

## **WORK SESSION AGENDA**

**CITY COUNCIL WORK SESSION  
TUESDAY  
NOVEMBER 10, 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. 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.*

#### **5. Preliminary Review of Draft Agenda for the November 17, 2015, City Council Meeting. \***

*\* Public comment on draft agenda items not individually listed may be taken under "Review of Draft Agenda Items" later in the meeting, 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 second Review section may submit a speaker card for their items of interest to the recording clerk.*

- A. Discussion of Intergovernmental Agreement With Summit Fire District *(Item 10-C on the November 17, 2015, Agenda)***
  - B. Discussion of 2016 State and Federal Legislative Agenda . *(Item 10-E on the November 17, 2015, agenda)***
- 6. Community Code Compliance FY 2015 Program Review.**

7. **Policy Discussion on Proposed Amendments to Zoning Code Chapter 10-30 (*General to All*).**
8. **Policy discussion on proposed amendments to Chapter 10-40 of the Flagstaff Zoning Code.**
9. **Policy discussion on proposed amendments to Zoning Code Chapter 10-50 (*Supplemental to Zones*), except for Division 10-50.100 (*Sign Standards*).**
10. **Review of Draft Agenda Items for the November 17, 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:** Tom Boughner, Code Compliance Manager  
**Date:** 11/02/2015  
**Meeting Date:** 11/10/2015



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### TITLE:

**Community Code Compliance FY 2015 Program Review.**

### DESIRED OUTCOME:

Provide information to Council on program activities

### EXECUTIVE SUMMARY:

The Code Compliance team was asked to present a review of case activity for the Fiscal Year 2015. Staff will present a short (14 slides) Power Point containing data tables, pictures and graphs updating Council on the past year's efforts.

### INFORMATION:

#### **COUNCIL GOALS:**

8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

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**Attachments:** Code Comp 8-8-15

# Flagstaff Code Compliance

Littering, Sidewalks, Zoning, Signs  
Lighting, Permits, Junk cars,  
Utilities, Solid Waste, Clean-ups  
Right of Way, Graffiti





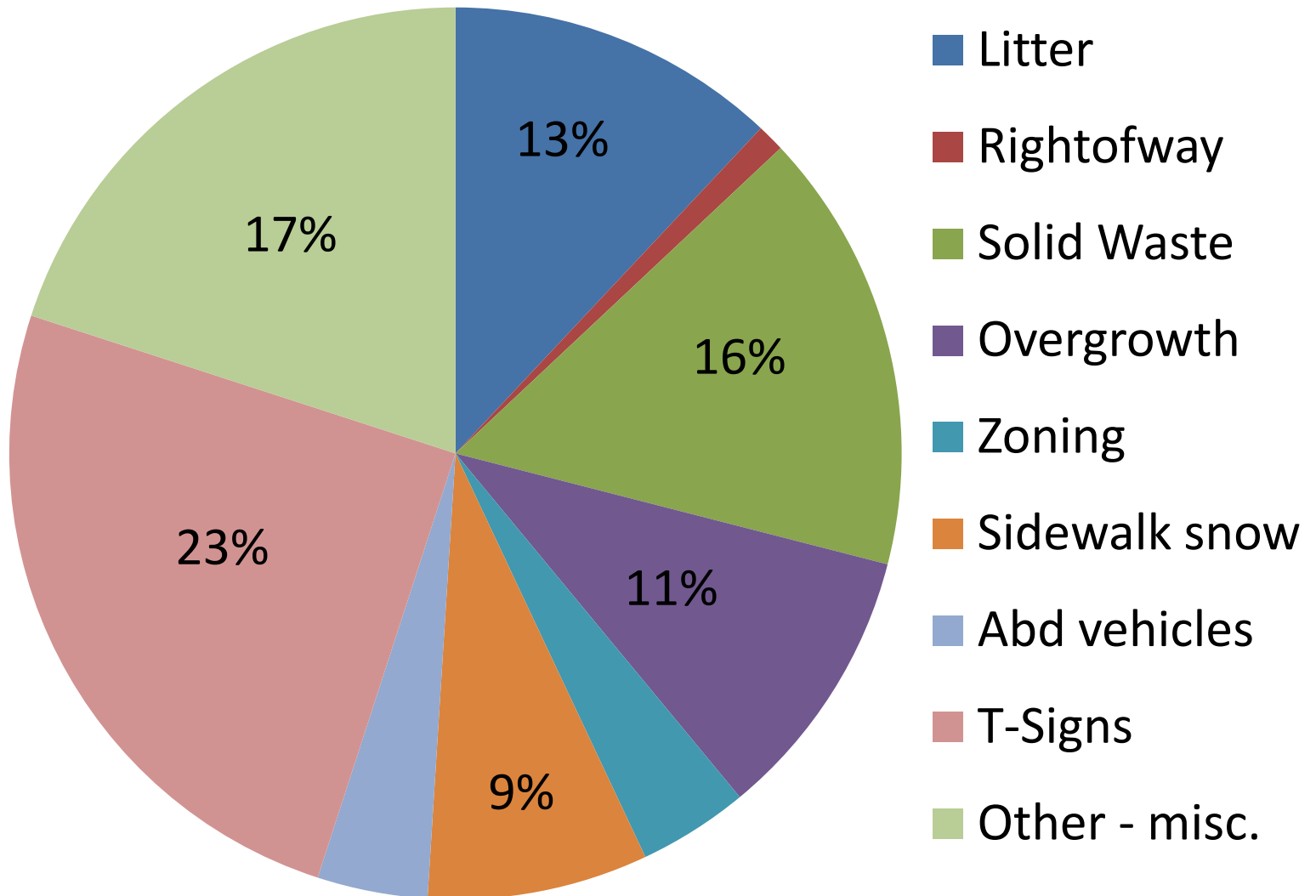
08.12.2015 10:24

FY 2015 7/1/14-6/30/15

Numbers of cases: **1,132**

- 136 Accumulation of waste/litter-private prop/public
- 16 Right of way
- 183 Other Solid Waste violations
- 126 Sidewalk blockages
- 98 Snow/Ice on sidewalks
- 51 Abandoned Vehicles (unregistered, private prop)
- 320 Zoning incl. temporary sign violations/actions
- 201 Other cases incl. other departments
  - Sales Tax
  - Utilities
  - Non violation public assist

# Types of cases



# Zoning case types

- Signs both permanent and temporary
- Lighting, residential and commercial
- Resource protection
- Parking standards incl. RV's, trailers, boats
- Home business permits
- Setback requirements
- Sidewalk café permits
- Land use standards
- Stressed properties



# Stressed Properties



Before.....

....After



Abandoned, boarded up, dangerous buildings



## A photograph of a residential yard with a large pile of discarded items. On the left, a black trash can sits on a concrete sidewalk. To its right, a large pile of debris is scattered on a grassy area, including a lawnmower, a baseball bat, a black plastic container, and various household items like a white plastic jug and a green bag. In the background, a blue house with a white garage door is visible, along with a wooden fence and trees. The scene suggests a recent cleanup or disposal event.





# Commercial property multi-family



# Volunteer Programs

- Adopt-an-Ave 101
  - Adopt-a-Park 13
  - Adopt-a-FUTS 51
  - Special clean-ups 26
- 
- Litter clean-up program management was re-assumed by SEMS in June of 2015



# Graffiti Busters

- 1091 locations cleaned off or covered FY 2015

Actively recruiting and training new volunteers for work in the community.

2015 – Bucket program issues stocked graffiti tools to volunteers to keep with them and respond without having to schedule the van.

21 enrolled in program!



# Graffiti reporting and abatement



Before.....

....After





# Shopping cart removals

- Adult Probation Work Crew coordination



- Average 90 per month
  - Minimal time investment-maximum impact!

# Mission of Code Enforcement

“Courteously enforcing  
community values”

*Progressive*  
*Community*  
*First*  
*Integrity*



*Diversity*  
*Communication*  
*Dedication*

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 11/02/2015  
**Meeting Date:** 11/10/2015



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

#### EXECUTIVE SUMMARY:

This work session is part of a series of work sessions with the Council on proposed amendments to the Flagstaff Zoning Code. In these work sessions, staff will introduce the more substantive amendments to the Council explaining the reason for them and why the new amendment is being proposed. The Council will be able to identify any policy issues that warrant a more in-depth discussion, either at the current work session, or in a future work session.

#### INFORMATION:

##### **COUNCIL GOALS:**

- 7) Address key issues and processes related to the implementation of the Regional Plan
- 8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

##### **REGIONAL PLAN:**

The Flagstaff Regional Plan 2030 supports the update and amendment of the Flagstaff Zoning Code with the following goals (policies are only included where needed to clarify a goal):

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

**Goal CC.2** Preserve, restore, and rehabilitate heritage resources to better appreciate our culture.

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

Policy CC3.2 Maintain and enhance existing buildings and blend well-designed new buildings into existing neighborhoods.

**Goal CC.4** Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.

Policy CC4.4 Design streets and parking lots to balance automobile facilities, recognize human-scale and pedestrian needs, and accentuate the surrounding environment.

**Goal CD.1** Improve the City and County financial systems to provide for needed infrastructure development and rehabilitation, including maintenance and enhancement of existing infrastructure.

Policy CD.1.2 Work collaboratively with private and non-profit economic development groups to provide for the most efficient and effective use of public and private development dollars.

## **POLICY AMENDMENTS**

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

The Sections of the Zoning Code in which the topics for more in-depth policy discussion are located are listed below:

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

Staff has not identified any policy issues for the Council's consideration in this Division. While the scope of the amendments to this Division looks large, the majority are clerical in nature intended to improve the readability of the Division and to update the Division based on current practices and lessons learned now that it has been implemented and used for the past 3 - 4 years. As a result, a considerable amount of text is proposed to be deleted or sections and subsections have been moved to a more logical location. As stated above, two versions of this Division are attached, including a version in Track Changes format and a clean version with all proposed amendments accepted.

### **Division 10-30.50 Public Improvements**

10-30.50.060 Minimum Requirements

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

10-30.60.050 Compatibility

10-30.60.060 Building Placement

10-30.60.070 Parking Lots, Driveways and Service Areas

Attached are three documents that contain all the amendments proposed in Chapter 10-30 (General to All), including:

- The amendments throughout Chapter 10-30 except for Division 10-30.30 (Heritage Preservation)
- A Track Changes version of the amendments to Division 10-30.30 (Heritage Preservation)
- A clean version with all changes accepted of the amendments to Division 10-30.30 (Heritage Preservation).

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

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

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**Attachments:**    [Chapter 10-30 Policy Issues](#)  
                          [Chapter 10-30 Amendments](#)  
                          [Division 10-30.30 Amendments CLEAN](#)  
                          [Division 10-30.30 Amendments RedLine](#)  
                          [Photos - Site Planning Principles](#)

# Summary of Policy Issues

## Proposed Amendments to the Zoning Code

### Chapter 10-30 (General to All)

September 29, 2015

#### Division 10-30.50 Public Improvements

##### 10-30.50.060 Minimum Requirements

###### Policy Question(s):

- Should the costs associated with the dedication of right-of-way needed to ensure adequate access to a development, including legal fees, be the responsibility of the applicant?

See Page 30-7 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing standards are silent on this question.	Specifically states that, consistent with long-standing City practice, the applicant is responsible for all costs, including legal fees, associated with the dedication of right-of-way when street improvements are required to assure access to a development.

#### Division 10-30.60 Site Planning Standards

##### 10-30.60.050 Compatibility

###### Policy Question(s):

- Should the opening paragraph to this Section explain the importance of compatibility to ensure that new development is compatible with the character of existing development and explain how the compatibility standard is only applied to projects seeking a Conditional Use Permit or zone change approval?

See Page 30-12 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Does not explain the importance of ensuring the compatibility of new development with the character of existing development, and includes no statement of when these compatibility standards would be applied.	Specifically clarifies what is meant by compatibility between new and existing development, and explains that these standards are only applied to projects seeking a Conditional Use Permit or zone change approval.

##### 10-30.60.060 Building Placement

###### Policy Question(s):

- The former Land Development Code (LDC) included design standards that required building-forward design. These standards were inadvertently omitted from the current Zoning Code. Should these standards be inserted into the Zoning Code to require a building front to be placed at or near a sidewalk edge?
- A related policy question is whether the primary entrance to a building should face a street, connect to a street through the design of a building entry zone, or may face a plaza or pedestrian way?

See Page 30-13 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
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.	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.
Does not include standards to require a building entrance to face or connect to a street. Note that Section 10-50.20.030 also includes standards regarding “street level interest” and the “location/orientation of building entrances.”	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.

#### 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
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”.	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”.
Does not include a standard prohibiting the placement of a driveway between a building and a street property line.	Includes a new standard prohibiting the placement of a driveway between the front of a building and a street property line.



# Proposed Amendments to the Zoning Code

## Final Planning and Zoning Commission Recommendation

First created: October 26, 2011

Date of previous update: July 19, 2013

Most recent update: Jan. 21, 2015; Feb. 26, 2015; Mar. 12, 2015 (Post DOT); Apr. 23, 2015; May 2, 2015;

May 27, 2015; June 10, 2015; June 24, 2015

## Chapter 10-30: General to All

A summary of major/substantive amendments (e.g. a new process or procedural requirement is proposed, a standard is changed, etc) is provided in the table below:

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
10-30.50.040 Exemptions	30.50-2	Provides a new exemption for offsite public improvements already listed in the adopted 5-year Capital Improvement Program.	6
10-30.60.040 Natural Features and Site Drainage	30.60-6	Topography: Establishes design standards for cut and fill conditions and retaining walls using the standards formerly in the LDC.	10
10-30.60.050 Compatibility	30.60-12	Provides an expanded explanation of why compatible development is important.	12
10-30.60.060 Building Placement	--	New section based on former standards in the LDC establishing standards for building forward design.	13
10-30.60.070 Parking Lots, Driveways and Service Areas	30.60-9	Clarifies the standards for the location of parking areas.	14

## Division 10-30.20: Affordable Housing Incentives

### 10-30.20.040 Affordable Housing Incentives

- Page 30.20-7

#### 3. Parking Incentives

- a. The number of required parking spaces for affordable housing is reduced as specified in Table 10-50.80.040.A (Number of Motor Vehicle Parking Spaces Required); and,
- b. Modifications to parking requirements for affordable housing developments within one-quarter mile of a transit stop may be reduced up to 15 percent ~~in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards).~~

#### 4. Adjustment of Building Form Standards

- a. Affordable housing can utilize Planned Residential Development (Section 10-40.60.250) in any zone to provide flexibility in the application of building form requirements and to increase the potential building types.
- b. Minor modifications to building form standards for affordable housing developments (e.g. setbacks, height, coverage, area, lot size, or other lot requirements) may be modified up to 15 percent ~~in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards).~~

#### 5. Landscaping Standards Reductions

Minor modifications to landscaping standards for affordable housing developments may be reduced by no more than 10 percent ~~in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards).~~

*Staff recommends that the phrase "in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)" should be deleted from these Subsections. The rationale for this recommendation is that this Section provides incentives for affordable housing projects and, therefore, they should not be subject to the standards for granting a minor modification which are based on hardship or unusual site circumstances.*

### 10-30.20.050 Density Bonus

- Page 30.20-7

- C. In determining the number of density bonus units to be granted pursuant to this Section, before the density bonus is added the maximum residential density for the site shall be multiplied by the percentage of density bonus listed in Table A (Percentage of Affordable Units and Corresponding Density Bonus), below, based on the percentage of affordable units provided for each category. All density calculations resulting in fractional units shall be rounded ~~up~~ to the next whole number. For example:

For a site that has a maximum density of 100 units and provides 12 units (12 percent) affordable to category 2 households, the density bonus would be ~~22~~ percent. The density bonus would be calculated as:  $100 \times .22 = 22$  units. The total units constructed would be ~~122~~ units (100 units + ~~22~~ density bonus units).

*The density bonus calculation used as an example here is incorrect – the allowed density bonus from Table 10-30.20.050.A. for 12% affordable units results in a 22% density bonus, not 11% as stated in the example.*

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

*The amendments in this Division are included in a separate document.*

## **Division 10-30.50: Public Improvements**

### **10-30.50.020 Responsibilities**

- Page 30.50-1

*This responsibilities Section has been divided into two parts – responsibilities associated with all subdivisions, and responsibilities associated with all other development.*

#### **A. Responsibilities – All Single-family Residential Subdivisions**

1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with the subdivision of land, unless a Development Agreement specifically provides otherwise.
2. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved preliminary plat, zoning case, and/or staff approved stipulations. The applicant must prepare these plans in conjunction with and in conformance to the subdivision plat.
3. The Building Official may only accept a Building Permit application for review no less than 30 days after the final plat for the subdivision has been recorded subject to the provisions of City Code Section 11-20.70.030.G. When the Building Permit is ready to be issued, a condition of its approval shall state that construction activity authorized by the Building Permit may not commence until any uncompleted streets to be used by construction or residential traffic satisfy the requirements of Section 13-10-013-0001 (Use of Uncompleted Streets within a Subdivision) in the Engineering Standards. Such Building Permit application shall be submitted at the applicant's risk, and the City will not be responsible for delays in the issuance of the permit or increases in applicable fees including, but not limited to, changes required to the submitted plans as a result of Building Code amendments that may be in effect.

*This amendment allows a building permit to be accepted 30 working days after the final plat for a subdivision has been recorded. The 30 day time period is based on the time needed for parcels numbers to be released from the County and entered into the City's permit tracking software and GIS. It requires a condition of approval of the permit stating that construction may only commence once compliance with Section 13-10-013-0001 of the Engineering Standards has been achieved. Staff acknowledges this is unusually early in the process of constructing a subdivision, (most cities only accept building permits after a subdivision has been completed and accepted), yet it provides an opportunity for home builders to submit their plans for review so that they can be ready for issuance and construction started in a more timely manner than if they waited for the*

*subdivision to be completed and accepted. It is staff's experience that this is particularly important in Flagstaff because of the short construction season that is typical here.*

4. The applicant shall be responsible for ensuring that all public improvements are constructed in compliance with applicable federal, state, county, and City requirements. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a certificate of occupancy for any building or structure within the subdivision.

*This is a new paragraph that clarifies that the applicant is responsible for ensuring that all agencies sign off before a certificate of occupancy may be issued.*

5. The applicant may meet the requirements of this Division by participating in a City-approved improvement district.

#### **B. Responsibilities – All Other Development**

1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with ~~subdivisions and~~ land development, including commercial subdivisions and all developments subject to Site Plan Review and Approval (see Section 10-20.40.140), unless a Development Agreement specifically provides otherwise.
2. ~~These public improvements must be completed and formally accepted before the City will issue a certificate of occupancy for any building or structure within the subdivision or on the property. The Building Official may issue a Building Permit in accordance with the requirements of Section 10-20.40.030 (Building Permits and Certificates of Occupancy) when;~~
  - a. The required Engineering Design Report and/or construction plans for public improvements have been conditionally approved by the City Engineer and found to be in substantial compliance with City standards and specifications; and
  - b. An assurance has been provided pursuant to Division 10-20.100 (Assurance of Performance for Construction).

*This language in paragraph 2 comes from former Ord. 1925 (Section 8-08-001-0011 (Building Permits)) that was repealed in 2011 with the addition of the cross-reference to Section 10-20.40.030 (Building Permits and Certificates of Occupancy).*

3. The applicant must have an engineer who is registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans ~~must~~shall be based on the approved preliminary plat (if applicable), zoning case, site plan, and/or staff approved ~~ed~~ stipulations. The applicant must prepare these plans in conjunction with and in conformance ~~to with the subdivision plat~~an approved site plan. ~~Improvement plans shall be subject to City approval prior to recordation of the subdivision plat.~~

*The last sentence in the paragraph above has been deleted as this requirement is already included in the Subdivision Regulations, Section 11-20.70.030.G regarding Final Plat Approval.*

4. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a certificate of occupancy for any building or structure on the property. A Conditional Certificate of Occupancy may be issued if the Building Official and City Engineer determine that no life safety concerns are present.

*This paragraph describes long-standing practice originally included in Ord. 1925 to confirm that a certificate of occupancy is only issued after public improvements have been formally accepted.*

5. The applicant may meet the requirements of this Division by participating in a City approved improvement district.

#### **10-30.50.040 Public Improvement Agreement**

- Page 30.50-2

~~If, pursuant to Section 10-30.50.020 (Responsibilities), above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the City's approval and/or issuance of the preliminary plat, site plan or Building Permit. The public improvement agreement shall be in a form approved by the City and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a City approved development agreement. The public improvements agreement may, if approved by the City Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this Division shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.~~

*The City Engineer and City Attorney's office recommends that this section be deleted as it is not needed because there are other mechanisms currently in place in the Engineering Standards as part of the review process for public improvements that made this requirement redundant. Note that all following sections in this Division will need to be renumbered and all cross-references checked.*

#### **10-30.50.0450 Exemptions**

- Page 30.50-2

The following ~~exceptions~~ are exempt from all the requirements of this Division: ~~except for the installation, construction or reconstruction of water and sewer line extensions, drainage improvements, and street and traffic control related improvements.~~

- A. An expansion or alteration of an existing nonresidential or [multi-family](#) residential use that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s); ~~or;~~
- B. An expansion or alteration of an existing nonresidential or [multi-family](#) residential use that results in a change of ~~less than~~ 50 percent ~~or less~~ of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona; ~~or;~~
- C. ~~Construction of or alteration to of~~ a single-family detached residence or a duplex residence of any value ~~or an addition or alteration to an existing single family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Engineering Standards.~~
- D. If a development application is deemed to require offsite public improvements, and a capital project is listed in the adopted 5-Year Capital Improvement Program for those improvements, the proposed development's proportionate share of offsite public improvements may be waived through a development agreement.

*The qualifying clause in the opening sentence of this Section is unnecessary and has been deleted. As this Section does not apply to single-family residences, the term "multi-family residential" has been added throughout as a clarification.*

*The reference in Subsection C. is unnecessary, and has been deleted.*

*The new Subsection D. has been inserted to codify current City practice regarding developer's obligations for public improvements that are already included in the City's 5-Year Capital Program.*

#### **10-30.50.0560 Impact Analysis Required**

- Page 30.50-3

- A. Pursuant to [Chapter 13-05 \(Engineering Design Reports\)](#) of the *Engineering Standards* and the *Stormwater Regulations*, the City Engineer and Stormwater Manager shall require the applicant to furnish impact studies to assess the impact of new development on the City's existing streets, public utilities and drainage infrastructure. The Utility Director shall assess the impact of new development on the City's utility infrastructure.

*These amendments are necessary as the standards for a stormwater impact analysis are established in the City's Stormwater Regulations which are administered by the Stormwater Manager.*

- B. When an impact study identifies impacts to the City's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.
- C. Impact analyses shall be valid for the period of time as defined in the *Engineering Standards* and the *Stormwater Regulations*.

*This amendment provides a cross-reference to the Engineering Standards and Stormwater Regulations for the when an impact analysis is no longer valid.*

D. The requirements of this Subsection may be waived with the consent of both the City and the applicant.

#### **10-30.50.0670 Minimum Requirements**

- Page 30.50-3

The public improvements required pursuant to this Division shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision or land development as determined by the studies described in Section 10-30.50.060 (Impact Analysis Required), above. The presumptive minimum requirements that are required for public improvements as described in Section 10-30.50.030 (Public Improvements Defined) are:

##### **A. Right-of-Way**

If, as determined by the City Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate proposed or contemplated public improvements, then necessary right-of-way ~~shall~~must be granted to the City. The City Engineer may impose special requirements to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

1. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remainder~~dering 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="#"><u>Natural Features and Site Drainage</u></a>
10-30.60.050	<a href="#"><u>Compatibility</u></a>
10-30.60.060	<a href="#"><u>Building Placement</u></a>
<del>10-30.60.070</del>	<del><b>Pedestrian and Bicycle Circulation Systems</b></del>
10-30.60.0780	<del><b>Compatibility</b></del> Parking Lots, Driveways and Service Areas
10-30.60.080	<a href="#"><u>Pedestrian and Bicycle Circulation System</u></a>
10-30.60.090	<b>Open Spaces, Civic Spaces and Outdoor Public Spaces</b>
10-30.60.100	<b>Private Streets</b>

### 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.

[4.3.](#) 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~~e. Existing structures and other built improvements;
  - ~~g~~f. Prehistoric and historic sites, structures, and routes, and
  - ~~h~~g. 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

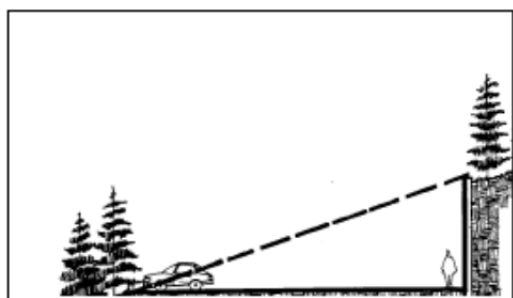
- Page 30.60-6

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.

