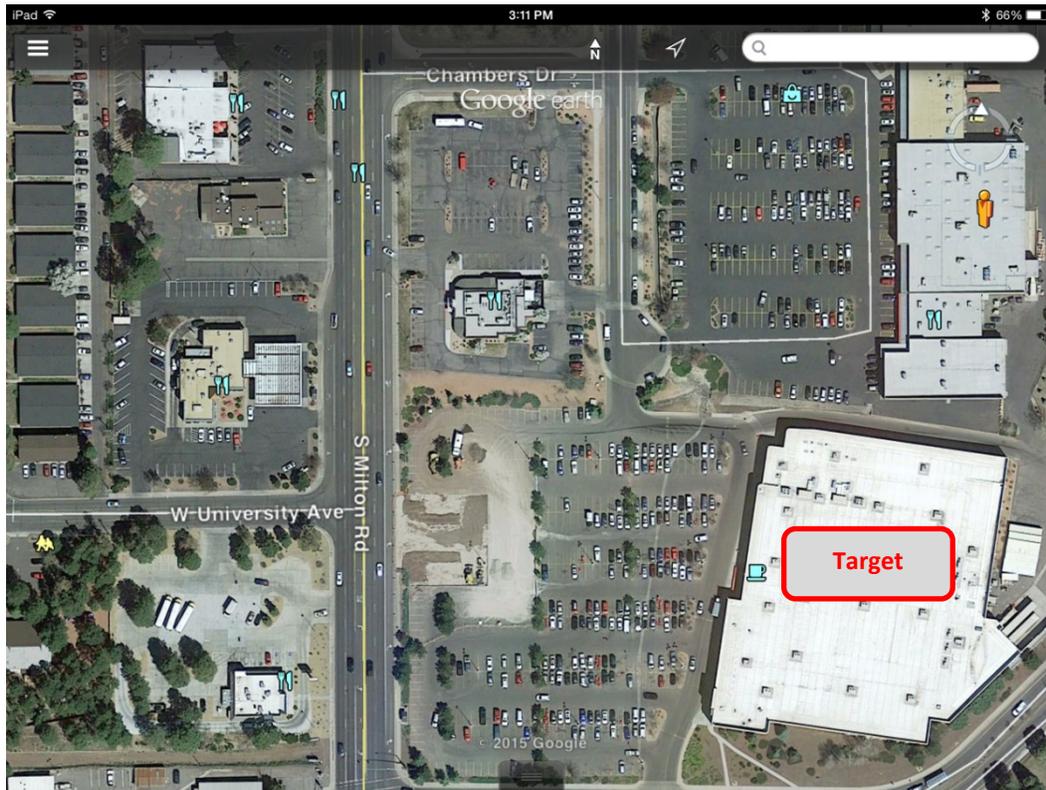
**10-30.30.080 Appeals**

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).

Div10-30.30\_HeritagePreservation\_CLEAN\_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.