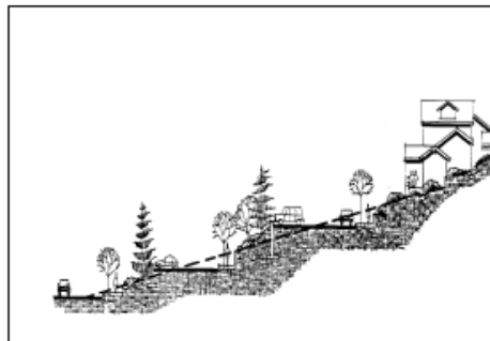
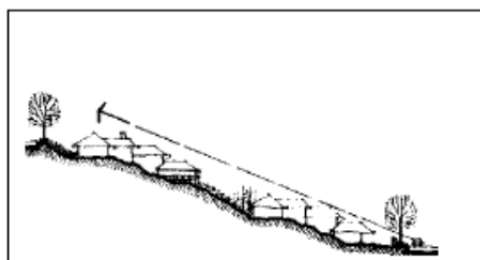


Figure B.

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]

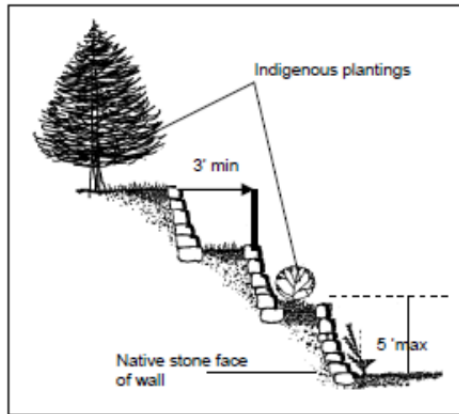


Figure D.

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]

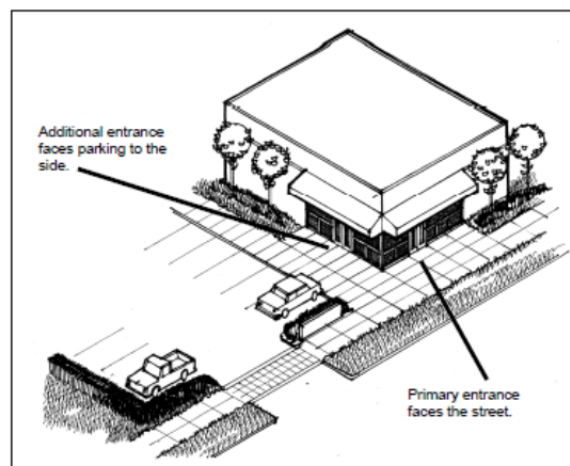


Figure B.

*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~~ [and](#) connected to it.

*This minor amendment corrects the intent of this requirement, i.e. the development must be either within ¼ mile of a FUTS trail or is connected to the FUTS trail.*

# Division 10-30.30: Heritage Preservation

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## Final Planning and Zoning Commission Recommendation

### Sections:

- 10-30.30.010 Purpose
- 10-30.30.020 Applicability
- 10-30.30.030 General Provisions
- 10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones
- 10-30.30.050 Cultural Resources
- 10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone
- 10-30.30.070 Violations and Enforcement
- 10-30.30.080 Appeals

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### **10-30.30.010 Purpose**

The purpose of this Division is to protect and enhance the cultural, historical, and archaeological heritage of the City of Flagstaff by recognizing, preserving, enhancing, and perpetuating the use of those objects, structures, sites, and landscape features that represent distinctive elements of the City's cultural, political, architectural, and archaeological history. The Council finds and intends that preservation of the City's heritage is in the interest of the health, economic prosperity, education, cultural enrichment, and general welfare of the public. This Division implements the City's General Plan and is implemented pursuant to the provisions of the *National Historic Preservation Act of 1966*, as amended, the Certified Local Government program (16 U.S.C. 470a 101(c)(1)), and A.R.S. § 9-462.01, providing the standards and procedures for heritage preservation. Information on the benefits to a property owner and the various incentive programs that are available to assist a property owner to preserve and protect cultural resources on their properties is available from the City Historic Preservation Officer.

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### **10-30.30.020 Applicability**

- A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this Division, and review and approval pursuant to this Division is required for the following:
1. Designation of Landmark Properties or Historic Overlay Zones (Section 10-30.30.040);
  2. Cultural Resource Studies (Section 10-30.30.050.A); and
  3. Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).



**B. Exceptions**

Compliance with the requirements of this Division is not required for the following:

1. Work that the Building Official certifies as correcting an imminent hazard, for which no temporary corrective measures will suffice in protecting the public safety;
2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,
3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

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**10-30.30.030 General Provisions****A. Conflicting Provisions**

When the provisions of this Division conflict with any other laws, codes, or regulations, then the provisions of this Division shall govern, except for matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

**B. Application Requirements**

In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division, an applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together with the required fee established in Appendix 2, Planning Fee Schedule..

**C. Consent Approval****1. Applicability**

The Historic Preservation Officer may review and approve or conditionally approve the following:

- a. Cultural Resource Studies that are Letter Reports; and
- b. Certificates of No Effect for minor work that has a limited impact in relation to the total cultural resource, including:
  - (1) Conforming signs excluding comprehensive sign programs;
  - (2) A remodel, addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet;

- (3) An accessory structure that is not more than the lesser of 10 percent of the main building's footprint or 400 square feet;
  - (4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways, or landscaping;
  - (5) Demolition or removal of inappropriate features that are non-original, including additions, accessory structures, and structures that are not cultural resources; and
  - (6) Modifications to support systems (mechanical, electrical, satellite dishes, and so forth) that are properly sited and screened.
- c. Any matter that the Heritage Preservation commission refers to the Historic Preservation Officer for approval.

**2. Process**

Consent approval by the Historic Preservation Officer is an administrative review and approval that occurs outside of a public meeting.

**a. Referral to Heritage Preservation Commission**

The Historic Preservation Officer may refer any matter to the Heritage Preservation Commission for any reason, and shall refer any matter to the Heritage Preservation Commission when a denial appears appropriate.

**b. Heritage Preservation Commission Oversight**

The Historic Preservation Officer shall regularly review consent matters with the Heritage Preservation Commission.

**D. Concurrent Development Application Review**

At the applicant's option, development proposals that require an approval pursuant to this Division may proceed concurrently with other development reviews and processes. However, no permit shall be granted, and no work shall commence, until an approval pursuant to this Division has been granted and mitigation measures have been incorporated into the final design and documentation of the development.

**E. Expiration of Approvals**

- 1. Any approval pursuant to this Division shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).

2. Any approval pursuant to this Division automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

**F. Unknown or Undiscovered Conditions**

During the course of any work all work that could impact a cultural resource shall be stopped immediately and the Historic Preservation Officer shall be notified if;

1. A potential cultural resource is discovered which was previously unknown; or
2. Any conditions are discovered that prohibit conformance with any approval or conditional approval issued pursuant to this Division; or
3. Any conditions are discovered that warrant any deviation from plans that served as the basis of any approval or conditional approval issued pursuant to this Division.

The work shall remain stopped until the applicant has obtained new, additional, or revised approvals pursuant to this Division.

**G. Flagstaff Register of Historic Places**

The Flagstaff Register of Historic Places identifies properties or zones designated by the Council as Landmark Properties or Historic Overlay Zones, which are depicted as such on the official Zoning Map of the City.

Supplemental to the Flagstaff Register of Historic Places, the Historic Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmark Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).

Information concerning the nature and/or location of any archaeological resource shall not be made available to the public, pursuant to Federal and State laws.

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**10-30.30.040      Designation of Landmark Properties or Historic Overlay Zones**

**A. Purpose**

Designation of a property as a Landmark Property or Historic Overlay Zone formally recognizes its significance, and the need to preserve its historic features.

## B. Applicability

1. **Landmark Property:** An individual property, object, structure, site, sign, or landscape feature may be designated as a Landmark Property within the Landmark Overlay Zone if it is significant in accordance with the provisions of this Division.
2. **Historic Overlay Zone:** A group of properties may be designated as a Historic Overlay Zone if a majority of the properties are significant in accordance with the provisions of this Section or if they provide the necessary setting for a Landmark Property.

## C. Process for Designation of a Landmark Property

The designation of a Landmark Property shall follow the procedural steps represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and described below:

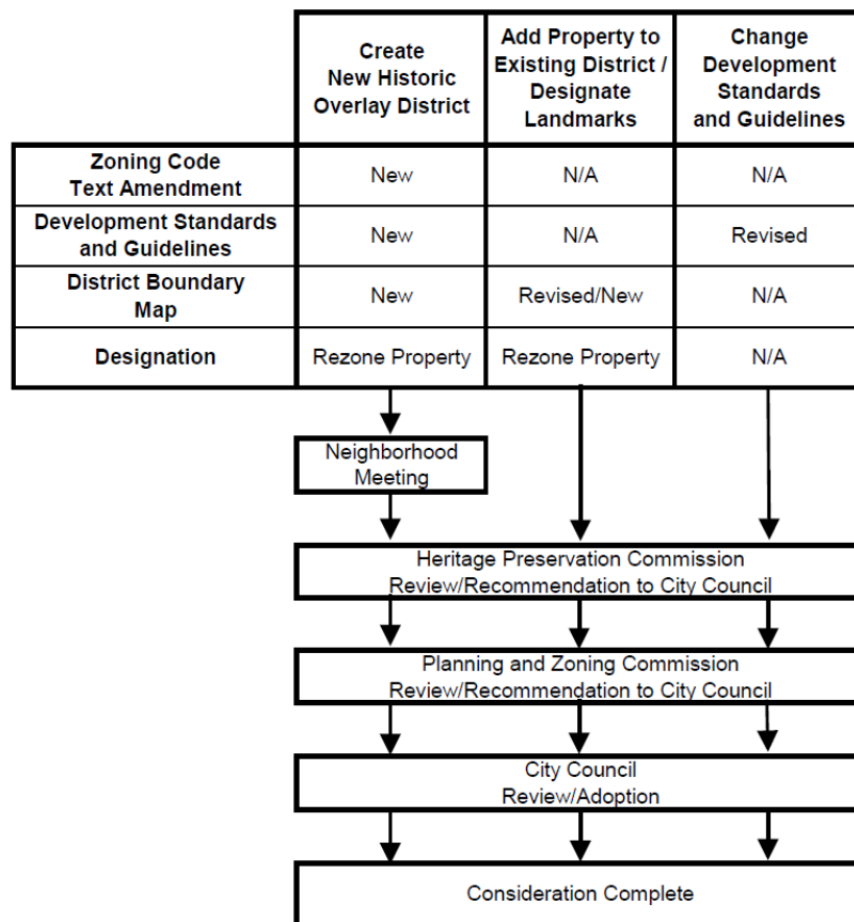


Figure A. Processes for the Designation of a Landmark Property and Historic Overlay Zone

1. An application for designation of a Landmark Property, or an amendment to a Landmark Property, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Landmark Property requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Landmark Property.
2. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. Property owner consent is required for designation of a Landmark Property.
3. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
  - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
  - (2) A recommendation on whether the proposed Landmark Property designation should be granted, granted with conditions to mitigate any anticipated impacts, or denied.
4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
5. Prior to the Planning Commission public hearing as required in Section 10-20.50.040.H (Planning Commission Public Hearing), the Heritage Preservation Commission shall conduct a public meeting which shall serve in lieu of the required neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).
6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the



Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

**D. Process for Designation of a Historic Overlay Zone**

The designation of property or properties as a Historic Overlay Zone is represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and shall follow the procedural steps described below:

- a. An application for designation of property or properties as a Historic Overlay Zone, or an amendment to a Historic Overlay Zone, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Historic Overlay Zone requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Historic Overlay Zone.
- b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels;
- c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
  - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
  - (2) A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.
4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
5. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).
8. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.
9. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.
10. New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.
  - a. Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.
  - b. Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.
11. **Interim Protection for Nominations**

Commencing with the Historic Preservation Commission making a recommendation for approval of a Historic Overlay Zone, Building or Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

  - a. The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work is not subject to the provisions of this Division, or will clearly not have a major impact on a significant resource.
  - b. The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone shall be subject to the provisions of this Division.

- c. Six months have transpired since the Historic Preservation Commission's recommendation for approval of the Historic Overlay Zone with no approval or denial.

**E. Individual Signs of Historic or Cultural Significance**

1. Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a Landmark Property in accordance with the provisions of this Division if they meet the following criteria:
  - a. The sign has been in continuous existence at its present location for not less than 50 years;
  - b. The sign is of exemplary technology, craftsmanship or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;
  - c. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance;
  - d. If the sign has been altered, it must be restorable to its historic function and appearance; and
  - e. The sign complies with movement, bracing, and illumination requirements contained in Section 10-50.100.050.D (Structure and Installation).
2. **Effect of Designation**

When a sign is found to be significant, designated as a Landmark Property (Section 10-30.30.040.C), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.100 (Sign Regulations).

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**10-30.30.050 Cultural Resources**

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are therefore a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

**A. Cultural Resource Studies****1. Purpose**

To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

**2. Applicability**

- a. Cultural Resource Studies are required for all public and private developments involving:
  - (1) Properties listed on the Flagstaff Register of Historic Places; or
  - (2) Properties listed on the Arizona Register of Historic Places; or
  - (3) Properties listed on the National Register of Historic Places; or
  - (4) Undeveloped land; or
  - (5) Structures over 50 years old at the time of application.
- b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:
  - (1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or
  - (2) The structure is not significant or lacks integrity; or
  - (3) The proposed work is excepted from this Division pursuant to Section 10-30.30.030.C.1; or
  - (4) The proposed work does not have major impacts, diminish the significance or integrity of the resource, is reversible, or is temporary; or
  - (5) The structure is post World War II (1945) production housing; or
  - (6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.
- c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

### 3. Specific Application Requirements

#### a. Types of Studies

Upon consultation with the Historic Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

#### b. Preparation

Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (36 CFR 61 Appendix A) as currently amended and annotated by the National Park Service.

#### c. Report Format

The Historic Preservation Officer will work with the professional conducting the study to determine which one of the following report formats, it is appropriate:

##### (1) Letter Reports

A Letter Report is appropriate when;

- (a) Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or
- (b) The integrity of a cultural resource is already severely compromised; or
- (c) The proposed work will not compromise the significance or integrity of the cultural resource; and
- (d) When no mitigation measures are warranted.

The report need only demonstrate that one of these conditions exists.

##### (2) Phase 1 Cultural Resource Studies

When a Letter Report is not appropriate, a Phase 1 Cultural Resource Study shall be prepared. A Phase 1 Cultural Resource Study shall;

- (a) Identify the presence of cultural resources;
- (b) Evaluate the potential for additional cultural resources being discovered;
- (c) Assess the significance of identified and potential cultural resources;



- (d) Assess the integrity of identified resources;
- (e) Assess identified and potential impacts proposed;
- (f) Provide measures to mitigate major impacts on cultural resources; and
- (g) Advise whether Phase 2 or Phase 3 Cultural Resource Studies will be required.

**(3) Phase 2 Cultural Resource Studies**

A Phase 2 Cultural Resource Study is required when major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that would maintain the significance and integrity of the resource. A Phase 2 Cultural Resource Study includes all of the contents of a Phase 1 Cultural Resource Study plus complete text descriptions, as-built plans, and archival grade photography that fully document all physical aspects of the resource(s), including its setting. For Archeological Resource Studies, the required field research shall also include sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

**(4) Phase 3 Cultural Resource Studies**

A Phase 3 Cultural Resource Study is only used for archeological resources and requires complete data recovery, which must be systematically excavated, inventoried, recorded, and mapped. The planned recovery must be designed to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

**(5) National Historic Preservation Act Section 106 Documentation**

Documentation prepared pursuant to Section 106 of the National Historic Preservation Act of 1966 and approved by the Arizona State Historic Preservation Officer may serve as one of the above report formats. This alternate format is appropriate when the level of review and content of the Section 106 documentation meets the requirements of this Division.

**d. Content**

A Cultural Resource Study shall be submitted as a bound document and in an electronic format in a form as determined by the Historic Preservation Officer, and shall contain text, plans, photographs, and other appropriate documentation.

**4. Process**

**(1) Heritage Preservation Commission Review**

The Heritage Preservation Commission shall review and accept

Cultural Resource Studies, and may approve or conditionally approve proposed mitigation measures. Alternatively, the Heritage Preservation Commission may require additional research, documentation, or mitigation measures prior to acceptance. Letter Reports may be accepted by a consent approval process described in Section 10-30.30.030.C.

- (2) When a Cultural Resource Study has been accepted, it shall be offered for curation to the appropriate repository as directed by the Historic Preservation Officer or the State Historic Preservation Office, and in accordance with the standards set forth in 36 CFR 79.9 and 79.10.
- (3) The processes for consideration of cultural resources are provided in Figure B (Processes for Consideration of Cultural Resources).

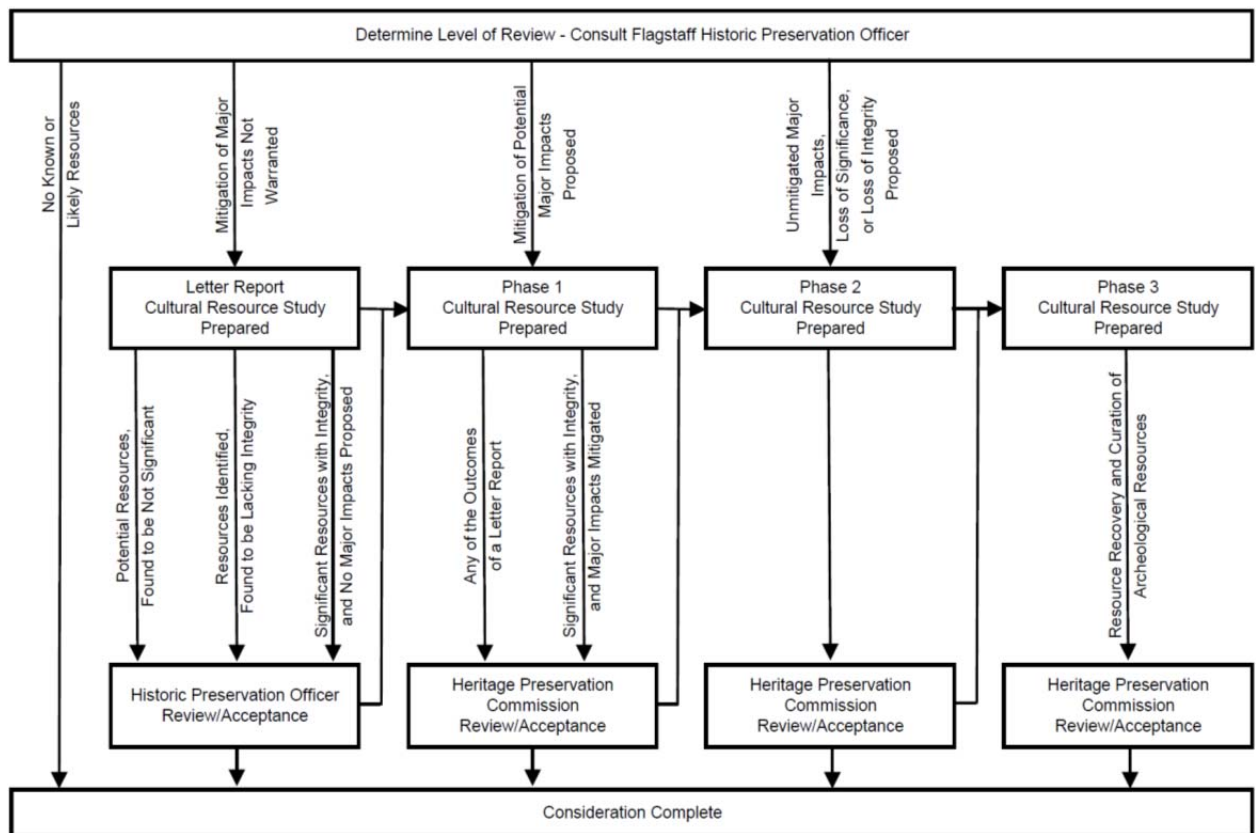


Figure B. Processes for Consideration of Cultural Resources

## 5. Required Recommendations by the Report Preparer

- a. A Phase 1 Cultural Resource Study shall include a recommendation for the preparation of a Phase 2 Cultural Resource Study when:
  - (1) The assessment of whether a cultural resource's presence or significance is indeterminate; or

- (2) Major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that maintain the significance and integrity of the resource.
- b. A Phase 2 Cultural Resource Study shall include a recommendation for the preparation of a Phase 3 Cultural Resource Study when:
  - (1) Significant archeological resources are present in the development area; and
  - (2) Actual or potential impacts are major impacts; and
  - (3) When no other mitigation measures are proposed that maintain the significance and integrity of the resource.

**B. Determination of Significance of Cultural Resources**

The criteria for determining the significance of a cultural resource is based on the potential of the cultural resource to contribute to our understanding of the past.

- 1. A cultural resource is significant if:
  - a. It is listed or eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or
  - b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or
  - c. It represents the work of, or for, an important individual; or
  - d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or
  - e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.
- 2. A resource is generally not significant if:
  - a. It is less than 50 years old at the time of application; or
  - b. The features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.
- 3. Requirement to Meet the Criteria, Regardless of Age: Properties that are 50 years old are not automatically significant. In order to be significant,

all resources, regardless of age, must be demonstrated to meet the criteria for determining the significance of a cultural resource.

**C. Determination of Integrity**

Integrity is the ability of a property to convey its significance and is based on significance, i.e. why, where, and when a property is important. Integrity is the authenticity of a property's physical identity clearly indicated by the retention of characteristics that existed during the property's period of significance. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant.

1. Historic properties either retain integrity (convey their significance) or they do not.
2. The historic physical features that represent the significance of a property must remain and must be visible enough to convey their significance. However, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain sufficient physical features, historic character, and appearance that enable it to convey its historic identity and the reasons for its significance.
3. To retain historic integrity a property will always possess several, and usually most, of the following seven aspects of integrity:
  - a. **Location:** The place where the historic property was constructed or the place where the historic event occurred.
  - b. **Design:** The combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.
  - c. **Setting:** The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.
  - d. **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. A property must retain the key exterior materials dating from the period of its historic significance.
  - e. **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

- f. **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.
  - g. **Association:** The direct link between an important historic event or person and a historic property.
- 4. Integrity is not the same as condition. Integrity relates to the presence or absence of historic materials and character defining features. Condition relates to the relative state of physical deterioration of the property. Integrity is generally more relevant to the significance of a property than condition. However, if a property is in such poor condition that original materials and features may no longer be salvageable, then the property's integrity may be adversely impacted and compromised.
  - 5. To be considered authentic, a property must incorporate a substantial amount of the original features and materials. While new material can exactly copy significant features, if too much historic material is replaced with new material, the integrity of the property is lost and integrity can never be re-created. The precise replication of features with new materials may produce a building that looks like a historic building, but without substantial retention of actual historic materials, the integrity of the property is lost.

**D. Determination of Major Impacts to Cultural Resources**

Impacts to resources are major when they directly or indirectly alter or destroy any of the characteristics that make the resource significant, including when they may diminish the integrity of the resource including its location, design, setting, materials, workmanship, feeling or association.

- 1. Major impacts include:
  - a. Physical destruction or damage to all or part of the resource;
  - b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;
  - c. Relocation or isolation of the cultural resource from its setting;
  - d. Excessive replacement of original materials;
  - e. Alteration of the character of the cultural resource's setting;
  - f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
  - g. Neglect of a cultural resource resulting in its deterioration or destruction.



2. An impact is generally not major if:

- a. It does not alter the resource; or,
- b. It is reversible; or,
- c. It is temporary.

**E. Mitigation Measures**

**1. Purpose**

To the greatest extent feasible, mitigation measures minimize or offset major impacts on resources with a general threshold of reducing the impacts to a level that is less than a major impact.

**2. Applicability**

All proposed work that will or may have a major impact on a significant cultural resource, as determined by an appropriate Cultural Resource Study shall incorporate mitigation measures.

**3. Professional Design Required**

The preparer of a Cultural Resource Study shall design the appropriate mitigation measures. These may include alternative projects, alternative designs, additional work, or other means. The appropriate type and scope of measures varies depending on the cultural resource and impacts, and shall be recommended based on the professional expertise of the preparer and the following:

**a. For Potential Resources or Potential Impacts**

Construction monitoring by the report preparer is an acceptable mitigation measure. If monitoring indicates that the work will produce a major impact to a significant cultural resource, construction shall cease in the area of the resource and the report preparer, subject to approval pursuant to this Division, shall develop and apply appropriate mitigation measures.

**b. For Identified Major Impacts**

The following mitigation measure designs are presented in order of general preference:

- (1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;
- (2) Preservation of cultural resources in place;
- (3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;
- (4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements;

(5) Data recovery.

c. **Human Remains**

Federal and State laws provide standards and regulations for the handling, care and removal of human remains.

F. **Standards and Guidelines**

The following standards and guidelines apply to the preparation, review, and acceptance of Cultural Resource Studies pursuant to this Section;

1. *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.
2. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*
3. *Preservation Briefs* and other similar best practice documents published by the National Park Service

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**10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone**

A. **Purpose**

This Section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated Landmark Properties and properties within a Historic Overlay Zone.

B. **General Applicability**

Except as provided in Section 10-30.30.020.B, all proposed work on a Landmark Property and within a Historic Overlay Zone, whether or not any other approval or permit is required, including demolition, shall be approved pursuant to this Division.

C. **Process**

Except as provided in Section 10-30.30.030.B, prior to the granting of any required approvals or permits and prior to the commencement of any work on a Landmark Property or within a Historic Overlay Zone, the Heritage Preservation Commission or the Historic Preservation Officer shall review all work proposed and approve or conditionally approve the work in the form of a Certificate of No Effect, Certificate of Appropriateness, or Certificate of Economic Hardship. The process for review and approval of work within a Historic Overlay Zone is represented in Figure C (Processes for Review of Development in a Landmark Property and Historic Overlay Zone).

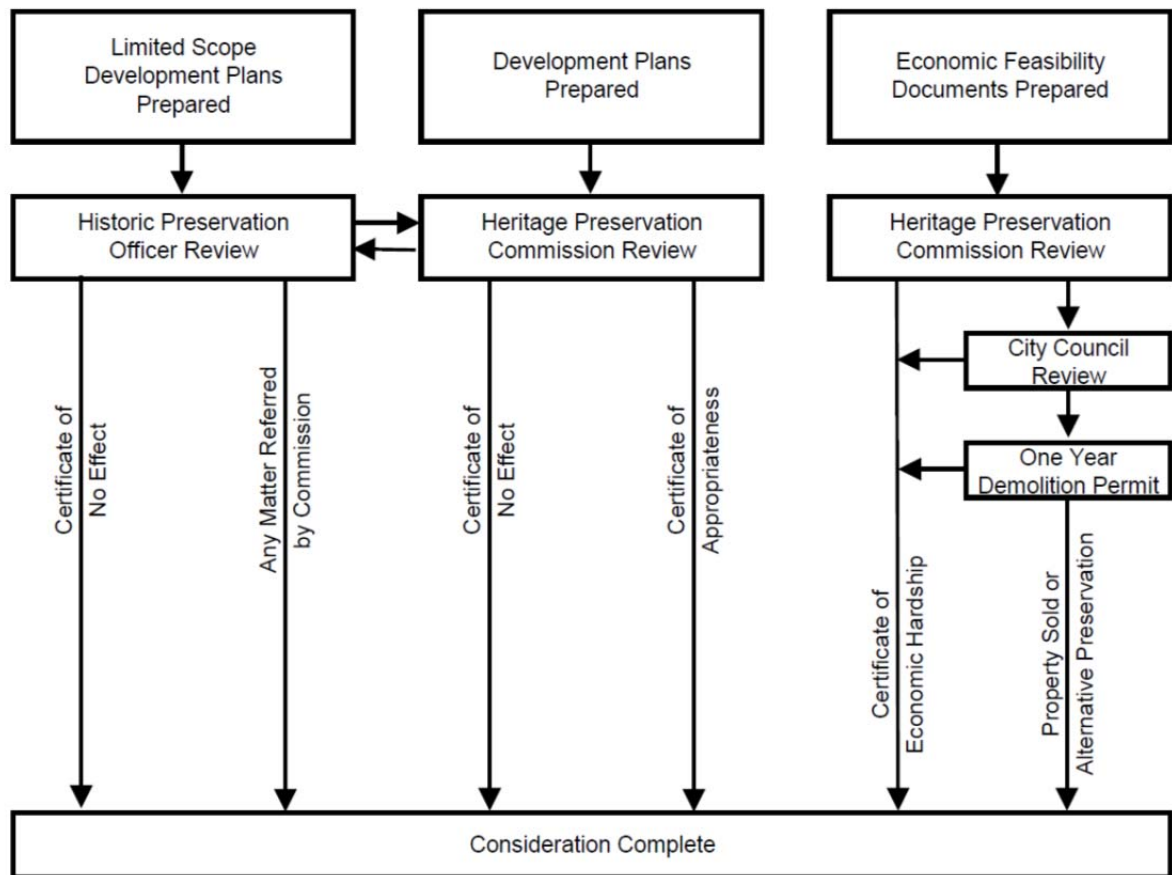


Figure C. Processes for Review of Development in a Landmark Property and Historic Overlay Zone

#### D. Certification of No Effect

##### 1. Applicability

This approval is appropriate if the proposed work is compatible with the historic or archaeological character of a cultural resource, such that there will be no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.

##### 2. Criteria for Approval

When approving a Certification of No Effect, the Historic Preservation Officer or Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:

- (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
- (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- d. There are no major impacts to any on-site cultural resources; and
- e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G - Development Standards and Guidelines).

**E. Certification of Appropriateness**

**1. Applicability**

This approval is appropriate if the proposed work alters a cultural resource, but does so in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance or integrity of the resource.

**2. Criteria for Approval**

When approving a Certification of Appropriateness, the Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:
  - (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
  - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently sought, identified, and evaluated;
- d. Major impacts on cultural resources are sufficiently mitigated; and
- e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G).

**F. Certification of Economic Hardship****1. Applicability**

This approval is appropriate if the proposed work, including demolition, and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.

**2. Criteria for Approval**

When approving a Certification of Economic Hardship, the Heritage Preservation Commission shall find that:

- a. The cultural resources associated with the proposed work have been sufficiently identified, and evaluated;
- b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);
- c. Preservation is economically infeasible;
- d. The economic hardship is not a self-created hardship;
- e. Alternative development has been fully explored; and
- f. Alternative financing has been fully explored.

**3. Temporary Delay of Demolition**

If a Certificate of Economic Hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, state and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative, and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.

**G. Development Standards and Guidelines**

The following standards and guidelines apply to all approvals granted pursuant to this Section:

**1. City Code, Title 10 Zoning Code**

The Heritage Preservation Commission and the Historic Preservation Officer shall apply the development standards and guidelines provided in



Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.

**2. Industry Standards and Guidelines**

- a. *The Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.
- b. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*
- c. *Preservation Briefs* and other similar best practice documents published by the National Park Service.

**3. Zone Specific Development Standards and Guidelines**

These standards and guidelines are available from the Planning Section.

- a. *Design Handbook for Downtown Flagstaff* (1997);
- b. *Townsite Historic Overlay Zone Design Standards and Guidelines* (June 2007);
- c. *Landmark Zone Design Standards and Guidelines* (March 2008); and,
- d. Others as may be adopted in association with any designation of a new Historic Overlay Zone.

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**10-30.30.070    Violations and Enforcement**

- A. All work authorized as a result of an approval granted pursuant to this Division shall conform to any requirements included with it. Deviations from the plans that served as the basis of the approval of a Certificate of Appropriateness, or from any conditions of approval, constitute a violation of the provisions of this Division. Violations shall be governed by the provisions of Division 10-20.110 (Enforcement).
- B. It shall be the duty of the Heritage Preservation Officer and/or the City Building Inspector to inspect periodically and assure compliance of any work performed pursuant to the provisions of this Division. Enforcement shall be governed by the provisions of Division 10-20.110 (Enforcement).

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**10-30.30.080 Appeals**

Any person, firm, or corporation aggrieved by a decision of the Historic Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

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## Division 10-30.30: Heritage Preservation

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### Final Planning and Zoning Commission Recommendation

To make the proposed amendments in Division 10-30.30 easier to follow and understand, the entire Division is included here in Track Changes format. While the scope of the amendments looks large, the majority are clerical in nature intended to improve the readability of the Division. A summary of major/substantive amendments (e.g. a where new process or procedural requirement is proposed, a standard is changed, etc.) is provided in the table below:

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-30.30.030 General Provisions	30.30-3	Application Requirements: Moved to the beginning of this Section. Includes new text referring to the City's standard application process. Consistent with the rest of the Zoning Code, all submittal requirements have been removed from this Division to be included on the appropriate application forms.	3
10-30.30.030 General Provisions	30.30-6	Unknown or Undiscovered Conditions: Clarifies under what conditions work may be stopped if a cultural resource is identified.	6
10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones	30.30-7	This has been made a new Section for clarity and ease of use. Also, the processes for designation of a Landmark Property is separated from that for a Historic Overlay Zone, and more comprehensive explanations of the designation process are included.	7
10-30.30.050 Cultural Resources	30.30-15	Cultural Resources: Includes an explanation of why cultural resources are important.	15
10-30.30.050 Cultural Resources	30.30-15	Applicability: Clarifies and expands on the conditions when a cultural resource study is not needed.	15
10-30.30.050 Cultural Resources	30.30-17	Includes a reference to National Historic Preservation Act Section 106 Documentation	18
10-30.30.050 Cultural Resources	30.30-22	Determination of Integrity: Includes a new Subsection to provide more detail on what defines the integrity of a cultural resource.	22

## Division 10-30.30: Heritage Preservation

### Sections:

<a href="#">10-30.30.010 Purpose</a>
<a href="#">10-30.30.020 Applicability</a>
<a href="#">10-30.30.030 General Provisions</a>
<a href="#">10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones</a>
<a href="#">10-30.30.050 Cultural Resources</a>
<a href="#">10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone</a>
<a href="#">10-30.30.070 Violations and Enforcement</a>
<a href="#">10-30.30.080 Appeals</a>
<del>10-30.30.010 Purpose</del>
<del>10-30.30.020 Applicability</del>
<del>10-30.30.030 General Provisions</del>
<del>10-30.30.040 Flagstaff Register of Historic Places</del>
<del>10-30.30.050 Cultural Resources</del>
<del>10-30.30.060 Development of Property within a Historic Overlay Zone</del>
<del>10-30.30.070 Violations and Enforcement</del>
<del>10-30.30.080 Appeals</del>

*Note that explanations in italic font are only included for significant changes in this draft.*

### 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.

### 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](#)~~Section~~, and review and

approval pursuant to this Division ~~by the Heritage Preservation Commission~~ is required for the following:

1. Designation of Landmark ~~s, Historic Properties,~~ or Historic Overlay Zones (Section 10-30.30.040.~~B~~);

2. Cultural Resource Studies (Section 10-30.30.050.A); and

~~3. Mitigation Measures (Section 10-30.30.050.D); and~~

*As mitigation measures are included in the Section on Cultural Resource Studies staff recommends that this reference may be deleted.*

~~4.3.~~ Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).

#### B. Exceptions

Compliance with the requirements of this Division is not required for the following:

1. Work ~~that~~which the Building Official certifies as correcting an imminent hazard, ~~for which and that~~ no temporary corrective measures will suffice in protecting the public safety;

2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,

3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

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## 10-30.30.030 General Provisions

### A. Conflicting Provisions

When ~~it is not feasible for proposed development to comply with the~~ provisions of this Division conflict with ~~and~~ any other laws, codes, or regulations, then the provisions of this Division shall govern, except for matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

### ~~C.B.~~ General Application Requirements

In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division the Heritage Preservation Commission, the applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together with the required payment of appropriate fees established as stipulated in Appendix 2, Planning Fee Schedule. Specific application requirements are established in the following Sections:

- ~~1. Designation of Landmarks, Historic Properties, or Historic Overlay Zones (Section 10-30.30.040.B);~~
- ~~2. Cultural Resource Studies (Section 10-30.30.050.A);~~
- ~~3. Certificate of No Effect (Section 10-30.30.060.D);~~
- ~~4. Certificate of Appropriateness (Section 10-30.30.060.E); and,~~
- ~~5. Certificate of Economic Hardship (Section 10-30.30.060.F).~~

~~D.~~

*This Subsection on Application Requirements has been moved to the beginning of this Section where it is more logically placed. Text referring to the City's standard application process has also been inserted to make this Section easier to understand.*

**~~E.C.~~ Consent Approval Process**

~~In lieu of review and approval by the Heritage Preservation Commission, the Historic Preservation Officer may review and approve the following:~~

**1. Applicability**

The Historic Preservation Officer may review and approve or conditionally approve the following:

- a. Cultural ~~R~~esource ~~S~~tudies that are ~~L~~etter ~~R~~eports; and
- b. Certificates of No Effect ~~for building permits~~ for minor work that has a limited impact in relation to the total cultural resource, including:
  - (1) Conforming signs excluding comprehensive sign programs;
  - (2) A ~~remodel~~, ~~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 ~~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.~~

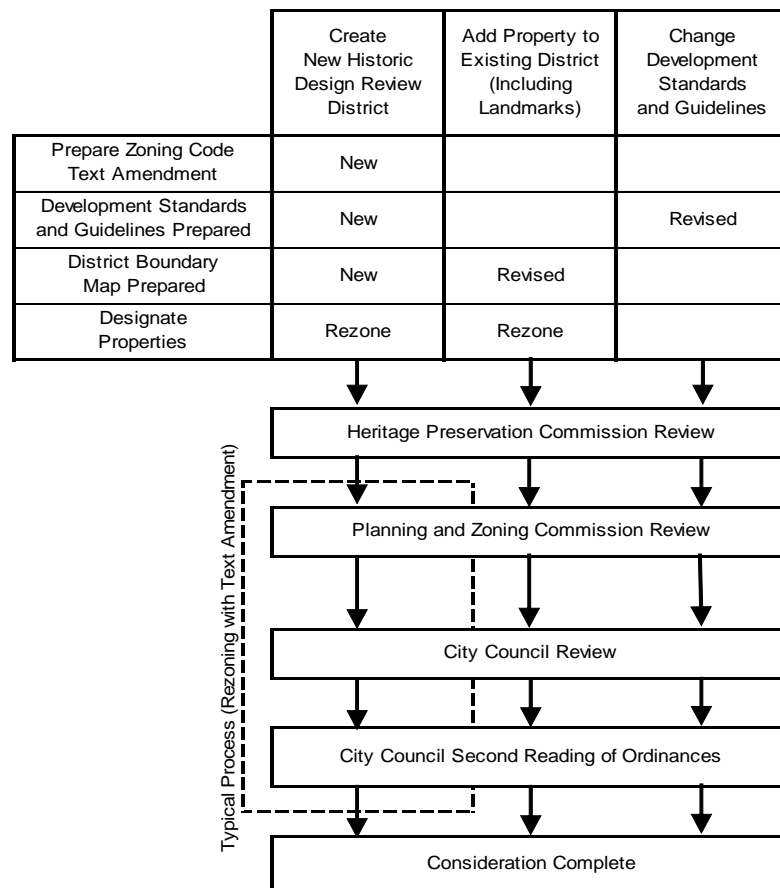


Figure BA - Processes for Historic Overlay Zones

[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 ~~4~~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.~~9~~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.~~CB~~), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.~~9~~100 (Sign Regulations).

**10-30.30.050 Cultural Resources**

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are, therefore, a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

**A. Cultural Resource Studies****1. Purpose**

To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

**2. Applicability**

- a. Cultural Resource Studies are required for all public and private developments involving:

- (1) Properties listed on the Flagstaff Register of Historic Places; or
- (2) Properties listed on the Arizona Register of Historic Places; or
- (3) Properties listed on the National Register of Historic Places; or
- (4) Undeveloped land; or
- (5) Structures over 50 years old at the time of application.

- b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:

(1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or

~~(1)~~(2) The structure is not significant or lacks integrity; or

~~(2)~~(3) The proposed work is excepted from this Division pursuant to ~~meets the consent approval process criteria~~ (Section 10-30.30.030.CB.1); or

~~(3)~~(4) The proposed work does not have major impacts, ~~diminish~~alter the significance or integrity of the resource, is reversible, or is temporary; or

(5) The structure is post World War II (1945) production housing; ~~or;~~

~~(4)~~(6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.

*This amendment clarifies and expands on the conditions when a cultural resource study is not needed.*

- c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

### 3. Specific Application Requirements

#### a. Types of Studies

Upon consultation with the ~~Historic~~Heritage Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

#### b. Preparation

Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (36 CFR 61 Appendix A) as currently amended and annotated by the National Park Service.

#### c. Report Format

~~With the concurrence of the~~ ~~The~~ ~~Heritage~~Historic Preservation Officer will work with the professional conducting the study to determine which, a preparer may select, one of the following report formats ~~when, in their professional opinion,~~ it is appropriate:

##### (1) Letter Reports

A Letter Report is appropriate when;

(a) ~~s~~Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or

(b) ~~t~~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) ~~I~~Identify the presence of cultural resources;

(b) ~~E~~Evaluate the potential for additional cultural resources being discovered;

(c) ~~A~~Assess the significance of identified and potential cultural resources;

(d) Assess the integrity of identified resources;

(e) ~~a~~Assess identified and potential impacts proposed;

(f) ~~P~~Provide measures to mitigate major impacts on cultural resources; and

~~(2)(g)~~ ~~a~~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).

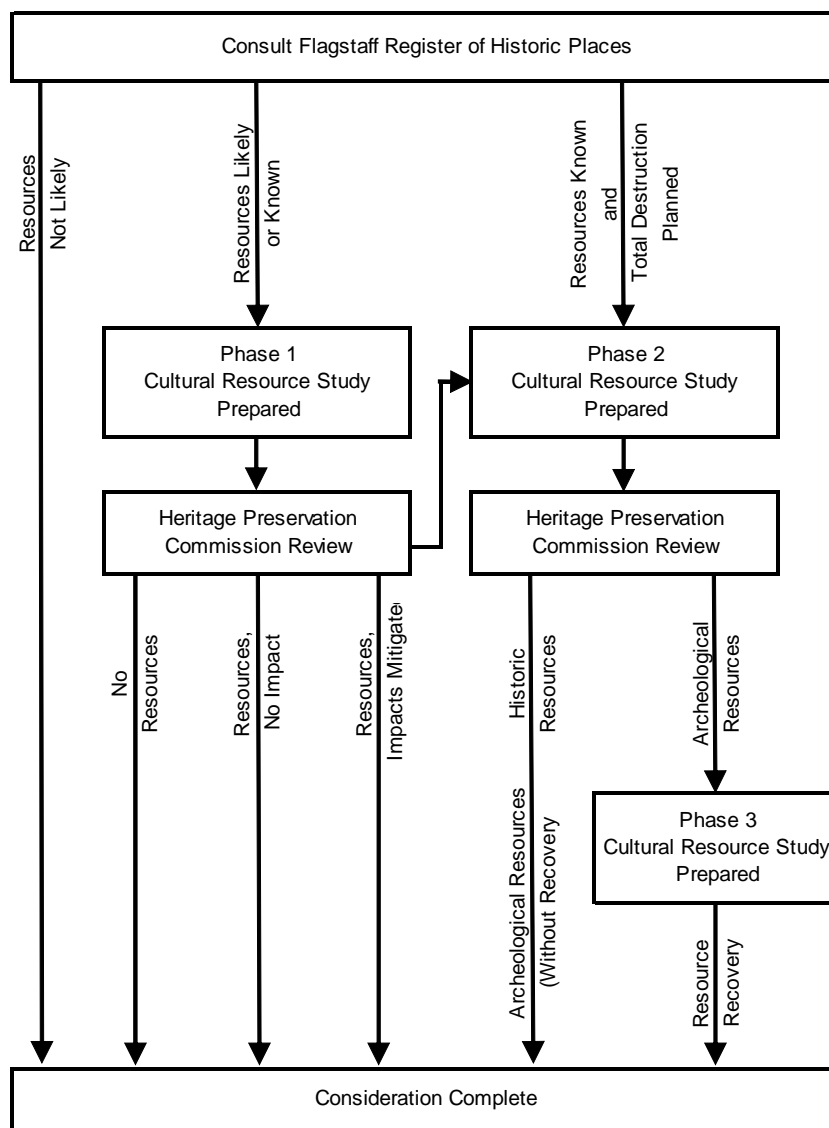


Figure B - Processes for Consideration of Cultural Resources

#### 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~~ or,
- (2) Actual or potential impacts are major impacts; ~~and~~ or,
- (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.*
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 Landmark~~s~~, ~~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).

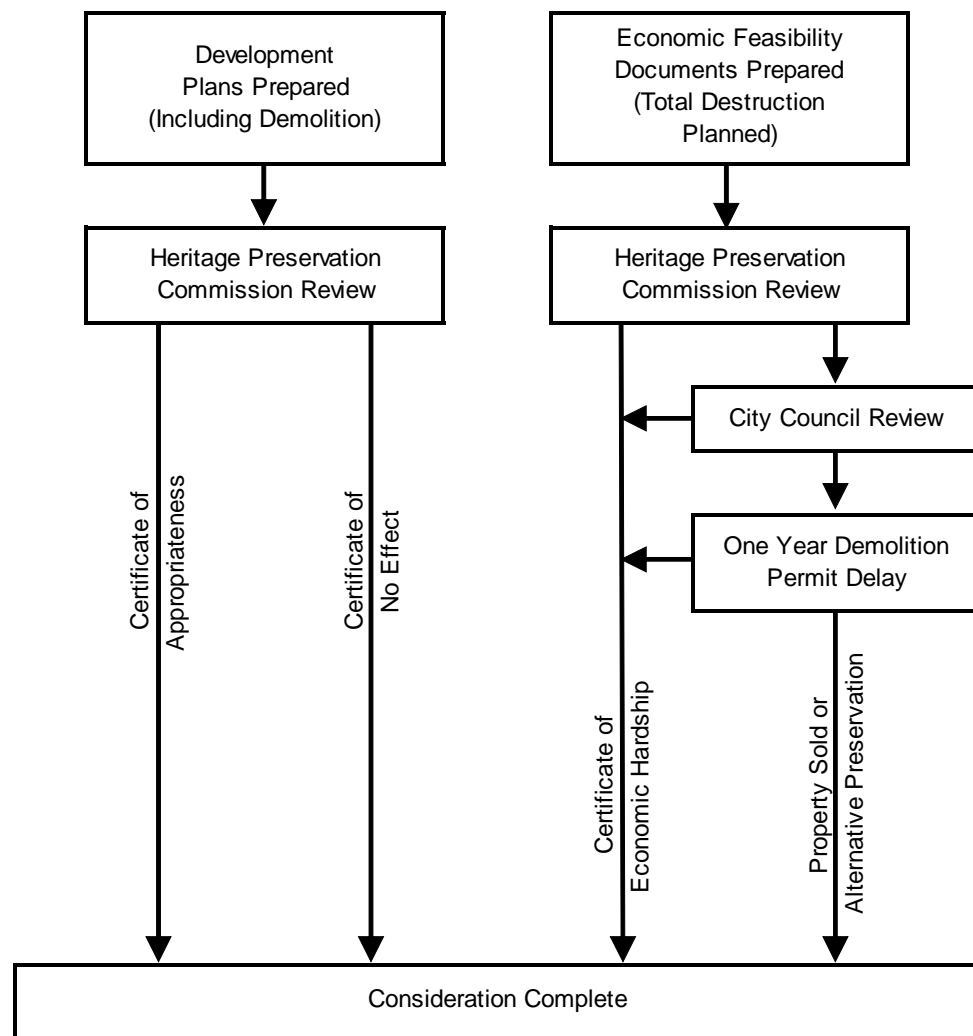


Figure C - Processes for Review of Development in a Historic Overlay Zone

#### 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 Certificationione 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. Certificationione 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 Certificationione 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 10-20.1120 (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 10-20.1120 (Enforcement).