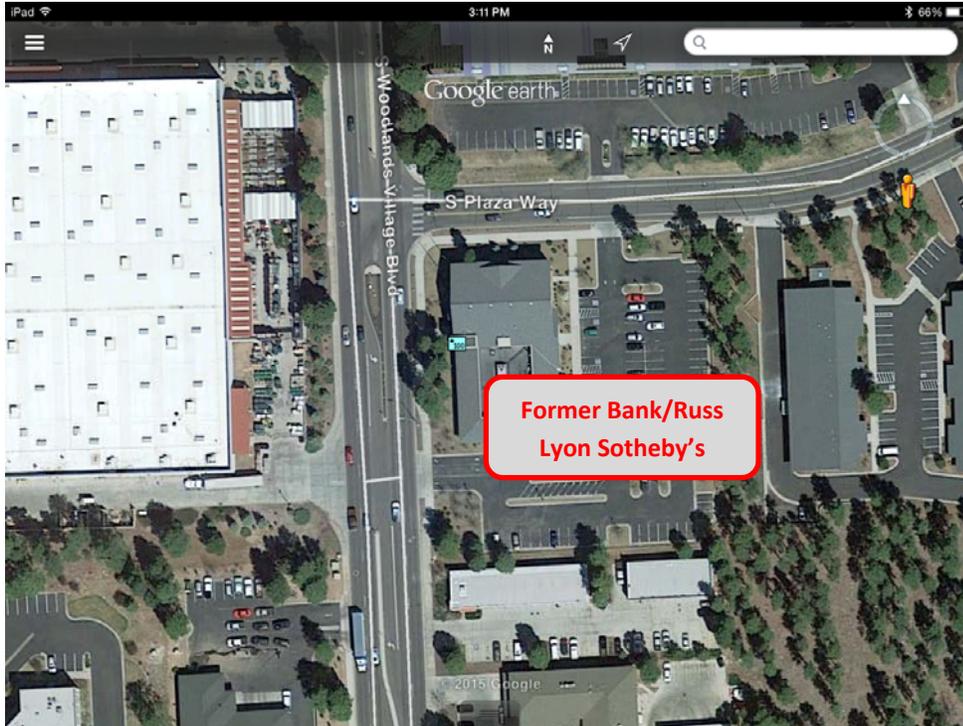


**Target** – typical auto-oriented parking-forward development with no pedestrian connections to the street

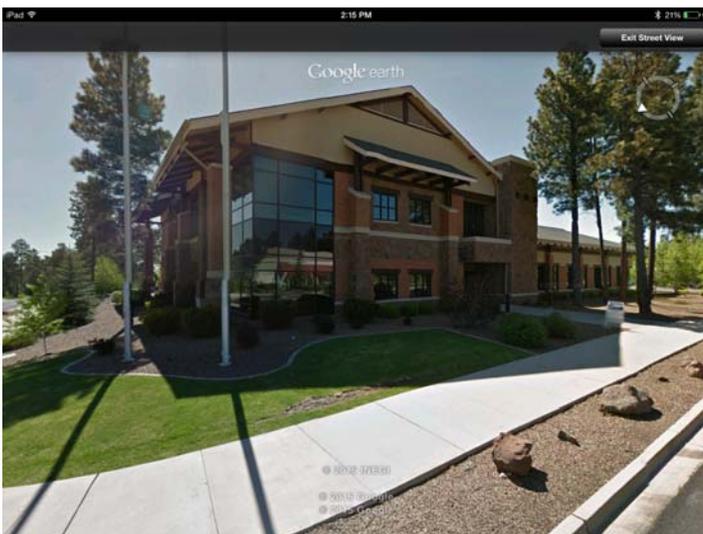


Photograph of the corner of N. Beaver Street and W. Aspen Avenue (above) illustrating a parking-forward/building-to-the-rear development pattern inconsistent with the walkable urban environment that defines downtown (Note that at the time of the building's construction it was approved under then-in-effect standards in the Land Development Code). A rendering of how the property may be redeveloped is provided below.

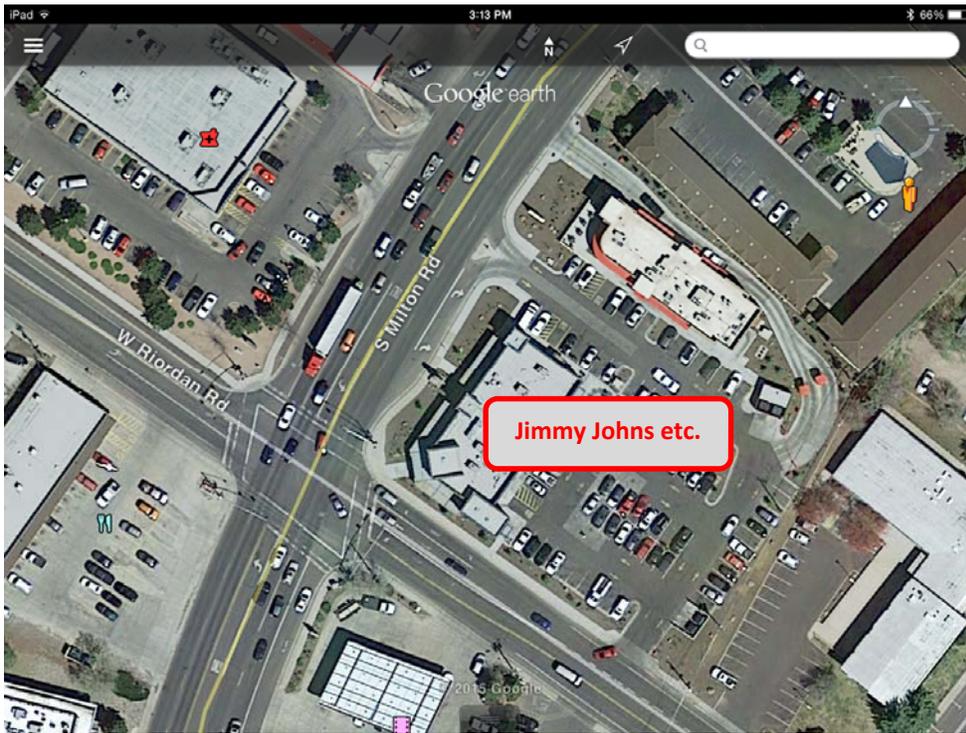




**Former Bank/Russ Lyon Sotheby's** – Woodland Village Blvd. Good example of building forward design anchoring a corner with good pedestrian connections to the street and with a



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.