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## **10-30.30.080 Appeals**

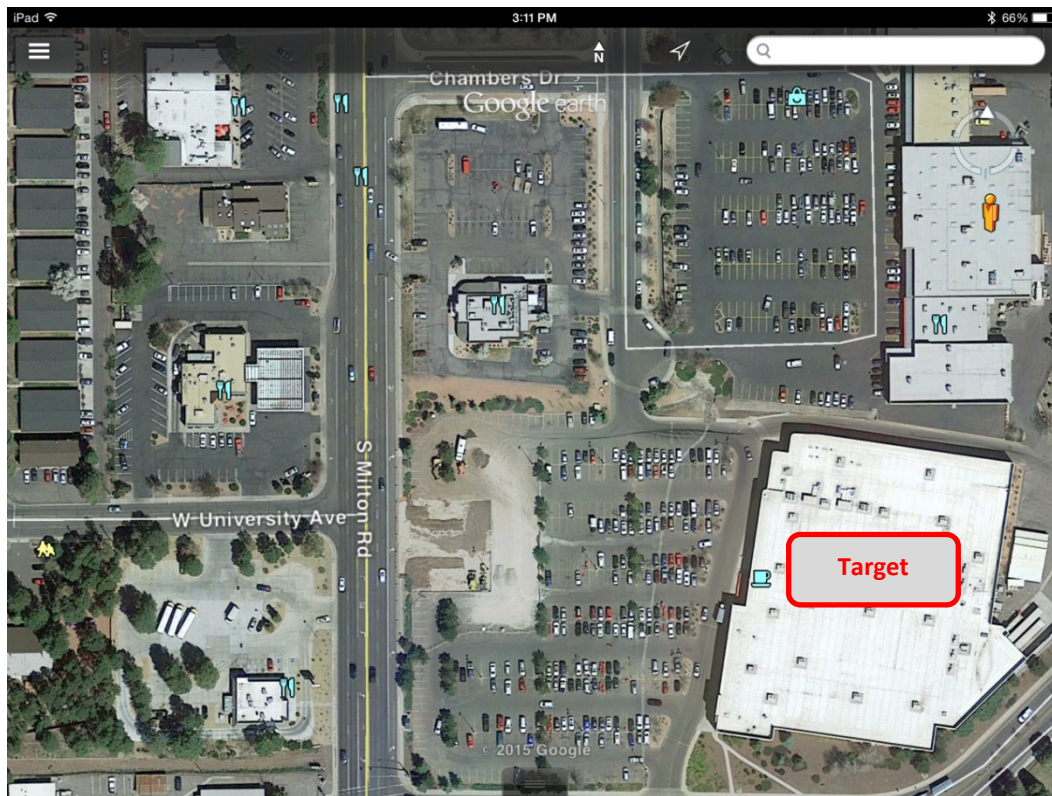
Any person, firm, or corporation aggrieved by a decision of the Historic~~Heritage~~ Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the

appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

Div10-30.30\_HeritagePreservation\_RedLine\_2015Jun24\_FinalPZ.docx

## Photographs of “Building Forward Design” in New Developments in Flagstaff

September 16, 2015



Photograph of S. Milton Road and Riordan Ranch Road (above) illustrating typical parking-forward/buildings-to-the-rear development patterns, with no connections to the street, prior to adoption of the 1991 Land Development Code.



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

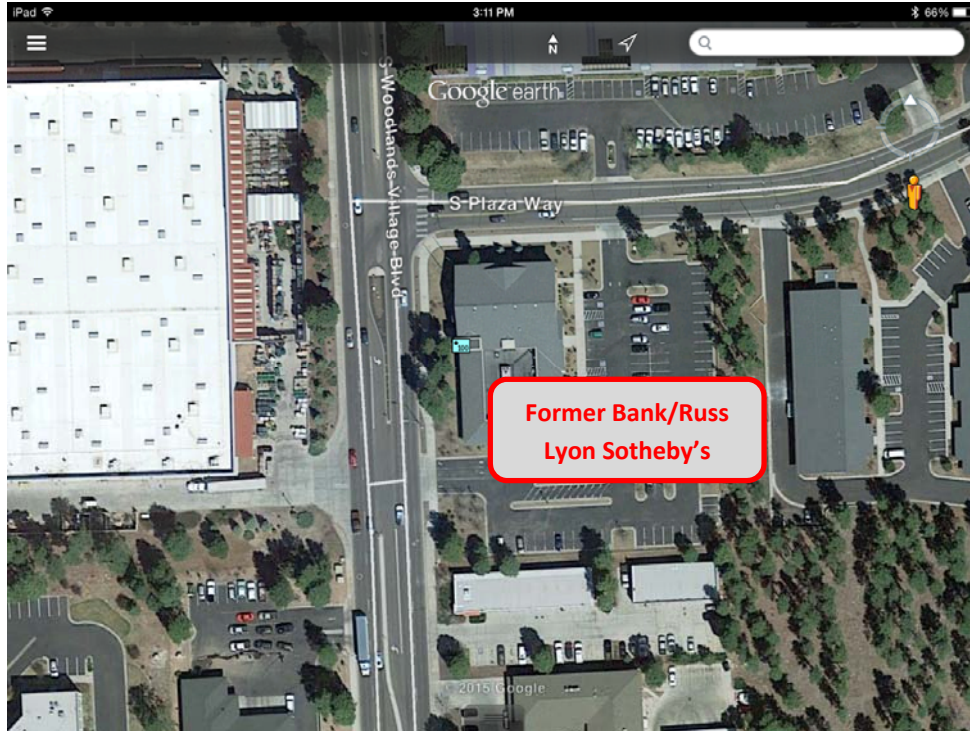




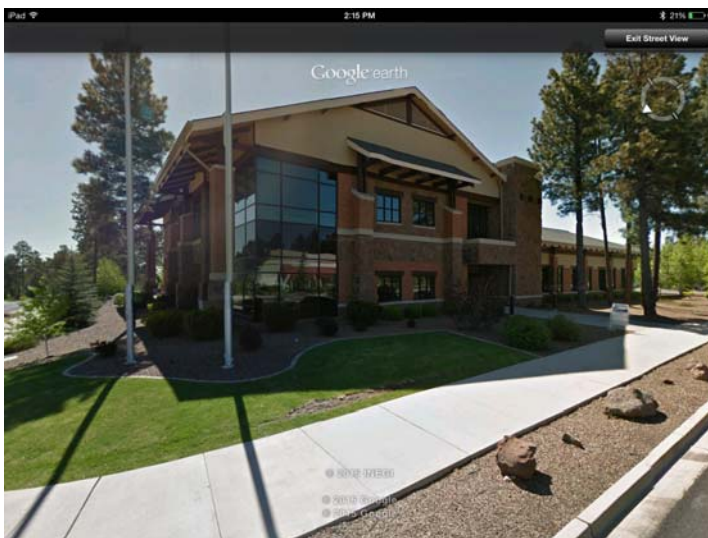
Photograph of the corner of N. Beaver Street and W. Aspen Avenue (above) illustrating a parking-forward/building-to-the-rear development pattern inconsistent with the walkable urban environment that defines downtown (Note that at the time of the building's construction it was approved under then-in-effect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







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



Strong pedestrian access from the public right-of-way (left photograph) and with a building entry zone from S. Plaza Way (right photograph). Note that new permanent signage would strengthen the building entry zone.



**Jimmy Johns/Dunkin Donuts and Chick Fila –**  
S. Milton Road. Excellent example of building forward design anchoring a corner with very good pedestrian connections to the street.



**Jimmy Johns/Dunkin Donuts and Chick Fila –**  
Building entrances directly face the street to provide strong pedestrian connections.



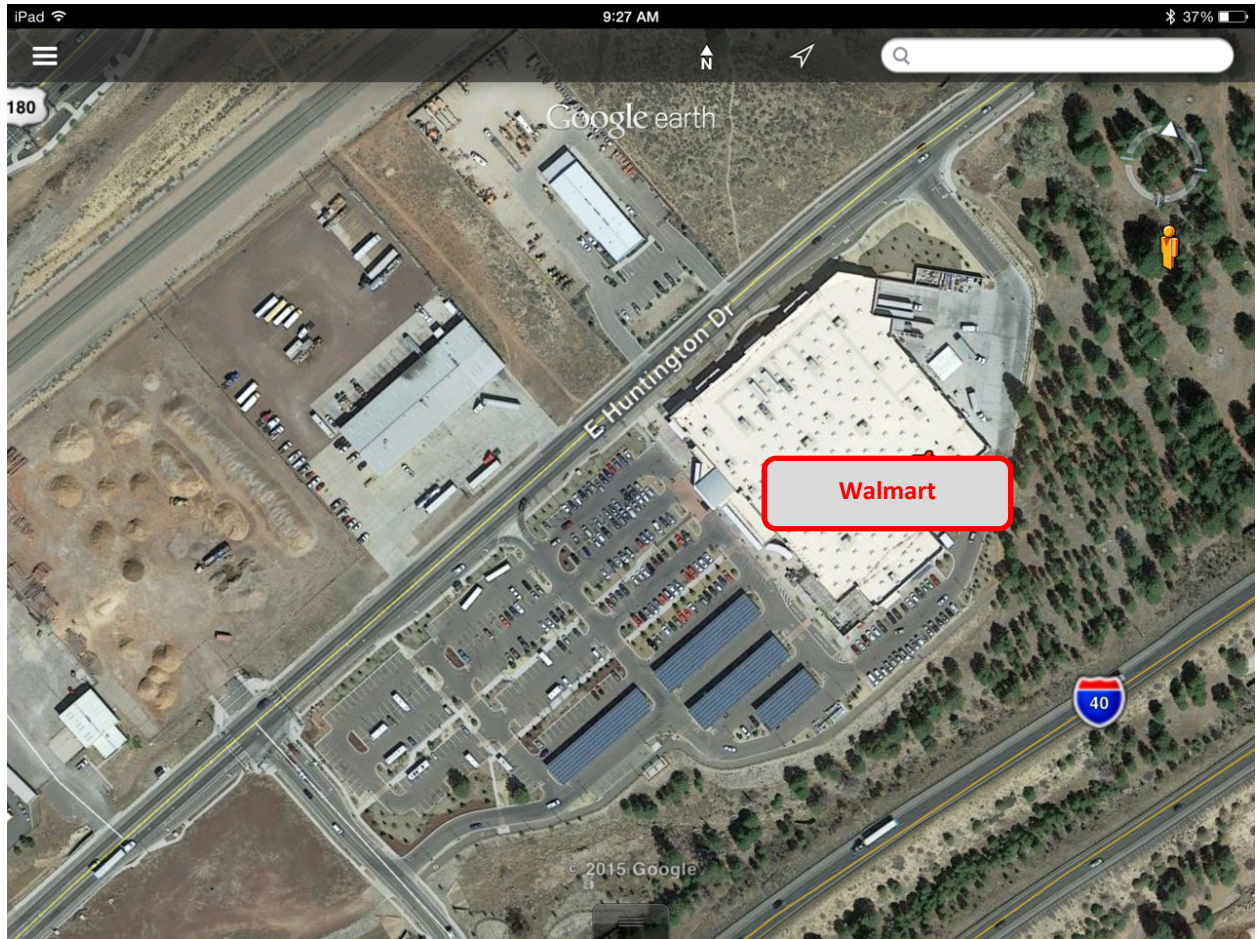


**Walgreens and Arizona National Bank – E. Route 66.** An example of building forward design with parking to the side or rear.



**Arizona National Bank – E. Route 66.** Good pedestrian connections to the street and a building entry zone that could be strengthened with the addition of new signage.

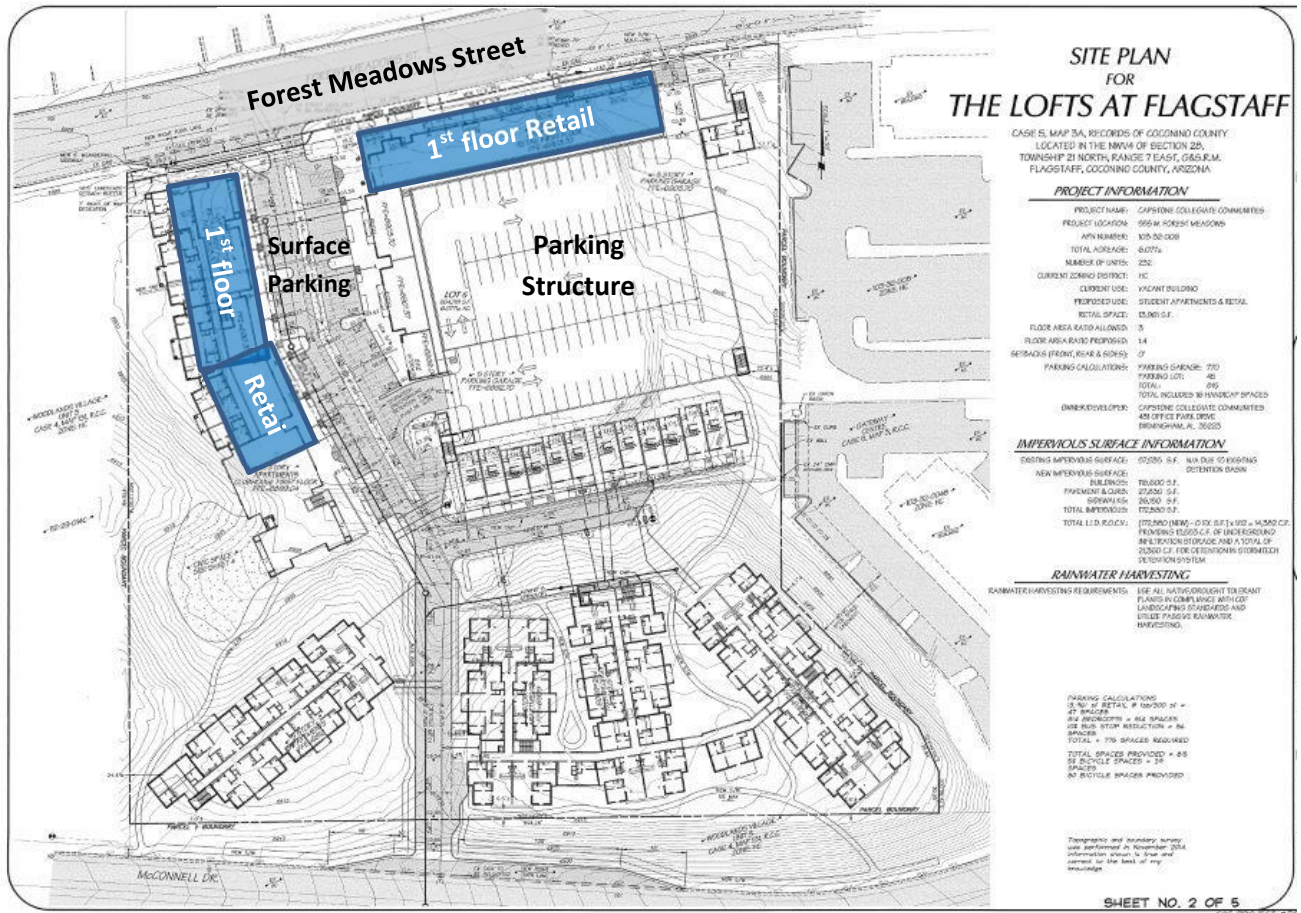




**Walmart** on Huntington Drive – building forward design with parking to the side. The building entrance faces the parking area but is strongly connected with a pedestrian entry zone and walkway connecting through the parking area as is shown in the photograph below.







## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Roger Eastman, Zoning Code Administrator  
**Date:** 11/02/2015  
**Meeting Date:** 11/10/2015




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#### TITLE

**Policy discussion on proposed amendments to Chapter 10-40 of the Flagstaff Zoning Code.**

#### RECOMMENDED ACTION:

Staff will be seeking Council direction on any policy issues associated with proposed amendments to Chapter 10-40 (Specific to Zones) of the Flagstaff Zoning Code.

#### EXECUTIVE SUMMARY:

This is the third in a series of Council work sessions for a policy discussions on Chapter 10-40 (Specific to Zones) of the Flagstaff Zoning Code. In these work sessions staff will introduce to the Council the more substantive amendments proposed and the reason(s) for them. 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.4** Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.
- Goal LU.5** Encourage compact development principles to achieve efficiencies and open space preservation.
- Goal LU.6** Provide for a mix of land uses.
- Goal LU.9** Focus reinvestment, partnerships, regulations, and incentives on developing or redeveloping areas.
- Goal LU.13** Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all neighborhoods.

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).

## Division 10-40.30 Non-Transect Zones

- ## Division 10-40.40 Transect Zones

### Division 10-40.60 Specific to Uses

- The first attachment provides a detailed overview of the policy issues identified by staff for the Council's consideration. The second attachment details the proposed amendments to Chapter 10-40 (Specific to Zones). Full details of all the proposed amendments are included in these documents, including an explanation of why the amendment is proposed. This may be easily identified because it is written in italic font. A summary of the substantive amendments to this chapter is provided in a table on the first page with a brief description of the amendment and on what page it may be found.

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.

# Summary of Policy Issues

## Proposed Amendments to the Zoning Code

### Chapter 10-40 (Specific to Zones)

October 6, 2015

#### Division 10-40.30 Non-Transect Zones

##### 10-40.30.030 Residential Zones

###### Policy Question(s):

- Should the use type currently called “Rooming and Boarding Facility” be deleted and the three uses previously grouped within it be listed separately, i.e. dormitories, single room occupancies (SRO) and fraternities/sororities?
- Should dormitories, single room occupancies (SRO) and fraternities/sororities be removed from the list of permitted uses in the Estate Residential (ER) and Manufactured Housing (MH) Zones as they are not appropriate uses within these zones?

See Page 40-4 & 40-5 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Uses the term “Rooming and Boarding Facility” which includes three separate and different uses, including dormitories, SROs, and fraternities/sororities.	As dormitories, SROs, and fraternities/sororities are three distinctly separate uses (See the amended definitions of these uses included on Page 5), they are proposed to be listed separately to minimize confusion.
Includes dormitories, SROs, and fraternities/sororities as permitted uses in the ER and MH Zones.	These uses are not currently permitted in the RR Zone. As the ER Zone has similar large lot characteristics it is recommended that these uses should not be permitted in this Zone. These uses are also proposed to be removed from the MH Zone to assure the provision of manufactured homes within the City.

##### 10-40.30.040 Commercial Zones

###### Policy Question(s):

- Should regional meeting facilities be removed from the list of allowed uses in the Suburban Commercial (SC) Zone?
- Should it be easier to build a single-family home in the Community Commercial (CC) Zone by allowing a single-family dwelling as a permitted use in this Zone?
- Should bars/taverns be permitted as a new use in the Community Commercial (CC) Zone?
- Should the allowed maximum building height in Suburban Commercial (SC) Zone be increased from 25 to 35 feet?

See Page 40-8 to 40-11 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Table B (Allowed Uses) currently allows regional meeting facilities in the SC Zone.	Recommends the removal of regional meeting facilities from the SC Zone as this zone is intended for neighborhood serving uses that are not

<p>Table B (Allowed Uses) currently prohibits construction of a single family dwelling in the CC Zone. Residential uses are only permitted as a part of a mixed-use development with the residential use located above or behind a commercial use.</p> <p>Table B (Allowed Uses) currently prohibits bars/taverns within the CC Zone. Note that micro-breweries/micro-distilleries are currently permitted in this zone.</p> <p>Table C (Building Form Standards) establishes the maximum building height for the SC Zone as 25 feet.</p>	<p>regional in scope. Regional meeting facilities are permitted in all other commercial zones.</p> <p>Specifically allows single-family residences as a permitted use on a lot or parcel in the CC Zone. This is especially important in areas such as the south Sunnyside neighborhood where a majority of lots while zoned CC are developed as single-family residences.</p> <p>Specifically would allow bars and taverns in the CC Zone because micro-breweries/micro-distilleries are currently permitted.</p> <p>Increases the allowed building height in the SC Zone to 35 feet consistent with the maximum height limitations of typical surrounding residential zones, such as the R I (Single-family Residential) Zone.</p>
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#### **10-40.30.050 Industrial Zones**

##### **Policy Question(s):**

- Should micro-breweries and micro-distilleries be allowed as permitted uses in the LI and LI-O Zones?

See Page 40-12 of the proposed amendments to this Division

<b>Existing Zoning Code</b>	<b>Proposed Amendment to the Zoning Code</b>
The existing standards are silent on this question, especially on whether a taproom associated with these uses may be allowed.	Specifically states that micro-breweries and micro-distilleries would be permitted in the LI and LI-O Zones. If a taproom is proposed as part of a micro-brewery or micro-distillery use in the LI Zone, a conditional use permit is required.

#### **Division 10-40.40 Transect Zones**

##### **T4N.1-O; T4N.2-O; T5; T5-O; T6 Transect Zones**

##### **Policy Question(s):**

- Should micro-breweries and micro-distilleries also be allowed as permitted uses in the T4N.1-O, T4N.2-O, T5, T5-O, and T6 Transect Zones?

See Page 40-16&17 of the proposed amendments to this Division

<b>Existing Zoning Code</b>	<b>Proposed Amendment to the Zoning Code</b>
The existing standards are silent on whether micro-breweries and micro-distilleries would be permitted in these transect zones, although bars and taverns are already permitted in these zones.	Specifically would allow the establishment of a micro-brewery or micro-distillery in the T4N.1-O, T4N.2-O, T5, T5-O, and T6 Transect Zones.

## Division 10-40.60 Specific to Uses

### 10-40.60.240 Micro-breweries and Micro-distilleries

#### Policy Question(s):

- Micro-breweries and micro-distilleries have become very popular in cities and towns across the country, and there has been an increase in their establishment within the City of Flagstaff. Should new development standards for these uses be included in the Zoning Code?

See Page 40-25 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
The existing Code does not include development standards specific to micro-breweries and micro-distilleries.	Specifically provides development standards for micro-breweries and micro-distilleries based on staff's research of similar standards in other communities.

### 10-40.60.250 Mixed Use

#### Policy Question(s):

- The former Land Development Code (LDC) included standards for mixed use developments. The current Zoning Code also includes mixed use standards, but staff and the development community have found them to be incomplete and difficult to apply. Should these standards be clarified and expanded by, for example, including a reference to how the Regional Plan promotes mixed-use development, providing more precise standards on the mix of uses within a building, and the inclusion of site layout and development standards?

See Page 40-25 to 40-29 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Includes incomplete standards for mixed-use development.	Includes: An expanded introduction referencing the Regional Plan; Standards and illustrations to clarify the mix of uses within a mixed-use development; and A table with site layout and development design standards for mixed-use developments.

### 10-40.60.270 Planned Residential Development

#### Policy Question(s):

- The current Zoning Code includes standards for Planned Residential Developments (PRDs). This development type has proven to be a popular choice for the development community, but staff and local developers have found them to be incomplete. Should these standards be clarified and expanded by, for example, including standards to allow more flexibility for building types not specifically listed in the Zoning Code, clarifying which building types may be utilized in the non-transect zones, adding commercial zones to Table 10-40.60.270.A, and relaxing the standards for open space when required preserved natural resources are located on a site?

See Page 40-30 to 40-32 of the proposed amendments to this Division



Existing Zoning Code	Proposed Amendment to the Zoning Code
Includes incomplete and hard to apply standards for Planned Residential Developments.	Includes: A new section to provide better guidance on how a building type not specifically listed in the Code maybe used in a PRD; Clearer standards to clarify the application of the listed building types in the non-transect zones; and The addition of the commercial non-transect zones to allow for the expansion of Planned Residential Developments into these zones.

#### 10-40.60.300 Secondary Single-Family Dwelling

##### Policy Question(s):

- Should a new standard be added to Table 10-40.60.300.A that establishes a new building height limitation for Secondary Single-Family Dwellings applicable within Historic Overlay Zones?

*[Note that staff and the Planning and Zoning Commission recommended that this Section should be moved from the Zoning Code to the Subdivision Regulations (City Code Title 11) as this Section establishes a process and standards for the subdivision of land under specific conditions.]*

See Page 40-33 of the proposed amendments to this Division

Existing Zoning Code	Proposed Amendment to the Zoning Code
Does not include a building height standard. There is concern that in a Historic Overlay Zone (such as Flagstaff Townsite) out-of-scale buildings may result as a result of a lot split under the Secondary Single-Family Dwellings standards when an existing detached residence is demolished.	Includes a new standard that applies in a Historic Overlay Zone to confirm that the height restrictions that may be established for that zone shall apply to any new construction if a pre-existing detached residence is demolished.

## Chapter 10-80 (Definitions)

### Division 10-80.20: Definitions of Specialized Terms, etc.

#### Section 10-80.20.040 Definitions, "D."

- Page 80.20-25

**Dormitories:** A building or portion thereof ~~that which~~ contains living quarters in individual rooms for nine or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, ~~or~~ other comparable organization, or an organization or business that provides living quarters for its employees, provided that such building is either owned or managed by such organization. Areas held in common by all tenants within a dormitory include, but are not limited to, common gathering and meeting rooms, cooking facilities, laundry and other facilities. Single-family and two-family dwellings are defined separately. ~~See "Rooming and Boarding Facilities."~~

*This amendment more precisely defines a dormitory. Staff also recommends that the rooming and boarding facility use be eliminated as it is confusing because it incorrectly combines a single room occupancy facility with a dormitory, rooming and boarding facility, and fraternity or sorority.*

#### Section 10-80.20.060 Definitions, "F."

- Page 80.20-34

**Fraternity, Sorority:** Group living facilities of ~~greater than eight for~~ nine or more occupants, owned by an organization of university or college students or their parent organizations for housing members while enrolled in school and recognized as a student group by the university or college. ~~See "Rooming and Boarding Facility."~~

*The reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.*

#### Section 10-80.20.190 Definitions, "S."

- Page 80.20-76

**Single Room Occupancy (SRO):** A residential facility ~~structure~~ that provides living units with separate sleeping and bathroom facilities which are rented on a weekly or monthly basis. ~~that have separate sleeping areas and some combination of shared bath or toilet facilities.~~ Common facilities and services for laundry, cleaning, and meals may be provided for the residents. ~~The structure may or may not have separate or shared cooking facilities for the residents.~~ Single room occupancy includes buildings ~~structures~~ sometimes called residential hotels and rooming houses. ~~See also "Boarding and Rooming Houses."~~

*This amendment updates and clarifies the definition of a single room occupancy and the reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.*

# 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: 1/1/2015; 2/24/2015; 3/31/2015; 4/16/2015; 4/23/2015; 05/13/15; 05/27/2015; 06/10/2015; 06/24/2015; 09/03/2015

## Chapter 10-40: Specific to Zones

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

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-40.30.030 Residential Zones	40.30-6	Table 10-40.30.030.B Allowed Uses: Rooming and Boarding no longer a use; separated into individual uses	4
10-40.30.030 Residential Zones	40.30-8	Table 10-40.30.030.C Building Form Standards: Establishes a lower minimum density for the HR Zone.	5
10-40.30.030 Residential Zones	40.30-10	Table 10-40.30.030.A Common Open Space Requirements: Provides more flexibility in the provision of common open space, especially on small lots or parcels.	7
10-40.30.040 Commercial Zones	40.30-15	Table 10-40.30.040.B Allowed Uses: Clarifies that micro-breweries and micro-distilleries are permitted in certain commercial zones (formerly classified as “manufacturing and processing, incidental).”	8
10-40.30.040 Commercial Zones	40.30-15	Table 10-40.30.040.B Allowed Uses: Delete regional meeting facility from the SC Zone.	8
10-40.30.040 Commercial Zones	40.30-15 & -16	Table 10-40.30.040.B Allowed Uses: Permits a single-family dwelling in the CC zone. End Notes – Makes it easier to develop a single-family residence in the CC Zone.	8
10-40.30.040 Commercial Zones	40.30-16	Table 10-40.30.040.B Allowed Uses: Retail Trade: Allows for bars/taverns in the CC Zone.	9
10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.B Allowed Uses: Retail Trade: Allows for farmers markets or flea markets in the CB Zone (i.e. downtown).	10
10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.C Building Form Requirements: Building Placement Standards – reduces the side setback from one residential use to another. New End Note limits the height of a single-family dwelling in the CC zone to 35’.	10
10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.C Building Form Requirements: Building Height – increases the allowed height in the SC Zone.	11

10-40.30.040 Commercial Zones	40.30-17	Table 10-40.30.040.C Density Requirements: Gross Density – Establishes a cross-reference to the HR Zone.	11
10-40.30.050 Industrial Zones	40.30-22	Table 10-40.30.050B Allowed Uses: Industrial, Manufacturing, Processing & Wholesaling: Allows for micro-breweries and micro-distilleries in the LI and LI-O Zones.	12
10-40.30.050 Industrial Zones	40.30-22	Recreation, Education, & Assembly: Includes Indoor Commercial Recreation as a use rather than includes “fitness facilities” under General Services.	13
10-40.40.070/-080 T4N.1-O & T4N.2-O Neighborhood Standards	40.40-29/-35	Table C. Allowed Uses: Allows for micro-breweries and micro-distilleries	16
10-40.40.090 T5 Main Street Standards	40.40-41	Table I. Allowed Uses: Allows for micro-breweries and micro-distilleries	16
10-40.40.100 T6 Downtown Standards	40.40-29	Table H. Allowed Uses: Allows for micro-breweries and micro-distilleries	17
10-40.60.140 Community Gardens	40.60-28	Allows for the sale of fresh produce and cottage foods grown in and produced from the community garden.	22
10-40.60.180 Home Occupations	40.60.33	Allows for the sale of fresh produce and cottage foods grown in and produced from a resident’s vegetable garden.	24
10-40.60.240 Micro-breweries and Micro-distilleries	40.60.46	Establishes new development standards for micro-breweries and micro-distilleries.	25
10-40.60.250 Mixed Use	40.60-47	Clarifies and expands the standards for mixed-use developments especially with regard to what defines a mix of uses and establishing standards for pedestrian-oriented commercial space.	26
10-40.60.270 Planned Residential Development	40.60.50	Establishes clear procedures and standards for the use of the building types in Planned Residential Developments that are not in the current Zoning Code.	30
10-40.60.300 Secondary Single-Family Dwelling	40.60-57	Provides a reference to the building form standards of any applicable Historic Overlay Zone to address building height and form concerns. Also, this Section should be moved to the Subdivision Regulations in Title 11.	33
10-40.60.310 Telecommunication Facilities	40.60-62	6. Visual Impact: Includes new standards for camouflaged sites.	35

## Division 10-40.20 Establishment and Designation of Zones

### Table 10-40.20.020.A: Zones

- Page 40.20-2

Change BP to “RD” and Business Park to “Research and Development”.

*The “Business Park” zone was combined into the RD zone with the adoption of the Zoning Code in 2011. It was inadvertently misstated in the current Zoning Code as BP instead of RD.*

Insert at the bottom of this table a new row for the POS (Public Open Space) land use category.

*This category was inadvertently omitted when the Zoning Code was updated.*

## Division 10-40.30: Non-Transect Zones

### 10-40.30.030 Residential Zones

- Page 40.30-3

#### 1. RR

The Rural Residential (RR) Zone applies to areas of the City appropriate for both housing and limited agricultural uses that preserve the area's rural character. This Zone is predominantly large lot single family development. However, it does allow for cluster and planned residential developments, which provide opportunities for higher densities. The RR Zone applies to those non-urban areas of the City that cannot be economically and efficiently provided with City services associated with urban living. As such, it is designed for the utilization and enjoyment of the City's unique mountain environment with a minimum [amount](#) of municipal services and improvements. ~~These areas are designated Very Low Density Residential (VL) on the Land Use Map in the General Plan.~~ This Zone is also intended to be used to protect against premature development in areas on the fringe of the urban service area.

*This amendment removes a reference to the former 2001 Flagstaff Regional Plan.*

#### 4. R1N

The Single-family Residential Neighborhood (R1N) Zone applies to those neighborhoods that are located between the City's Historic Downtown District and outlying areas of more recent suburban development. The R1N Zone, therefore, helps to maintain and enhance the historic character, scale, and architectural integrity of the downtown and surrounding area. Single-family residential development is the primary use type, [and more than one single-family residence per lot is permitted where allowed by the applicable density standard](#). This Zone is intended to preserve and build upon the existing development patterns inherent to Flagstaff's oldest neighborhoods. New development, renovations, and additions should, therefore, be in character and scale with the existing architectural characteristics of this Zone.

*This amendment clarifies that more than one (typically it will only be two) single-family residences may be permitted on a lot or parcel in the R1N Zone.*

- Page 40.30-4

#### 7. MH

The Manufactured Housing (MH) Zone is applied to areas of the City appropriate for orderly planned development of manufactured housing parks and subdivisions to accommodate manufactured houses [as a primary use](#). This Zone also accommodates

conventionally framed or constructed single-family residences ~~secondarily~~ and accessory uses ~~that as~~ are related or incidental to the primary use and not detrimental to the residential environment.

*This amendment includes clarifying language from the former LDC.*

### 10-40.30.030 Residential Zones

#### Table 10-40.30.030.B Allowed Uses

- Page 40.30-5

<b>Ranching, Forestry &amp; Animal Keeping</b>	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>RIN</b>	<b>MR</b>	<b>HR</b>	<b>MH</b>
Schools – Public & Charter	See Section 10-40.60.070						
Ranching	-- <del>P</del>	--	--	--	--	--	--

*Livestock such as horses, cattle, etc. are permitted in the RR and ER zones subject to certain limitations as defined in the soon-to-be adopted amendments to City Code, Chapter 6-03 (Animal Keeping). Therefore, ranching which is typically a commercial use, should not be listed as a permitted use in the RR zone.*

<b>Recreation, Education &amp; Assembly</b>	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>RIN</b>	<b>MR</b>	<b>HR</b>	<b>MH</b>
Schools – Public & Charter	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	<del>P</del> <sup>3</sup>	<del>P</del> <sup>3</sup>	P <sup>3</sup>

#### End Notes

<sup>3</sup> Charter Schools proposed in existing single-family residences shall be located on residential lots 1 acre or greater. [Charter schools shall be subject to the review processes established in A.R.S. §15-189.01.](#)

*ARS 15-189.01 was updated and amended by the legislature in 2013 (SB1103). This statute essentially requires charter schools to be classified the same as public schools for the purposes of zoning, and requires that they be treated the same in terms of the assessment of fees, review and approval processes, etc.*

<b>Residential</b>	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>RIN</b>	<b>MR</b>	<b>HR</b>	<b>MH</b>
<del>Dwelling: Secondary Single-family</del>	--	--	--	<del>P</del>	<del>P</del>	<del>P</del>	--

*A Secondary Single-Family Dwelling as described in Section 10-40.60.300 is a process and not a use, and should, therefore, be deleted from this use table.*

#### Table 10-40.30.030.B Allowed Uses (continued)

- Page 40.30-6

<b>Residential (continued)</b>	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>RIN</b>	<b>MR</b>	<b>HR</b>	<b>MH</b>
<del>Dwelling: Two-family</del> <a href="#">Duplex</a>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P	P	P	--
<del>Rooming and Boarding Facilities</del> <a href="#">Dormitories</a>	--	<del>UP</del> --	--	--	UP	UP	<del>UP</del>

<a href="#">Single Room Occupancy, Fraternities and Sororities</a>	--	--	--	--	<a href="#">UP</a>	<a href="#">UP</a>	--
--	----	----	----	----	--------------------	--------------------	----

Throughout this chapter the term “Dwelling, Two-family” is being replaced with the term “Duplex” to eliminate redundancy as these are the same use/building type.

The Rooming and Boarding Facilities as defined in the current Zoning Code are not an appropriate use in the ER (Estate Residential) Zone or MH (Manufactured Home). This use was incorrectly carried forward from the former LDC. Furthermore, staff recommends that this use should be deleted and instead, the individual uses that are currently included within it should be listed separately. Refer to the explanation in Chapter 10-80 (Definitions) for rooming and boarding facilities.

<b>Public Services</b>	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>RIN</b>	<b>MR</b>	<b>HR</b>	<b>MH</b>
Public Services Minor	P	P	P	P	P	P	P
<a href="#">Public Services Major</a>	--	--	--	--	--	--	--

The Public Services Major land use category includes such uses as a wastewater treatment facility or water treatment facility, which are not appropriate in residential zones.

- Page 40.30-8  
**Table 10-40.30.030.C Building Form Standards**

In previous drafts of amendments to this table staff had suggested that a reference to FAR (Floor Area Ratio) standards for non-residential uses in the MR and HR Zones should be included because these zones include such uses as offices and hospitals such as the Flagstaff Medical Center which is located in the HR Zone. After further consideration, staff has determined that this proposed amendment was redundant and, therefore, unnecessary, and as a result has been removed.

<b>Density Requirements</b> <a href="#">See Division 10-30.20 (Affordable Housing Incentives)</a>							
	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>RIN</b>	<b>MR</b>	<b>HR</b>	<b>MH</b>
Density: Gross (units/acre)							
Min.	--	--	2	2	6	<del>10</del> <sup>13</sup>	--
Max. Outside the RPO	1	1	6	14	14	29 <sup>6</sup>	11
Max. Within the RPO	1	1	5	--	9	22	4

This amendment provides a cross reference to the affordable housing incentives Division of the Zoning Code.

Staff recommends that the minimum density in the HR Zone should be lowered from 13 units per acre to 10 to close the gap that exists in the current code between a maximum density of 9 in the MR Zone and a minimum density of 13 in the HR Zone. This gap precludes a property owner from seeking to develop their property in an HR Zone at 10, 11, or 12 units per acre.

#### End Notes

<sup>3</sup> One or two story residential buildings [and decks attached to those buildings](#) may be built to 15' from the rear property line, provided that any portion of the structure located closer than 25' to the rear property line does not exceed 50% of the lot width.



*This simple amendment clarifies that this provision also applies to a deck attached to a residential building.*

- Page 40-30.9

**Table 10-40.30.030.C Building Form Standards (continued)**

Lot Requirements	RR	ER	RI	RIN	MR	HR	MH
Area							
Gross (min.)	1 ac <sup>7</sup>	1 ac <sup>7</sup>	6,000 sf	6,000 sf	6,000 sf	6,000 sf	5 ac
Per Unit (min.)	1 ac <sup>7</sup>	1 ac	6,000 sf	3,000 sf	<del>3,000-sf</del> <a href="#">Endnote<sup>6</sup></a>	<del>3,000-sf</del> <a href="#">Endnote<sup>6</sup></a>	4,000 sf

**End Notes**

<sup>6</sup> The maximum number of units for each lot is based on the following:

Area of Lot	Required Lot Area Per Dwelling Units
5,000 to 14,000 square feet	2,500 square feet
14,001 to 24,000 square feet	2,000 square feet
24,001 square feet and over	1,500 square feet

*This amendment fixes an error in the current code as the 3,000 sq. ft. per unit standard in the MR and HR Zones is incorrect and a reference to End Note #6 should be inserted instead.*

Other Requirements	RR	ER	RI	RIN	MR	HR	MH
Open Space (% of Gross Lot Area)	--	--	--	--	<del>+5%<sup>+2</sup></del> <a href="#">See Table 10-40.30.030.A</a>	<del>+5%<sup>+2</sup></del>	<del>+5%<sup>+2</sup></del>

*As this standard is duplicated in Table 10-40.30.030.A it can be deleted and a cross reference to Table 10-40.30.030.A on Page 40.30-10 inserted instead.*

- Page 40.30-10

**D. Miscellaneous Requirements – All Residential Zones**

[4. The cultivation of vegetable gardens for home use is permitted in all residential zones.](#)

*This simple amendment explicitly states that vegetable gardens are permitted for home use.*

## Table 10-40.30.030.A: Common Open Space Requirements

- Page 40.30-10

**Table 10-40.30.030.A: Common Open Space Requirements**

Area <sup>1</sup>	15% of gross lot area; <u>at least one open space area shall be no less than 400 sq. ft. min.</u>
Width	<u>15</u> <del>20</del> ' min.
Depth	<u>15</u> <del>20</del> ' min.
No private open space is required.	

### End Notes

<sup>1</sup> Roof decks and courtyards may be included in the open space area calculation, but not driveways or vehicle parking areas.

*This amendment provides more flexibility in the requirement for open space. This is especially important on small parcels where it has proven hard to provide realistic open space in which children may play. At least one open space area must be a minimum of 400 sq. ft. with a minimum dimension of 15 feet, and it may be located on a roof or on the ground.*

- Page 40-30.11

### H. Open Yard Requirements – MR and HR Zones

As an alternative to the minimum rear setback area~~s~~ provided in Subsection C, at least 350 square feet~~2~~ of open yard area per dwelling unit may be provided. An open yard area may be approved in compliance with the following conditions:

- Open yard area may be established as a single area (i.e. the area per dwelling unit combined) with a minimum dimension of 15~~20~~ feet measured perpendicular to the boundary of the yard, or it may be established as separate areas each with a minimum dimension of 15 feet measured perpendicular to the boundary of the yard;
- The rear setback ~~yard~~ may be reduced to no less than six feet;
- The open yard area shall be located behind the front ~~yard~~ setback line; and
- The open yard area shall not include any driving or parking surface for use by motor vehicles or trailers.

*(P&Z) This amendment clarifies that the reduction in setback to allow for an open yard area only applies to the rear setback. This amendment is supported by the existing End Note 4 on Page 40.30-8. The P&Z Commission further recommended that the minimum width of the open yard area should be reduced to 15 feet consistent with the amendment in Table 10-40.20.040.A (Common Open Space Requirements).*

## 10-40.30.040 Commercial Zones

Table 10-40.30.040.B Allowed Uses

- Page 40.30-15

### Industrial, Manufacturing, Processing & Wholesaling

	SC	CC	HC	CS	CB
Manufacturing and Processing, Incidental	--	P	P	P	P
<a href="#">Micro-brewery or Micro-distillery</a>	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

*This amendment permits micro-breweries and micro-distilleries as permitted uses in the zones where the rather obtusely named “manufacturing and processing, incidental” use is also permitted. This latter use, formerly used to include a brewery, is not being deleted as it would allow for a coffee roaster, as an example.*

*Also, add the new Section [10-40.60.240](#) in the “Specific Use Regulations” column. Renumber all following Sections, and check for and correct all cross references.*

### Recreation, Education & Assembly

	SC	CC	HC	CS	CB
Meeting Facilities, public or private	<sup>5</sup>				
Regional	-- <u>P/UP</u> <sup>5</sup>	P/UP <sup>5</sup>	P/UP <sup>5</sup>	P/UP <sup>5</sup>	P/UP <sup>5</sup>
Neighborhood	<u>P</u> <sup>5</sup> / <u>UP</u> <sup>5</sup>	P/UP <sup>5</sup>	--	--	--

### End Notes

<sup>5</sup> A Conditional Use Permit is required if liquor is sold, or if facilities exceed 250 seats.

*The Suburban Commercial (SC) Zone is established to provide neighborhood serving land uses only. Staff, therefore, recommends that a regional meeting facility is inappropriate in the Suburban Commercial (SC) Zone.*

- Page 40.30-16

### Residential <sup>7</sup>

	SC	CC	HC	CS	CB
Dwelling: Single-family	--	<u>P</u> <sup>9</sup> --	--	--	--
<del>Dwelling: Two-family</del> <a href="#">Duplex</a>	P <sup>6</sup>	P <sup>6</sup> <sup>9</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>
Planned Residential Development	<u>P/UP</u>	<u>P/UP</u> <sup>9</sup>	UP	UP	UP
<del>Rooming and Boarding Facilities</del> <a href="#">Dormitories</a>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>
<a href="#">Fraternities and Sororities</a>	<u>UP</u> <sup>6</sup>	<u>UP</u> <sup>6</sup>	<u>UP</u> <sup>6</sup>	<u>UP</u> <sup>6</sup>	<u>UP</u> <sup>6</sup>
<a href="#">Single Room Occupancy</a>	<u>UP</u>	--	<u>P</u>	--	<u>P</u>

- Page 40.30-15 & 16

### End Notes

<sup>6</sup> Residential uses with more than 2 units are only allowed as part of a mixed-use development located above or behind the commercial uses, and shall be subject to the development standards established in the HR Zone. New developments that include residential uses with more than 2 shall provide a minimum of 15% of the gross lot area in the form of common open space.

<sup>9</sup> Single-family and duplex building types (see Division 10-50.110) are permitted by right on lots ≤9,000 sf existing prior to November 1, 2011. A Conditional Use Permit is required for all other building types and multi-family residential uses with 3 or more units regardless of the size of the lot or parcel.

*Many of the areas of the City that in the Community Commercial (CC) Zone are characterized by small lots developed with existing small single-family homes. This includes most of the Sunnyside and Southside neighborhoods, as well as areas to the north and west of the Downtown. Under current Code standards, a property owner may not build a single-family home in the CC Zone unless a Planned Residential Development approach is pursued which requires approval of a Conditional Use Permit from the Planning and Zoning Commission. This can be a time consuming and expensive process that makes it very hard for a family to build a new home. Staff recommends that the process to build a single-family home in the CC Zone should be simplified by allowing a single-family dwelling as a permitted use in the CC Zone. The amendment to End Note #6, therefore, ensures that a single-family dwelling and a duplex may be established in the CC zone by right without the need for additional commercial uses on the property.*

*The addition of End Note #9 (which is only applied within the CC Zone) further clarifies that existing single-family and duplex building types are permitted by right on lots ≤ 9,000 sq. ft. in area without having to go to the Planning and Zoning Commission for Conditional Use Permit approval. This is especially important in the Sunnyside neighborhood where over 50 percent of the neighborhood has CC zoning yet is developed predominantly with single-family homes, and is also relevant in such neighborhoods as Southside. Note that this is not a more restrictive standard than the standard currently in this table as the latter standard required a Conditional Use Permit for a single-family residence or a duplex established with a PRD in the CC Zone.*

*The former LDC allowed residential uses in commercial zones subject to the development standards of the HR Zone. This standard was not included in the Zoning Code.*

*Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted (i.e. SC, HC and CB).*

### Retail Trade

	SC	CC	HC	CS	CB
Bars/Taverns	P	P—	P	P	P

*This amendment was requested by a local inn-keeper who requested that bars and taverns should be considered as a permitted use in the CC Zone. Staff supports the amendment as micro-breweries and micro-distilleries (formerly categorized as “Manufacturing and Processing, Incidental”) are already permitted in this Zone and are allowed in Transect Zone T5 (Main Street).*

- Page 40.30-16

#### End Notes

<sup>7</sup> Residential uses [in the CC, HC, CS and CB Zones](#), and residential uses and properties listed on the National Historic Registry or within the Landmarks Overlay Zone, ~~in the CC, HC, CS and CB Zones~~ existing prior to the effective date of this Zoning Code are considered legal, [nonconforming uses](#). [Residential uses in the CC, HC, CS and CB Zones shall be subject to the development standards established in the HR Zone.](#)

*This amendment clarifies the former confusing language to ensure that residential uses in the listed zones as well as residential uses and properties that have defined historic characteristics are considered as legal conforming uses.*

*Further, an amendment at the end of this End Note codifies staff's current practice from the former LDC by stating that residential uses in the commercial zones are subject to the development standards of the HR Zone.*

**Table 10-40.30.040.B Allowed Uses (continued)**

- Page 40.30-17

#### Retail Trade (continued)

	SC	CC	HC	CS	CB
Farmers Markets and Flea Markets	--	P	P	P	-- <a href="#">P</a>

*This amendment permits a farmers market in the Flagstaff downtown area.*

**Table 10-40.30.040.B Allowed Uses (continued)**

- Page 40.30-18

#### Transportation & Infrastructure

	SC	CC	HC	CS	CB
Passenger Transportation Facilities	--	--	-- <a href="#">UP</a>	UP	UP

*The former LDC listed Passenger Transportation Facilities as an Unclassified Use in the C-3-E zone (now called the HC Zone), and they were only allowed in this Zone with a Conditional Use Permit. An error was made in this use table in the new Zoning Code as Passenger Transportation Facilities were listed as not permitted in the HC zone, which is incorrect. This use should be consistent with the former LDC, and listed as conditionally permitted (UP) in the HC zone.*

**Table 10-40.30.040.C Building Form Standards**

- Page 40.30-19

Building Placement Requirements	SC	CC	HC	CS	CB
Setback					
Front <a href="#">(See also 10-50.60.040.B)</a>	15' min. <sup>1</sup>	0'	0' <sup>2</sup>	0'	0'
Side					
Adjacent to Residential <a href="#">Use</a>	----- 15' min. <sup>10</sup> -----				

*Section 10-50.60.040.B (Non-Residential Zone Buffers) requires a minimum of 5 feet of landscaping in the front setback area between a building and the property line. This standard, therefore, eliminates the 0' front setback established in the Table C (Building Form Standards) in the CC, HC, CS, and CB Zones. Consistent with other Sections of the Zoning Code that require building-forward design, and to accommodate a developer who may wish to locate a new building*

on the property line, staff recommends that a cross-reference be included in this Table that refers to the front yard buffer standards in the Landscaping Division (10-50.60). Note that an amendment to Section 10-50.60.040.B (Non-Residential Zone Buffers) is also proposed. The addition of the word use clarifies that the side setback is measured to an adjacent residential use rather than a zone.

#### End Notes

<sup>10</sup> [Except that the setback from a proposed residential use in a commercial zone to other residential uses shall be 5' min.](#)

Staff recommends that when a residential use is proposed in a commercial zone it is appropriate to reduce the side setback to adjoining residential uses to 5' min.

Building Form Requirements	SC	CC	HC	CS	CB
Building Height (max.)	<del>23</del> 5'	60' <sup>4</sup> <a href="#">11</a>	60' <sup>4</sup>	60' <sup>4</sup>	60' <sup>4</sup>
<a href="#">Gross FAR (max.)</a>	<a href="#">0.8<sup>5</sup></a>	<a href="#">2.5<sup>5</sup></a>	<a href="#">3.0<sup>5</sup></a>	<a href="#">2.0<sup>5</sup></a>	<a href="#">No max.</a>

Staff recommends that the maximum building height in the SC Zone should be increased because this is consistent with the overall height requirement of residential zones (which are the most likely zones surrounding a SC Zone). The former LDC allowed a total height of 35 feet for mixed use with two floors. This is also the maximum height for a Live/Work Unit, which is allowed in the SC Zone.

As the standards for FAR are building form standards and not density requirements, it is recommended that the Gross FAR row be moved into the Building Form Requirements section of this table.

#### End Notes

<sup>11</sup> [Single-family dwellings and duplexes in the CC Zone shall be subject to the development standards established in the R1 Zone.](#)

This end note is needed to ensure that single-family dwellings (which are proposed to be allowed as a permitted use in the CC Zone – see Page 8) are not constructed 60 feet in height. Max. building height in the R1 Zone is 35 feet.

#### Density Requirements

	SC	CC	HC	CS	CB
Gross Density (units/acre) (max.) <a href="#">(Not applicable to Mixed Use)</a>	13	<del>13</del>	<del>13</del>	<del>13</del>	<del>13</del>
	<a href="#">-----Refer to HR Zone-----</a>				
<del>Gross FAR (max.)</del>	<del>0.8<sup>5</sup></del>	<del>2.5<sup>5</sup></del>	<del>3.0<sup>5</sup></del>	<del>2.0<sup>5</sup></del>	<del>No max.</del>

The statement about mixed use clarifies that mixed use is not subject to density standards. This is because as stated in Section 10-40.60.250 (Mixed Use), only FAR standards apply.

The density stated in the current Zoning Code is incorrect because when residential uses are developed in commercial zones, consistent with the LDC, the standards of the HR Zone should be applied. For this reason this correction to the density standard is recommended.

## D. Miscellaneous Requirements – All Commercial Zones

- Page 40.30-20

1. Storage shall be limited to accessory storage of commodities sold at retail on the premises and shall be within an enclosed building except as permitted in Section 10-40.60.030.E (Permanent Outdoor Accessory Uses).

*This minor amendment provides a needed cross reference to this Section where under certain conditions outdoor storage and display is permitted.*

### 6. The cultivation of vegetable gardens for home use is allowed in all commercial zones where residential uses are permitted.

*This simple amendment explicitly states that vegetable gardens are permitted for home use.*

## 10-40.30.050 Industrial Zones

- Page 40.30-21

### 1. RD

The Research and Development (RD) Zone applies to areas of the City appropriate for the development of a mix of professional and administrative facilities, research and testing institutions, light ~~industrial~~/manufacturing uses, green technology facilities, and offices. The uses are grouped in a campus or park like setting in keeping with the natural scenic beauty of the City. This Zone is intended to promote the provision of ample off street parking, loading areas, and landscape buffers to protect residential and commercial zones from incompatible land uses. In addition, this Zone accommodates residential uses as a secondary use to allow for more housing options.

*The RD Zone is better described as including light manufacturing uses rather than light industrial uses consistent with the allowed uses for the Zone established in Table B.*

## Table 10-40.30.050.B Allowed Uses

- Page 40.30-22

### Industrial, Manufacturing, Processing & Wholesaling

	RD	LI	LI-O	HI	HI-O
Construction Storage/Supply Yards	--	P <sup>2</sup>	P <sup>2</sup>	P	P

*The addition of End Note 2 ensures that this use is also screened in the LI and LI-O Zones.*

	RD	LI	LI-O	HI	HI-O
<u>Micro-brewery or Micro-distillery</u>	--	P/UP <sup>8</sup>	P <sup>7</sup>	--	--

### End Notes

<sup>8</sup> Conditional Use Permit is required if a taproom is associated with the micro-brewery or micro-distillery.

*This amendment, originally requested by a local brewery owner, allows for the establishment of a micro-brewery or micro-distillery in the LI and LI-O Zones subject to additional stipulations established in the End Notes.*



Also, add the new Section [10-40.60.240](#) in the “Specific Use Regulations” column. Renumber all following Sections and check for and correct all cross references.

	RD	LI	LI-O	HI	HI-O
Outdoor Storage or Display	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	<del>P<sup>2</sup></del>	<del>P<sup>2</sup></del>

Staff recommends that consistent with other uses permitted in the HI and HI-O Zones where no screening requirements apply to outdoor storage and display, End Note #2 may be removed.

#### Recreation, Education, & Assembly

	RD	LI	LI-O	HI	HI-O
<a href="#">Indoor Commercial Recreation</a>	--	--	<a href="#">UP<sup>7</sup></a>	--	--
Trade Schools	UP	P	P	<del>P</del>	<del>P</del>

On June 21, 2011 when Council was approving final amendments to Chapter 10-80 (Definitions) “Fitness Facilities” was included as an example of general services use in the General Services definition on Page 80.20-35 under the Personal Services column of this table. This use was inadvertently omitted and not included within the final Zoning Code when it was published. On reflection though, and based on staff discussion, it is suggested that it would be cleaner and better practice to instead include the “Indoor Commercial Recreation” use in the LI-O zone (this was previously the LI Zone in the LDC subject to performance standards) as it provides for fitness facilities as well as other indoor recreation uses. The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone consistent with the former LDC and the Regional Plan.

Staff recommends that because Trade Schools are allowed in the LI and LI-O Zones, it is also appropriate to allow this use in the HI and HI-O Zones.

**Table 10-40.30.050.B Allowed Uses (continued)**

- Page 40.30-23

#### Retail Trade

	RD	LI	LI-O	HI	HI-O
Drive-Through Retail	P <sup>4</sup>	--	<del>UP<sup>7</sup></del>	--	--
General Retail Business	<del>P<sup>4</sup></del>	UP	<del>UP<sup>7</sup></del>	UP	UP <sup>7</sup>
Heavy Retail/Service	--	--	<del>UP<sup>7</sup></del>	--	UP <sup>7</sup>
Restaurant or Café	P <sup>4</sup>	UP	<del>UP<sup>7</sup></del>	--	UP <sup>7</sup>

Staff recommends that the need for Conditional Use Permit approval for these retail uses in the LI-O Zone is not necessary as this Zone is intended for these uses.

Staff further recommends that End Note #4 should be added to the RD zone for general retail business uses as it was erroneously omitted when the Code was drafted. This End Note provides a limit on the amount of retail uses (10% of the primary use).

## Services

	RD	LI	LI-O	HI	HI-O
Adult Entertainment	P	P	P <sup>2</sup>	P	P <sup>2</sup>
Crematorium	--	P	P <sup>2</sup>	P	P <sup>2</sup>
Kennel, Animal Boarding	UP	UP	UP <sup>2</sup>	UP	UP <sup>2</sup>
Medical Marijuana Offsite Cultivation Location	--	P	P <sup>2</sup>	P	P <sup>2</sup>

*The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone. This is consistent with similar non-industrial uses listed in the LI-O and HI-O Zones and with the standards in the former LDC and the goals and policies in the former and current Regional Plan.*

**Table 10-40.30.050.B Allowed Uses (continued)**

- Page 40.30-23

## Residential

	RD	LI	LI-O	HI	HI-O
Live/Work	P	P	P <sup>2</sup>	--	--

*The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone consistent with goals and policies in the former LDC and the former and current Regional Plan.*

**Table 10-40.40.040.C Building Form Standards**

- Page 40.30-25

Building Form Requirements	RD	LI/LI-O	HI/HI-O
Building Height (max.)	60' <sup>2</sup>	60' <sup>2</sup>	60' <sup>2</sup>
Coverage (max.)	25%	--	--
Gross FAR (max.)	0.5	1.5 <sup>3</sup>	2.5 <sup>3</sup>
<del>Density Requirements</del>	<del>RD</del>	<del>LI/LI-O</del>	<del>HI/HI-O</del>
<del>Gross FAR (max.)</del>	<del>0.5</del>	<del>1.5<sup>3</sup></del>	<del>2.5<sup>3</sup></del>

*Consistent with the change made in the commercial zones, Gross FAR has been moved from the Density Requirements section of this table to the Building Form Requirements section of the table where it is more logically placed. Note that the Density Requirements section of this table may, therefore, be deleted.*

## 10-40.30.060 Public and Open Space Zones

**Table 10-40.30.060.B Allowed Uses**

- Page 40.30-28

<u>Retail Trade</u>	PF <sup>2</sup>	PLF	POS
<u>Farmers Markets and Flea Markets</u>	<u>P</u>	<u>--</u>	<u>--</u>

*This amendment will enable the establishment of a farmers market or flea market in the Public Facility Zone. As many properties zoned PF are owned by the City, if somebody desired to establish a farmers market or flea market they would need a Special Event Permit issued by the City's Recreation Services Section.*

## Division 10-40.40: Transect Zones

### 10-40.40.050 and -060 T3N.1 and T3N.2 Neighborhood (T3N.1 and T3N.2) Standards

- Page 40.40-15 and 40.40-21

#### Table F. Required Parking

<u>Retail Trade</u> , Services Uses	2 spaces/1,000 sf min.
-------------------------------------	------------------------

*A parking standard for the retail trade use was inadvertently omitted from this table. It is necessary because retail trade uses are permitted in these transect zones.*

### 10-40.40.050 and -060 T3N.1 and T3N.2 Neighborhood (T3N.1 and T3N.2) Standards

- Page 40.40-17 and 40.40-23

#### Table H. Allowed Uses

Residential	T3
<del>Dwelling, Secondary Single family</del>	<del>P</del>
<del>Rooming and Boarding Facilities</del>	<del>Dormitories</del>
<del>and Fraternities/Sororities</del>	

*The Secondary Single-family Dwelling Section (10-40.60.300) refers to a process for subdividing a property, rather than a use or building type, and as such it should be removed from this Section. Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted, and therefore, are not permitted in T3N.1 and T3N.2 Transect Zones.*

### 10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

- Page 40.40-26

#### Table D. Building Placement

##### Setback (Distance from ROW/Property Line)

Side <sup>2</sup>	5' min.; 1 <del>25</del> ' combined
-------------------	-------------------------------------

*Staff recommends that the combined side setback standard should be reduced from 15 feet to 12 feet to provide more flexibility for the placement of buildings in the T4N.1 Transect Zone.*

### 10-40.40.070 and -080 T4N.1 and T4N.2 Neighborhood (T4N.1 and T4N.2) Standards

- Page 40.40-29 and 40.40-35

#### Table I. Allowed Uses

Residential	T4N.1	T4N.1-O
<del>Dwelling, Secondary Single family</del>	<del>P</del>	<del>P</del>
<del>Rooming and Boarding Facilities</del>	UP	UP
<del>Fraternities/Sororities and SRO (≤ 15 rooms)</del>		

*The Secondary Single-family Dwelling Section (10-40.60.300) refers to a process for subdividing a property, rather than a use or building type, and as such it should be removed from this Section.*

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted, and therefore, are only permitted in T4N.1 and T4N.1-O Transect Zones where lodging uses are max. 15 rooms.

#### 10-40.40.070 T4N.1 Neighborhood (T4N.1 ) Standards

- Page 40.40-29

**Table I. Allowed Uses (Continued)**

<b>Retail Trade</b>	<b>T4N.1</b>	<b>T4N.1-O</b>
Bars/Taverns	-	P
<a href="#">Micro-brewery/Micro-distillery</a>	-	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.1 Zone consistent with bars and taverns which are already allowed.

#### 10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards

- Page 40.40-35

**Table I. Allowed Uses**

<b>Residential</b>	<b>T4N.2</b>	<b>T4N.2-O</b>
<del>Rooming and Boarding Facilities</del> <a href="#">Dormitories, Fraternities/Sororities and SROs</a>	UP	UP

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T4N.2 and T4N.2-O Transect Zones as lodging uses are permitted.

**Table I. Allowed Uses (Continued)**

<b>Retail Trade</b>	<b>T4N.2</b>	<b>T4N.2-O</b>
Bars/Taverns	-	P
<a href="#">Micro-brewery/Micro-distillery</a>	-	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.2 Zone consistent with bars and taverns which are already allowed.

#### 10-40.40.090 T5 Main Street (T5) Standards

- Page 40.40-39

**Table E. Encroachments and Frontage Types**

##### **Allowed Private Frontage Types**

Add Terrace Shopfront to this table.

The terrace shopfront frontage type is appropriate in the T5 Transect Zone consistent with Table 10-50.120.020.A (Private Frontages General).

- Page 40.40-41

**Table I. Allowed Uses**

<b>Residential</b>	<b>T5</b>	<b>T5-O</b>
<del>Rooming and Boarding Facilities</del> <a href="#">Dormitories</a> <a href="#">Fraternities/Sororities and SROs</a>	UP <sup>4</sup>	UP

*Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T5 and T5-O Transect Zones as lodging uses are permitted.*

<b>Retail Trade</b>	<b>T5</b>	<b>T5-O</b>
Bars/Taverns	P	P
<a href="#">Micro-brewery/Micro-distillery</a>	<a href="#">P</a>	<a href="#">P</a>

*Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.1 Zone consistent with bars and taverns which are already allowed.*

#### 10-40.40.100 T6 Downtown (T6) Standards

- Page 40.40-45

**Table E. Encroachments and Frontage Types**

**Allowed Private Frontage Types**

Remove Stoop from this table.

*A stoop is not an appropriate frontage type in the T6 Transect Zone and was included in this table in error. This correction also ensures consistency with Table 10-50.120.020.A (Private Frontages General).*

- Page 40.40-41

**Table I. Allowed Uses**

<b>Residential</b>	<b>T6</b>
<del>Rooming and Boarding Facilities</del> <a href="#">Dormitories</a> <a href="#">Fraternities/Sororities and SROs</a>	UP <sup>4</sup>

*Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T6 Transect Zone as lodging uses are permitted.*

- Page 40.40-47

**Table H. Allowed Uses (Continued)**

**Retail Trade**

<a href="#">Micro-brewery and Micro-distillery</a>	<a href="#">P</a>
--	-------------------

*Consistent with revisions made in the Commercial Business (CB) Zone (refer to Section 10-40.30.040) staff recommends that should also be permitted in the T6 Transect Zone consistent with bars and taverns which are already allowed.*

- Page 40.40-48

#### **Services**

Office

P<sup>-4</sup>

*Staff recommends that End Note #4 should be removed as in the downtown it may be appropriate to have offices on the ground floor. A good example of such an office use is the proposed new magistrate court building.*

#### **Transportation & Infrastructure**

Passenger Transportation  
Facilities

P<sup>-48</sup>

#### **End Notes**

[8 Passenger facilities shall be on the ground floor with access to a public street or a public space.](#)

*Staff recommends that End Note 4 should be removed and a new end Note 8 added as in the downtown it would be appropriate to have passenger facilities associated with a passenger transportation facility on the ground floor with access to a public street or public space.*

### **Amendments that apply to multiple Transect Zones:**

A comparison of Table 10-50.110.030.A in Division 10-50.110 (Specific to Building Types) revealed inconsistencies between the Table A and the Allowed Building Type Tables in most of the Transect Zones. While these are technically clerical errors, they are identified here as the amendment will allow the addition of a building type into the following transect zones:

- Page 40.40-13

#### **10-40.40.050 T3N.1 Neighborhood (T3N.1) Standards**

##### **Table B. Allowed Building Types<sup>1</sup>**

Add Single-Family Cottage to this table.

- Page 40.40-25

#### **10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards**

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

Add Single-Family Cottage and Courtyard Apartment to this table.

- Page 40.40-31

#### **10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards**

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

Add Courtyard Apartment, Apartment Building and Commercial Block to this table.

- Page 40.40-37

#### **10-40.40.090 T5 Main Street (T5) Standards**

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

Add Apartment House and Apartment Building to this table.

- Page 40.40-43

#### **10-40.40.100 T6 Downtown (T6) Standards**

##### **Table B. Allowed Building Types<sup>1</sup>**

Add Live/Work to this table.



#### Table D. Building Form<sup>1 2 3</sup>

Applicable to Transect Zones: T2, T5, and T6

##### End Notes

<sup>1</sup> See Divisions [10-50.30 \(Building Height\)](#) and 10-50.110 (Specific to Building Types) for additional building form regulations.

Applicable to Transect Zones: T3N.1

##### End Notes

<sup>3</sup> See Divisions [10-50.30 \(Building Height\)](#) and 10-50.110 (Specific to Building Types) for additional building form regulations.

Applicable to Transect Zones: T3N.2, T4N.1, and T4N.2

##### End Notes

<sup>3</sup> See Divisions [10-50.30 \(Building Height\)](#) and 10-50.110 (Specific to Building Types) for additional building form regulations.

*These minor amendments establish a cross reference to Division 10-50.30 (Building Height) where additional standards for building height applicable to transect zones are established.*

#### Table H. Allowed Uses

Transect Zones – T3N.1, T3N.2, T4N.1, T4N.2, T5, and T6:

Add Greenhouses as a Permitted use in these transect zones.

*Accessory structures are allowed in all of these transect zones. This simple amendment explicitly states that green houses as an accessory structure are permitted. In the T5 and T6 Transect Zones where space may be at a premium, the greenhouse could be placed on the roof.*

Transect Zones – T3N.1, T3N.2, T4N.1, and T4N.2:

Change Dwelling: ~~Two-family~~ to [Duplex](#) in these transect zones consistent with the remainder of the Zoning Code.

Transect Zones – T5 and T6:

Add Community Gardens as a Permitted use in these transect zones.

*Community gardens are permitted in the Commercial Services (CS) and Central Business (CB) Non-Transect Zones. This simple amendment provides consistency.*

#### Division 10-40.60: Specific to Uses

##### 10-40.60.010 Purpose and Applicability

- Page 40.60-2

##### Table 10-40.60.010.A Zone Applicability

Add [Micro-brewery and Micro-distillery](#).

*This amendment ensures consistency with changes made in this Division by adding new standards for a micro-brewery or micro-distillery.*

##### 10-40.60.020 Accessory Buildings and Structures

- Page 40.60-3
- A. **Applicability**

Accessory buildings and structures shall be permitted in all zones in compliance with this Section, provided each is incidental and subordinate to the principal use or structure. There must be a primary use established and either a principal structure on the parcel or a building permit for a principal structure issued prior to, or simultaneously with, the issuance of a building permit for an accessory building or structure. Children's play houses and tree houses ~~that do not exceed 120~~ less than 200 square feet in floor area are not considered accessory structures and do not require a Building Permit. Sheds less than or equal to ~~120~~ 200 square feet in floor area also do not require a Building Permit.

*This amendment is proposed to ensure that the Zoning Code is consistent with the adopted Building Code for the City (2012 International Building Code) which only requires a building permit for structures 200 sq. ft. or more in area.*

- Page 40.60-5

**Table 10-40.60.020.A: Accessory Structure Height and Location Standards**

<b>Table 10-40.60.020.A: Accessory Structure Height and Location Standards</b>	
<b>Location</b>	<b><u>Max.</u> Height (feet)</b>
<b>Non-livable structures (e.g. garage, workshop, carport, shed, greenhouse)</b>	
Within Buildable Area	24'
Min. 5' Setback to Rear <del>and</del> <u>On</u> Interior Side Property Line, and <del>0' Setback to</del> <u>On</u> Rear Property Line with Alley <sup>1</sup>	16'
<b>Livable structures (e.g. ADU, studio or home office)<sup>2</sup></b>	
Within Buildable Area	24'
Min. 5' Setback to Rear and <del>on</del> Interior Side Property Line	16'

*This minor amendment clarifies and simplifies existing confusing language in this table to ensure that a 5-foot setback is maintained to an interior side property line.*

- Page 40.60-5

#### **D. Temporary and Permanent Storage Containers**

##### **1. Residential Zones**

The following standards apply to the temporary and permanent use of storage containers located in all residential zones.

##### **a. Temporary Use**

- (1) In the case of fire, flood, or other emergency situation, storage containers may be placed, stored, or used for temporary storage on property zoned for residential use, provided the owner has applied for ~~obtained~~ a Temporary Use Permit from the Director within three days of the emergency. The duration of the temporary storage use shall be limited to a maximum of 90 days within a calendar year, with the option to renew the permit one time, for a period not to exceed 90 days.

*This amendment ensures that in the event of an emergency a Temporary Use Permit only needs to be “applied for” within three days, not “obtained” which implies that it has to be submitted, reviewed, approved, and issued within that time frame, which is not practical.*

Note that the same language needs to be amended in the following sections:

- Paragraph 2., **Commercial and Research and Development Zones**, subparagraph a. (1) on Page 40.60.6
- Paragraph 3., **Industrial and Public Lands Zones**, subparagraph a. (1) on Page 40.60.8.

#### 10-40.60.030 Accessory Dwelling Units

- Page 40.60-11

##### Table 10-40.60.030.A Design and Development Standards

<b>Size</b>	An ADU, excluding any garage or carport area and other non-living areas such as workshops or greenhouses, <del>shall not exceed 33% of total floor area of principal residence and ADU combined. The ADU</del> shall be no less than 300 square feet in gross floor area and shall not exceed 600 square feet in gross floor area, except that on residential lots one acre or more in size, the area of an ADU may be increased to a maximum of 1,000 square feet. The area of ADUs that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be measured based on the interior dimensions of the walls.
-------------	--

*Staff recommends that the maximum percentage requirement should be eliminated as we have reviewed projects where this standard has precluded the construction of an ADU on a lot with a small house.*

- Page 40.60-12

##### Table 10-40.60.030.A Design and Development Standards

<b>Building Form Standards</b>	ADUs shall meet the same building form standards as a principal building in the zone. <a href="#">See Table 10-40.60.020.A (Accessory Structure Height and Location Standards).</a>
--------------------------------	---

*This minor amendment provides an important cross reference.*

##### Table 10-40.60.030.B Building Form Standards Exceptions<sup>1</sup>

- Page 40.60-12

	<b>Parcel/Lot Size (Min.)</b>	<b>Setback (Min.)</b>
Detached	<del>67</del> ,000 sf	In compliance with Table 10-40.60.020.A

*This amendment ensures consistency with the minimum lot size for residential zones. This is a smaller standard which may make it easier to establish an Accessory Dwelling Unit.*

#### 10-40.60.030 Accessory Dwelling Units

- Page 40.60-13

##### E. Findings for Approval of ADUs

6. Major access stairs, decks, entry doors, and major windows on [one and](#) one-half and two story structures face the primary residence to the maximum extent it is feasible, or the rear alley, if applicable. Windows that face neighboring side or

rear setbacks are installed so the bottom of the window is a minimum of six feet above the floor.

*This minor amendment corrects an error in this sentence which as written did not make sense.*

#### **10-40.60.070 Animal Keeping**

- Page 40.60-24

Standards for the keeping of animals, including but not limited to, hoofed animals, fowl, and bee keeping, ~~domestic animals, hoofed animals and fowl~~, are provided in City Code ~~Title 7 (Health and Sanitation)~~ Chapter 6-03 (Animal Keeping).

*This amendment provides the correct cross reference to the Animal Keeping provisions in the City Code which is being updated by staff from the Sustainability Program for submittal to the Council for adoption later this year.*

#### **10-40.60.110 Bed and Breakfasts**

- Page 40.60-25

~~A bed and breakfast may only provide commercial lodging for guests in up to four bedrooms within a single family residence.~~

A. A bed and breakfast shall be operated by the property owner/manager living on the site.

B. Bed and breakfasts shall be limited to a maximum of four guest bedrooms, plus accommodations for the property owner/manager.

C. Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.

D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

E. Signs shall comply with the standards established in Division 10-50.100 (Sign Standards).

*These amendments provide clearer standards for bed and breakfasts. The definition of a bed and breakfast in Chapter 10-80 has also been corrected.*

#### **10-40.60.140 Community Gardens**

- Page 40.60-28

**B. Community gardens are subject to the following regulations:**

4. No building or structures shall be permitted on the site, with the exception of the following:

a. Sheds for storage of tools limited in size to 200~~120~~ square feet;

b. Greenhouses, limited in size to 200~~120~~ square feet and designed in compliance with setbacks for accessory structures, consisting of buildings made of glass, plastic or fiberglass in which plants are cultivated; and,

*This amendment increases the area limitation for sheds and greenhouses from 120 sq. ft. to 200 sq. ft. consistent with the Building Code's threshold for when a building permit is required.*

7. The sale of fresh produce and cottage foods (i.e. baked, pickled, canned or similarly produced foods grown in the community garden) is permitted subject to compliance with all state and local regulations and the issuance of a Temporary Use Permit (see Section 10-20.40.150 (Temporary Use Permits)).

*Consistent with the standards now in effect in many US cities, this amendment allows for the sale of produce grown in a community garden.*

#### **10-40.60.160 Drive-through Retail or Service Facility**

- Page 40.60-31

##### **A. Design Objectives**

A drive-through retail or service facility shall only be permitted if the Director first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.

##### **B. Limitation on Location**

The drive-through shall only be located along the ~~retail~~ building's façade away from a street frontage.

##### **C. On-site Circulation Standards**

The drive-through retail or service facility shall be provided internal circulation and traffic control as follows.

##### **1. Drive-through Aisle Design**

- a. The entrance/exit of any drive-through aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs).
- b. The drive-through aisle shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
- c. The drive-through aisle shall not be located between a property line and the front of the building.

*These minor amendments ensure that these standards apply to both drive-through retail (e.g. fast food restaurant) and service (e.g. bank) facilities.*

##### **C. On-site Circulation Standards**

##### **~~6. Exceptions~~**

~~The Director may approve alternatives to the requirements of Subsections C.1 through C.3 upon finding that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.~~

## **67. Visual Buffer**

*Move the language shown deleted above from this Chapter to Section 10-20.40.090 (Minor Modifications to Development Standards) and renumber the following paragraph.*

### **10-40.60.180 Home Occupations**

- Page 40.60-33

E. No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation, except as permitted in Subsection F. below, provided that this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located.

F. The sale of fresh produce and cottage foods (i.e. baked, pickled, canned or similarly produced foods grown in a vegetable garden at the location of the home occupation) is permitted subject to compliance with all state and local regulations.

~~F.G.~~ No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.

I. The home occupation shall not be conducted in such a manner or advertised in such a way as to generate more pedestrian or vehicular traffic than typical for the zone within which it is located based on the standards in the current edition of the Trip Generation Manual published by the Institute of Transportation Engineers.

P. No home occupation permit is needed for a business located within a residence in any commercial zone.

*A growing number of US cities allow the sale of fresh produce grown within a vegetable garden at a residence as a home occupation. This amendment permits these sales.  
The amendment in paragraph I. provides an appropriate cross-reference to the standards used by the City Engineering Section to determine total daily trips for various land uses.  
Also, the minor amendment in paragraph P. clarifies that no home occupation permit is needed for a business in a residence in a commercial zone.*

### **10-40.60.210 Manufactured Homes**

- Page 40.60-40

#### **C. Manufactured Home Subdivisions**

Additional standards for manufactured home subdivisions are included in City Code, Chapter 11-20 (Subdivision and Land Split Regulations).

~~1.—Recreational facilities incidental to a manufactured home shall be permitted in manufactured home subdivisions as accessory structures.~~

~~2.—No more than one manufactured home unit is permitted per lot in a subdivision.~~

~~3.—The preliminary plat for a manufactured home subdivision shall include the dimensions of the buildable area within each lot.~~



~~4. Not less than 10 percent of the gross site area shall be reserved for common areas or open space. The ownership of the common area shall be transferred to a homeowners association. As an option, an applicant may request that the open space requirement be waived if an additional minimum of 10 percent of the total number of lots are provided as developable permanently affordable lots (See Section 10-30.20.040.B.6).~~

*On the recommendation of the City Attorney, the text shown as deleted above should rather be included in the Subdivision Regulations (City Code Title 11) than here in the Zoning Code, as they are specific to manufactured home subdivisions.*

#### **10-40.60.220 Medical Marijuana Uses**

- Page 40.60-45

G. A medical marijuana ~~dispensary~~ offsite cultivation location not associated with a medical marijuana dispensary located in Flagstaff is prohibited ~~in Flagstaff~~.

*This amendment clarifies the intent of this paragraph and removes the ambiguity in the existing sentence to ensure that an offsite medical marijuana cultivation location in Flagstaff must be associated with a medical marijuana dispensary located in Flagstaff, i.e. an offsite cultivation location in Flagstaff may not provide medical marijuana to a dispensary located elsewhere in the state. This was the intent of this section when originally adopted.*

#### **10-40.60.230 Meeting Facilities, Public and Private**

- Page 40.60-46

##### **B. Neighborhood Meeting Facilities**

1. Neighborhood meeting facilities include such uses as small community centers, social halls, union halls, and clubs that directly service the surrounding residential neighborhood.
2. Neighborhood meeting facilities are limited to less than 250 seats. Such facilities with 250 seats or more shall require a Conditional Use Permit in compliance with Section 10-20.40.050 (Conditional Use Permits).
3. A Conditional Use Permit ~~shall be required~~ in compliance with Section 10-20.40.050 (Conditional Use Permits) is also required to serve alcohol in a meeting facility in a residential or commercial zone.

*The amendment proposed in paragraph 2 above acknowledges the standards established in Table 10-40.30.030.B (Allowed Uses) in which neighborhood meeting facilities over 250 seats are permitted subject to the approval of a Conditional Use Permit.*

#### **10-40.60.240 Micro-brewery or Micro-distillery**

- Page 40.60-46

Micro-breweries and micro-distilleries shall meet the following development and performance standards:

A. Micro-breweries and micro-distilleries shall comply with all applicable state and local regulations.

- B. A taproom is permitted within the micro-brewery or micro-distillery where customers for a fee may sample and consume the product without food service. The taproom shall be no more than 15 percent of the gross floor area of the structures on the premises.
- C. An eating and drinking establishment is permitted as an accessory use to the micro-brewery or micro-distillery provided that eating and drinking establishment shall be limited to 25 percent of the gross floor area of the structures on the premises.
- D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

*This amendment provides development standards for a micro-brewery or micro-distillery. The taproom is intended to allow for the sampling and consumption of the beer or spirits without any food service. This is different from a larger eating and drinking use associated with the micro-brewery or micro-distillery where food and beverages made on site may be purchased and consumed.*

*Also, renumber all following Sections and check for and correct all cross references.*

#### **10-40.60.250 Mixed Use**

- Page 40.60-47

##### **A. Purpose**

The Regional Plan promotes the concept of a more compact development pattern for the City by mapping and describing activity centers in urban, suburban, and rural area types, and encouraging mixed-use development. Mixed use is intended to encourage reinvestment of under-utilized parcels and infill development of vacant parcels with a compatible and balanced mix of residential, commercial, and institutional uses within close proximity to each other, rather than the separation of uses. Mixed use is also encouraged in new developments in Greenfield locations. Mixed-use developments in order to foster pedestrian-oriented residential and commercial development by providing more housing options, reducing traffic congestion, providing a stronger economy in commercial areas, and encouraging pedestrian trips. Mixed use also has the potential to provide increased opportunities for affordable housing. In order to accomplish these goals, higher intensities of land use are permitted for mixed-use structures than for the individual uses permitted in a zone.

*These amendments expand the purpose of the Mixed Use Section of the Code to add emphasis to reinvestment possibilities and to clarify the benefits of mixed use.*

##### **B. ~~General~~Mix of Uses**

1. A mixed-use development combines residential and nonresidential uses, or different types of nonresidential uses, on the same site, with the residential units either typically located above the nonresidential uses (vertical mixed use) or Residential units may be allowed at ground level behind street-fronting non-residential uses (horizontal mixed use) only under the limited circumstances specified by this Section. Upper floors may also be occupied by office uses. Examples of vertical and horizontal mixed use are illustrated given in Figure A.
2. A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor provided

there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential units. See Figure B.

31. Mixed-use development shall incorporate a minimum of two uses.
4. The minimum depths of pedestrian-oriented commercial space in mixed-use developments within activity centers determined in the Regional Plan are provided in Table A:

Table 10-40.60.250.A: Standards for Pedestrian-Oriented Commercial Space	
Activity Center	Min. Depth of Pedestrian-Oriented Commercial Space
Urban Activity Center	20' Min.
All other locations	60' Min.

(P&Z) Staff originally suggested a minimum depth of 24 feet for pedestrian-oriented commercial space in urban activity centers and 60 feet for such spaces in suburban and rural activity centers. Some members of the Commission correctly pointed out that not all mixed-use developments would occur in an activity center, and that they could occur in parts of the Sunnyside or Southside neighborhoods, or along any arterial such as Route 66. The Commission also recommended reducing the depth of the commercial space in an activity center to 20 feet.

- ~~2. Residential uses are not required to be part of the mixed-use development.~~
53. If any one of the uses of the mixed-use development requires the approval of a Conditional Use Permit then the development in its entirety shall be subject to the Conditional Use Permit ~~in compliance with~~ (see Section 10-20.40.050 (Conditional Use Permits)).
64. Only uses allowed in the underlying zone shall be permitted in the mixed-use development.

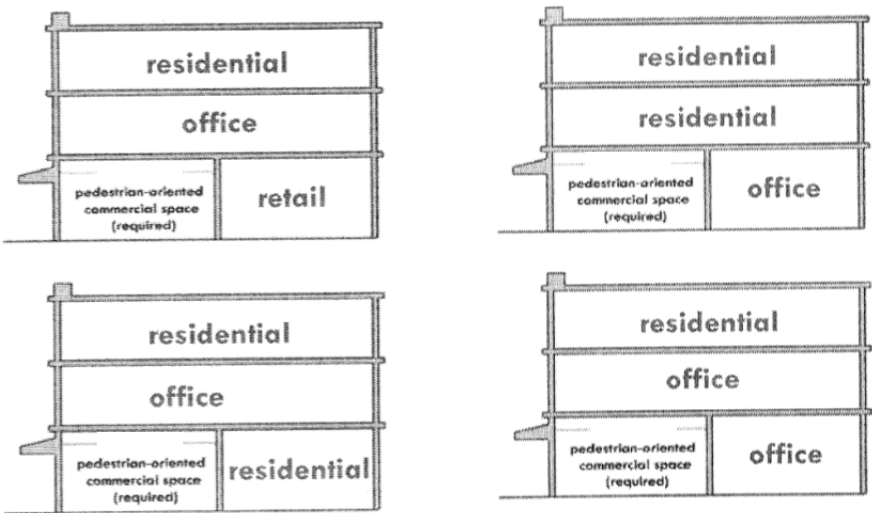


Figure B. Examples of use mixes that meet the requirements of Subsection B. (Mix of Uses)

*The amendments proposed in this Subsection provide clarification and eliminate redundancy. The inclusion of Figure B helps to illustrate examples of mixed use in a building scaled to Flagstaff's form and character, and clarify that mixed use should include some residential dwelling units. Further, the amendments provide a cross-reference to the activity centers described in the Regional Plan and based on the area type in which the activity centers are located, minimum depth standards for pedestrian-oriented commercial space are established.*

- Page 40.60-49

**~~D. Mix of Uses~~**

~~—A mixed-use development may combine residential uses with any other use allowed in the applicable zone where allowed by Division 10 40.30 (Non-Transect Zones) in compliance with Subsection B.~~

*This Subsection is redundant (it is included in new paragraph 5. above) and may, therefore, be deleted.*

- Page 40.60-49

**E. Site Layout and Development Design Standards**

Each proposed mixed-use development shall comply with the property development standards of the applicable zone, and the requirements of Table ~~B~~<sup>A</sup> (Site Layout and Development Design Standards).

**Table 10-40.60.250.BA: Site Layout and Development Design Standards**

<u>Pedestrian-oriented Commercial Space</u>	<p><u>(1) Pedestrian-oriented commercial space includes a lobby serving other uses in the building or uses not open to the general public (e.g. a private gymnasium).</u></p> <p><u>(2) Ground floor commercial space shall have a customer entrance opening directly onto the sidewalk.</u></p> <p><u>(3) Depth of the ground floor commercial space must be no less than the standard established in Table A.</u></p> <p><u>(4) Floor to ceiling height of the ground floor commercial space of min. 14 feet.</u></p> <p><u>(5) Private frontage must be in compliance with Division 10-50.120 (Specific to Private Frontages) as determined by the Director.</u></p>
Location of <u>Residential Units</u> <sup>1</sup>	Residential units shall not occupy <u>the</u> ground floor street frontage space adjacent to a <u>primary public or private street</u> . <del>The ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other entry feature providing access to the residential units.</del>
Parking	To encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed-use developments in compliance with Section 10-50.80.060 (Parking Adjustments).
Loading Areas	Commercial loading areas shall be located away from residential units and <del>shall be</del> screened from view from the residential portion of the development to the maximum extent feasible, in compliance with Table 10-50.60.040.B (Buffer and Screening Requirements).
Refuse and Recycling Areas	Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
Open Space	A mixed-use development shall be designed to provide residential uses with common or private open space, which may be in the form of roof gardens, individual balconies, or other means as approved by the Director.

**End Notes**

<sup>1</sup> The Director may waive or modify the requirement for pedestrian-oriented commercial space on the ground floor of a mixed use building. See Section 10-20.40.090 (Minor Modifications to Development Standards).

*The inclusion of this new row into Table 10-40.60.260.A establishes appropriate standards for pedestrian-oriented commercial spaces on the ground floor of a mixed-use building. It will help staff to review and approve such a building based on clearly defined standards, which are currently absent.*

*(P&Z) Following discussion and a suggestion from the Commission at the June 10<sup>th</sup> hearing, the new End Note #1 has been added to provide the Director with flexibility to waive or modify this requirement under the Minor Modification of Development Standards provision of the Code.*

#### 10-40.60.260 Outdoor Commercial Recreation Structures

- Page 40.60-50

Outdoor structures such as bleachers, movie screens, permanent rides, and outdoor seating areas shall be a minimum of 100 feet from any ~~property~~~~setback~~ line.

*This standard from the former LDC was incorrectly stated in the Zoning Code. The placement of outdoor structures should be measured from a property line rather than a setback line.*

#### 10-40.60.270 Planned Residential Development

- Page 40.60-50

##### A. Applicability

1. This Section provides a mechanism to allow the building types listed in Table A below (See Division 10-50.110 (Specific to Building Types) for additional standards) in the non-transect zones and for achieving gross densities on undeveloped lands where substantial natural resources are present on the site. (See Division 10-50.90 (Resource Protection Standards)).
2. Affordable housing developments (Refer to Division 10-30.20) may utilize Planned Residential Development standards in any zone where residential uses are allowed.
3. Site Plan Review and Approval (Refer to Section 10-20.40.140) is required for all building types that include ~~three~~~~two~~ or more units, including the ~~duplex~~, bungalow court, townhouse, apartment house, courtyard apartment and commercial block building types.

*This amendment ensures consistency with the Building Code and other proposed amendments to the Zoning Code regarding review thresholds for site plan review and approval.*

##### B. Building Types for Planned Residential Development

1. Planned Residential Developments may integrate different building types as identified in Table A (Planned Residential Development Building Type Options); ~~however, they~~ Planned Residential Developments shall be planned with as an integrated site plan ~~ning process as under~~ one comprehensive development or as a Traditional Neighborhood Community Plan in compliance with Division 10-30.80 (Traditional Neighborhood Community Plans).

##### 2. Building Types not Specifically Listed

- a. The Director may approve the integration of building types not specifically listed in Table A provided that the building type:
  - i. Meets the intent of the zone;
  - ii. Is compatible with the form, scale and character of other on-site buildings; and
  - iii. Is compatible within the context of existing and proposed development in the vicinity of the site. ~~For example, within a MR~~



~~or HR Zone or the commercial zones, an apartment building is also an appropriate building type.~~

- b. An example of a building type that is appropriate in a non-transect zone such as the MR or HR Zone or any of the commercial zones is an apartment building more typically associated with suburban environments described in Section P.040 (Classifications of Different Types of Places in Flagstaff, Subsection C. (Driveable Suburban)).

*This amendment provides criteria to assist the Director with the approval of building types not specifically listed in Table A.*

### 3. Determination of Building Types

- a. The building types that may be utilized in the non-transect zones as a Planned Residential Development are established in Division 10-50.110 (Building Types).
- b. Each Section of Division 10-50.110 establishes unique standards for each building type, including lot size, number of units, pedestrian and vehicle access, allowed frontages, etc.
- c. Building placement and form standards (i.e. building height, setbacks, etc.) for the building types selected for development as a Planned Residential Development are determined by the transect zone in which the building type is permitted from Table 10-50.100.030.A (Building Types General). When a building type is allowed in more than one transect zone, the Director shall determine which transect zone's building placement and form standards should apply based on the form, character and scale of existing and proposed development, and the compatibility of the proposed building type within the context of existing and proposed development in the vicinity of the site.

*This new Subsection provides an explanation of where to find the standards for a selected building type as this is not clear in the existing Zoning Code.*

<b>Table 10-40.60.270.A: Planned Residential Development Building Type Options</b>											
<b>Building Type</b>	<b>Residential Zones</b>						<b>Commercial Zones</b>				
	<a href="#">See Section 10-40.30.030.C for Building Form Standards</a>						<a href="#">See Section 10-40.30.040.C for Building Form Standards</a>				
	<b>RR</b>	<b>ER</b>	<b>RI</b>	<b>R1N</b>	<b>MR</b>	<b>HR</b>	<b>SC</b>	<b>CC</b>	<b>HC</b>	<b>CS</b>	<b>CB</b>
Carriage House	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	==
Single-family											
Estate	✓	✓	✓	==	==	==	==	==	==	==	==
House	✓	✓	✓	✓	✓	✓	==	✓	==	==	==
Cottage	✓	✓	✓	✓	✓	✓	==	✓	==	==	==
Bungalow Court	✓	✓	✓	✓	✓	✓	==	✓	==	==	==
Duplex											
Side-by-Side	✓	✓	✓	✓	✓	✓	✓	✓	==	==	==
Stacked	✓	✓	✓	✓	✓	✓	✓	✓	==	==	==
Front-and-Back	✓	✓	✓	✓	✓	✓	✓	✓	==	==	==
Stacked Triplex	==	==	==	==	✓	✓	✓	✓	==	==	==
Townhouse	✗	✗	✓	✗	✓	✓	✓	✓	✓	✓	==
Apartment House	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	==
Courtyard Apartment	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	==
Apartment Building	==	==	==	==	✓	✓	==	==	✓	==	==
Live/Work	✗	✗	✗	==	✓	✓	✓	✓	✓	✓	✓
Commercial Block	==	==	==	==	✗	✗	==	✓	✓	✓	✓

Table A above has been amended to correct the residential non-transect zones in which certain building types may be applied (e.g., the townhouse, apartment house, or courtyard apartment building types are not appropriate in the low and medium density residential zones where they were originally placed in the current code). Staff recommends this amendment based on the mass and scale of these more “multi-family residential” building types that are certainly appropriate in the MR and HR Zones where they would be compatible with existing building forms, but they are not as compatible with a single-family residence or duplex. This statement is further justified by the underlying density standards in zones such as RR where it is highly unlikely that a property owner would develop, for example, a courtyard apartment building, because the density permitted in this zone is so low (1 dwelling unit per 5 acres). If such a building type was proposed, a zone change to a higher density zone (MR perhaps) would be more logical. Residents of the La Plaza Vieja neighborhood have clearly stated that they do not want to see townhomes or similar buildings in the R1N portion of the neighborhood, and this desire has been documented in the draft La Plaza Vieja Specific Plan.

The table has also been amended to allow various additional building types in the commercial zones.

*This table also includes two new building types, the Stacked Triplex and Apartment Building – see the amendments in Division 10-50.110 (Specific to Building Types).*

- Page 40.60-51

**C. Open Space Requirement**

Planned residential developments must designate ~~shall include~~ a minimum of 15 percent of the gross site area as common open space. Such open space can be included ~~that is in addition within to~~ any areas of the site with natural resources such as floodplains, slopes or forests that may be required to be protected as stipulated in Division 10-50.90 (Resource Protection Standards).

*This amendment clarifies a standard that is incorrectly stated in the current Code. Rather than stating that required open space is in addition to any protected areas of the site, consistent with the former LDC and current practice established elsewhere in the Zoning Code, required open space is allowed to be included in areas protected for floodplains, slopes or forests.*

**10-40.60.300 Secondary Single-Family Dwelling**

- Page 40.60-57

**A. Applicability**

This section applies to existing detached residential units (except for Accessory Dwelling Units) established prior to November 5, 2002 on lots located in the MR and HR Zones not subject to the Resource Protection Overlay, and the R1N Zone. Where two existing detached residences are located ~~established~~ on a n-existing lot, following the procedures established in Division 11-10.90 (Modified Subdivision Process) or Division 11-10.100 (Land Splits and Combinations) two new lots may be created subject to the standards provided below.

**B. Standards**

~~Two detached dwellings may exist and be maintained as principal buildings on a lot that has frontage on, and access to, a public street.~~ If the lot with two existing detached residential units is proposed to be divided pursuant to this Section, each ~~remaining~~ resulting lot shall have frontage on, and/or legal access to, a public street or alley. The following standards in Table A (Secondary Single-Family Dwelling) shall also be met.

**Table 10-40.60.300.A: Secondary Single-Family Dwelling**

**Building Placement Requirements**

Existing residential units shall maintain building separation requirements of applicable Sections for the R1N, MR and HR Zones, ~~to the maximum extent feasible.~~

Lots proposed to be divided: the new property line shall be drawn in such a manner as to divide this distance approximately equally between the two new lots, but in no case shall a new property line be drawn between existing structures that would be inconsistent with applicable City Building Code separation requirements.

**Lot Requirements**

Lot Size  
(min.)

5,000 sf in MR and HR Zones

If the lot is proposed to be divided: the smaller of the two remaining lots shall be at least 40% of the original lot or 2,000 sf, whichever is larger

Lot Width (min.)	50' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot width of at least 40'
Lot Depth (min.)	75' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot depth of at least 40'
<b>Building Form Requirements</b>	
Lot Coverage (max.)	40% If the lot is proposed to be divided, each remaining lot shall have maximum coverage of 40%
<u>Building Height</u>	<u>In a Historic Overlay Zone, if one or more of the pre-existing detached residential units are demolished or expanded, then any new residence or the expansion of an existing residence shall comply with the height and form standards established for the Historic Overlay Zone.</u>
<b>Utilities</b>	
	If the lot is proposed to be divided, each residential unit shall be provided with separate utility services in approved locations, subject to the provision of utility easements as necessary.

*The amendments suggested above provide one option for resolving challenges with this Section of the Zoning Code. The need for amending the building form standards in Table 10-40.60.300.A was originally identified by concerned residents of the Flagstaff Townsite neighborhood, as they have been worried that if as a result of a Land Division as authorized and approved under this Section, and one or both of the existing homes were demolished, then two primary dwellings could be constructed. This is contrary to the standard established in the Townsite Historic Design Standards that require a careful relationship between a larger "Primary" residence closer to the street, and a smaller "Secondary" residence at the rear typically with access to an alley. This relationship is very important in this Historic District. Note that the amendment proposed only applies in a Historic Overlay Zone (currently only the Townsite neighborhood has such an overlay zone with building height standards), and this new standard would not apply in other R1N, MR, or HR Zones. This is staff's recommended option.*

**(P&Z): At the June 10<sup>th</sup> public meeting a majority of commissioners indicated they preferred and supported this option. At the June 24<sup>th</sup> meeting a minor amendment to the text in the new Building Height" row suggested by a Flagstaff resident was supported by the Commission. This amendment adds an addition to an existing building within this standard.**

*In the alternative, the R1N Zone could be deleted so that the ability to split a lot under the conditions described in this Section would only apply to the MR and HR Zones. This option would raise Proposition 207 issues.*

**NOTE:** *Regardless of which option is selected, it is recommended that this Division be moved from the Zoning Code to Title 11 (General Plans and Subdivisions) of the City Code because this Section really establishes a process and standards for the subdivision of land under specific conditions.*

### C. Parcel Division

If two residential units exist on a lot in conformance with Subsection A above, such lot may be divided, upon application through the Modified Subdivision Process set forth in Division 11-10.10 (Title and Authority), or Land Split procedure outlined in Division 11-20.100 (Land Splits and Combinations), into two separate lots, one for each residential unit, if the following requirements are met:

1. The lot line created between the two residential units shall be substantially perpendicular to the side lot lines if the buildings are located in the front and rear portions of the original lot, or to the front and rear lot lines if the buildings are located side by side;
2. The division complies with the Land Split requirements of Chapter 11-10 (Subdivision and Land Split Regulations), except as modified by this Section for development standards in the ~~R1N and~~ MR and HR Zones not subject to the Resource Protection Overlay, and the R1N Zone;
3. If the proposed property division is a Land Split and the lot boundaries are set by a recorded plat and all public improvements exist along the entire frontage of the property prior to splitting, then the division may be processed as a Land Split in compliance with Division 11.10.10 (Title and Authority); and
4. If the City Engineer determines that as a result of the proposed property division public improvements are required in compliance with Division 10-30.50.070 (Minimum Requirements), then the property division shall follow the Modified Subdivision Process as defined in Division 11-10.90 (Modified Subdivision Process).

### 10-40.60.310 Telecommunication Facilities

- Page 40.60-62

### C. General Requirements for Telecommunications Facilities

#### 6. Visual Impact

e. Camouflaged sites may be required by the Director and will be subject to the following minimum standards:

(1) Simulated pine branches must be located from a point that is 25 percent feet above finished grade to the top of the tower.

(2) A density of 2.3 simulated branches per one lineal feet of the tower is required. Branches shall be installed on the tower in a random organic pattern.

(3) The minimum length for the lower level simulated branches is 10 feet long. Simulated branches must taper toward the top of the tower to give the appearance of a natural conically-shaped evergreen tree.

(4) The tower shall be painted to emulate a natural tree trunk, and the bottom 20 feet of the trunk shall be covered with a simulated tree bark product.

(5) Antennas shall be fitted with a cover or otherwise camouflaged, and shall not extend beyond the tree branches located immediately adjacent to the antennas.

*New subparagraph e provides standards for camouflaged telecommunications facilities that have been applied by staff for many years and are consistent with industry standards. These were inadvertently omitted from the Zoning Code when it was updated in 2011.*

- Page 40.60-68

**G. Time Limits**

~~The City shall process tower citing applications for co-location facilities within 90 days and all other tower applications within 150 days, in compliance with Section 332(c)(7) of the Communications Act.~~

*The Federal Communications Commission recently adopted new rules applicable to states and municipalities regarding approvals of telecommunications towers. The City Attorney's office has recommended that this Subsection can be removed as it is no longer necessary because the City's approval time frames established under SB1578 and HB2443 (The Regulatory Bill of Rights) for the review and approval of telecommunications facilities are significantly shorter (26 working days) than the new FCC standard which is 60 days.*



# Memorandum

9.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** Roger Eastman, Zoning Code Administrator  
**Date:** 11/02/2015  
**Meeting Date:** 11/10/2015



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### TITLE:

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

### DESIRED OUTCOME:

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

### EXECUTIVE SUMMARY:

This work session is part of a series of work sessions with the Council on proposed amendments to the Flagstaff Zoning Code. In these work sessions, staff will introduce the more substantive amendments to the Council explaining the reason for them and why the new amendment is being proposed. The Council will be able to identify any policy issues that warrant a more in-depth discussion, either at the current work session, or in a future work session.

### INFORMATION:

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

### **COUNCIL GOALS:**

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

### **REGIONAL PLAN:**

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

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

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

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

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

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

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

## **POLICY AMENDMENTS**

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

The Sections of the Zoning Code in which the topics for more in-depth policy discussion are located are listed below with Division 10-50.80 (Parking Standards) first, with the other divisions following. As needed an additional meeting or work session with the Council will be scheduled to finalize the policy discussions on the remaining divisions and chapters of the Zoning Code. A special meeting on Division 10-50.100 (Sign Standards) may also be scheduled following an executive session with the Council on this Division.

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

10-50.20.030 Architectural Standards

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

10-50.60.030 Landscaping Plans

10-50.60.040 Landscaping Location Requirements

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

10-50.80.040 Number of Motor Vehicle Parking Spaces Required

10-50.80.060 Parking Adjustments

10-50.80.080 Parking Spaces, Parking Lot Design and Layout

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

10-50.90.050 Steep Slope Resource Area

10-50.90.060 Forest

10-50.90.100 Activities Allowed in Natural Resource Areas

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

Amendments to this Division are not included in this staff summary as they will be presented to the Council in a staff summary for a future meeting.

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

10-50.110.030 Building Types General

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

As the Council may not have enough time in this special work session to complete a discussion on all the policy issues in Chapter 10-50 (Supplemental to Zones) described in this staff summary, at the end of the work session staff will be asking the Council to select a date(s) for an additional work session(s), including a special work session to review the policy issues in Division 10-50.100 (Sign Standards).

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

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**Attachments:** Chapter 10-50 Summary of Policy Issues  
Chapter 10-50 Amendments

# Summary of Policy Issues

## Proposed Amendments to the Zoning Code

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

October 19, 2015: rev. November 2, 2015

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

#### Division 10-50.80 Parking Standards

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

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

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

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

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

##### 10-50.80.060 Parking Adjustments

Policy Question(s): G. Motorcycle Reduction

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

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

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

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

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

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

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

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

#### 10-50.20.030 Architectural Standards

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

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

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

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

Policy Question(s): 7. Windows

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

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

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

## Division 10-50.60 Landscaping Standards

### 10-50.60.030 Landscaping Plans

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

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

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

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

### 10-50.60.040 Landscape Location Requirements

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

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

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

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

## Division 10-50.90 Resource Protection Standards

### 10-50.90.050 Steep Slopes

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

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



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

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

#### 10-50.90.060 Forest

Policy Question(s): B. Methodology

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

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

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

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

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

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

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

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

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

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

## Division 10-50.110 Specific to Building Types

### 10-50.110.030 Building Types General

Policy Question(s): Table A Building Types General

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

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

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

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



Example of a three-story apartment building



Examples of a stacked triplex building type

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

From: Jim Janecek

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

To: Chris Kirkendall

Cc: Brad Hill; David McKee

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

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

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

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

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

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

Thanks,

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

## Proposed Amendments to the Zoning Code

### Final Planning and Zoning Commission Recommendation

First created: October 26, 2011

Date of previous update: July 19, 2013

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

## Chapter 10-50: Supplemental to Zones

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

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

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

## Division 10-50.20: Architectural Design Standards

### 10-50.20.020 Applicability

- Page 50.20-1

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

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

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

### 10-50.20.030 Architectural Standards

- Page 50.20-3

A. **Applicable to All Zones**

1. **Building Materials**

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

a. **Primary Materials**

b. **Secondary Materials**

c. **Placement of Building Materials**

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

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

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

*Insert an appropriate photograph or illustration.*

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

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

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

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

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



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

- Page 50.20-10

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

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

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

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

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

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

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

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

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



*Insert this or a similar photograph*

## 7. Windows

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

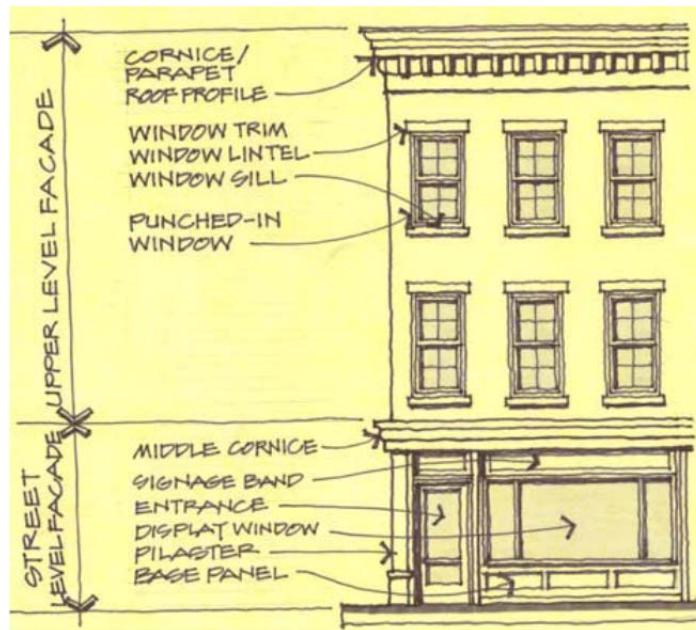
*(P&Z): The first sentence has been modified to include the former second sentence to enhance the meaning of this opening statement and eliminate redundant language.*

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

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

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

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



## 87. **Parking Lots**

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

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

## 9. **Gas Station Service Canopies**

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

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

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

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

## Division 10-50.30: Building Height

### 10-50.30.030 How Building Height is Measured

- Page 50.30-2

#### 2. Overall Building Height

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

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

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

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

- (a) Flagpoles; and,

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

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

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

- Page 50.30-3

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

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

## Division 10-50.50: Fences and Screening

### 10-50.20.020 Permit Required

- Page 50.50-2

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

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

## 10-50.50.0430 General Fencing and Screening Requirements

- Page 50.50-2

**Table 10-50.50.020.A: Maximum Height of Fences or Walls**

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

### End Notes

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

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

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

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

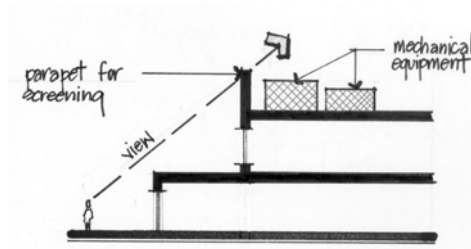
Insert two figures, one each for residential zones and commercial zones, to illustrate the standards established in this table and how they are applied.

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

#### D. Equipment Screening

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

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



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

*Renumber following Subsections.*

#### E.D. Use of Chain Link Fences

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

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

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

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

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

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

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

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

### **10-50.60.020 Applicability**

- Page 50.60-5

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

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

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

#### **C. Exceptions**

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

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

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

### **10.50.60.030 Landscaping Plans**

- Page 50.60-6

#### **A. Concept Landscape Plan**

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



## **B. Preliminary Landscape Plan**

1. A preliminary landscape plan shall be ~~included with submitted for review and approval by the Director at the same time as an application for site plan review the concept plan is submitted~~ in compliance with Section 10-20.430.140~~50~~ (~~Concept Site Plan Review and Approval~~) for review and approval by the Director.
2. The preliminary landscape plan shall contain at a minimum the location, description, proposed low impact design measures, and number of proposed materials, including new and existing ground covers, shrubs, and trees, and a brief description of the planting and design actions that are intended to meet the requirements of Section 10-50.60.070 (Water Use and Irrigation). Detailed submittal requirements for preliminary landscape plans are included on the checklist included with the application form for Site Plan Review and Approval.

## **C.B. Final Landscape Plan**

A final landscape plan shall be submitted as part of the application for a site grading or a Building Permit ~~Site Plan Review and Approval~~ (Section 10-20.40.030~~140~~). A final landscape plan shall be approved by the Director before the issuance of a Building Permit, or any other permit for grading, or ~~other~~ construction. Detailed submittal requirements for final landscape plans are included on the checklist included with the application form for Civil Construction Plan Approval.

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

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

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

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

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

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

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

#### D. Preparation by Qualified Professional

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

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

#### 10-50.60.040 Landscape Location Requirements

- Page 50.60-9

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

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

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

##### End Note

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

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

#### B. Non-Residential Zone Buffers

##### 1. Street Buffers

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

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

##### 2. Peripheral Buffers

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

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

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

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

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

#### 10-50.60.050 Landscaping Standards

- Page 50.60-13

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

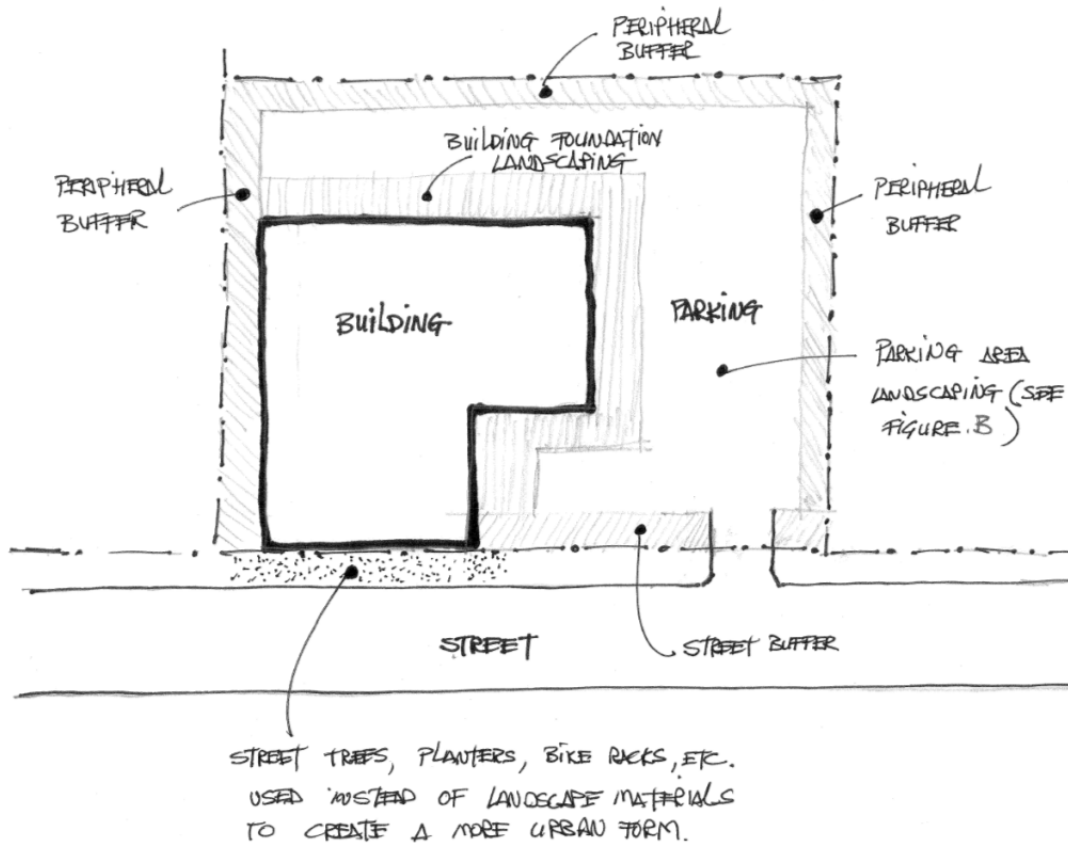


FIGURE A: LOCATION OF REQUIRED LANDSCAPE AREAS

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

---

## End Notes

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

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

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

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

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

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

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

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

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

- Page 50.60-14

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

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

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

##### a. Landscape Islands

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

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

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

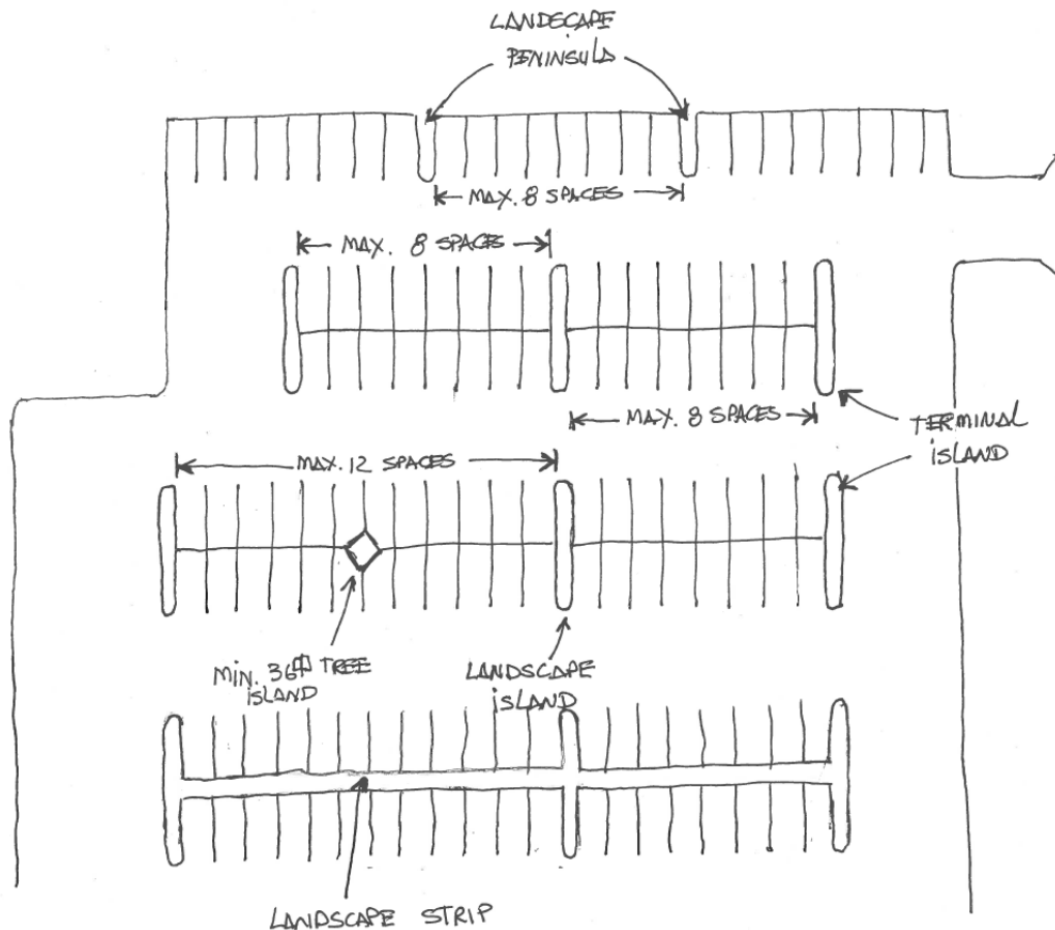


FIGURE B. INTERIOR PARKING AREA - LANDSCAPE LOCATION REQUIREMENTS

- Page 50.60-17

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

**2. Landscaping Around Buildings**

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

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

**FE. Solar Access**

- Page 50.60-18

**10-50.60.050 Landscaping Standards**

**A. Landscaping Design**

**1. Plant Material Considerations**

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



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

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

**End Note**

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

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

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

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

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

- Page 50.60-19

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

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

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

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

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

**End Notes**

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

<sup>2,3</sup> Two one-gallon groundcover plants may be substituted for one required five gallon shrub, unless the shrubs are required for a street buffer or for parking lot screening.

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

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

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

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

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

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

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

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

- Page 50.60-19

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

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

## 2. Trees

Tree planting shall comply with the following standards:

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

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

## 10-50.60.070 Water Use and Irrigation

- Page 50.60-28

### D. Stormwater Runoff and Water Harvesting

#### 3. Rainwater Harvesting

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

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

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

## 10-50.60.080 Maintenance

- Page 50.60-29

### A. Maintenance Required

- 4. ~~Maintenance of a~~ Approved landscaping in rights-of-way, including street trees, shall be maintained in compliance with the Engineering Standards (Section 13-18-05, Title 18, Chapter 18-05 (Maintenance)).

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

## Division 10-50.70: Outdoor Lighting Standards

### 10-50.70.030 Applicability

- Page 50.70-3

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

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

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

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

- Page 50.70-5

#### B. Lighting Classes

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

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

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

- Page 50.70-6

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

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

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

#### **End Note**

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

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

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

- Page 50.70-8

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

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

- Page 50.70-10

**J. Neon Building Lighting**

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

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

- Page 50.70-11

**L. Internally Illuminated Architectural Elements**

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

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

**M. Architectural/Landscape Lighting**

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

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

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

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

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

- Page 50.70-13

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

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

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

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

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

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

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

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



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

### **10-50.80.030 General Parking Standards**

- Page 50.80-3

#### **A. General Parking Standards**

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

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

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

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

- Page 50.80-5

#### **C. General to All Zones**

##### **1. Maximum Number of Parking Spaces**

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

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

##### **2. Motor Vehicle Parking Spaces Required**

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

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

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

- Page 50.80-6

##### A. Applicable to All Zones

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

##### **End Note**

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

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

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

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

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

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

Private Rooms

~~No Private Rooms~~

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

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

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

**10-50.80.050 Bicycle Parking**

- Page 50.80-11

**B. Required Spaces**

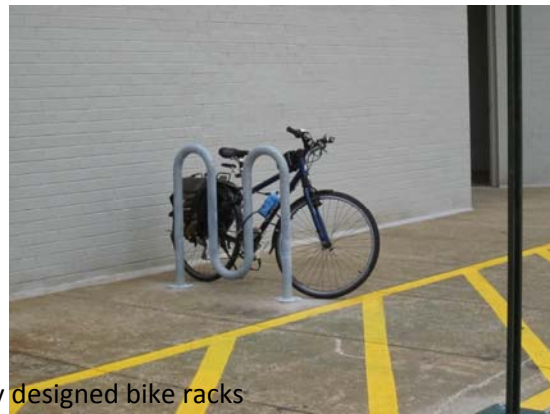
1. Two bicycle parking spaces, or five percent of required off-street parking spaces, whichever is greater, are required for all uses other than single-family residential uses.
2. Bicycle spaces shall be provided in accordance with the following requirements:
  - a. Bicycle parking shall consist of either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

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



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

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



Examples of incorrectly designed bike racks

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

#### **10-50.80.060 Parking Adjustments**

- Page 50.80-12
- A. Transit

##### **~~1.—General to All Zones~~**

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

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

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

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

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

- Page 50.80-16

#### G. Motorcycle Parking Reduction

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

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

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

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

- Page 50.80-16

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

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

- Page 50.80-17

#### **End Notes**

<sup>2</sup>

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

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

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

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

- Page 50.80-17

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

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

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

- Page 50.80-18

### C. Parking for Disabled Persons

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

- Page 50.80-19

#### 3. Number of Accessible Parking Spaces

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

Table 10-50.80.080.B: Min. Number of Accessible Spaces	
Total Parking in Lot	Required Min Number of Accessible Spaces
1 to <del>25</del> 0	1
<del>26</del> + to <del>5</del> 40	2
<del>54</del> 1 to <del>75</del> 60	3
<del>76</del> 6+ to <del>10</del> 80	4
<del>81</del> 01 to <del>15</del> 00	5
<del>15</del> 01 to <del>42</del> 00	6
<del>42</del> 01 to <del>23</del> 00	7
<del>23</del> 01 to <del>34</del> 00	8
<del>34</del> 01 to <del>45</del> 00	9
<del>40</del> 1 to <del>50</del> 0	<del>10</del>
501 to 1000	2% of total
>1,000	20 plus 1 for each 100 over 1,000

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



- Page 50.80-20

#### F. Location

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

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

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

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

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

*Insert illustration – see next page.*

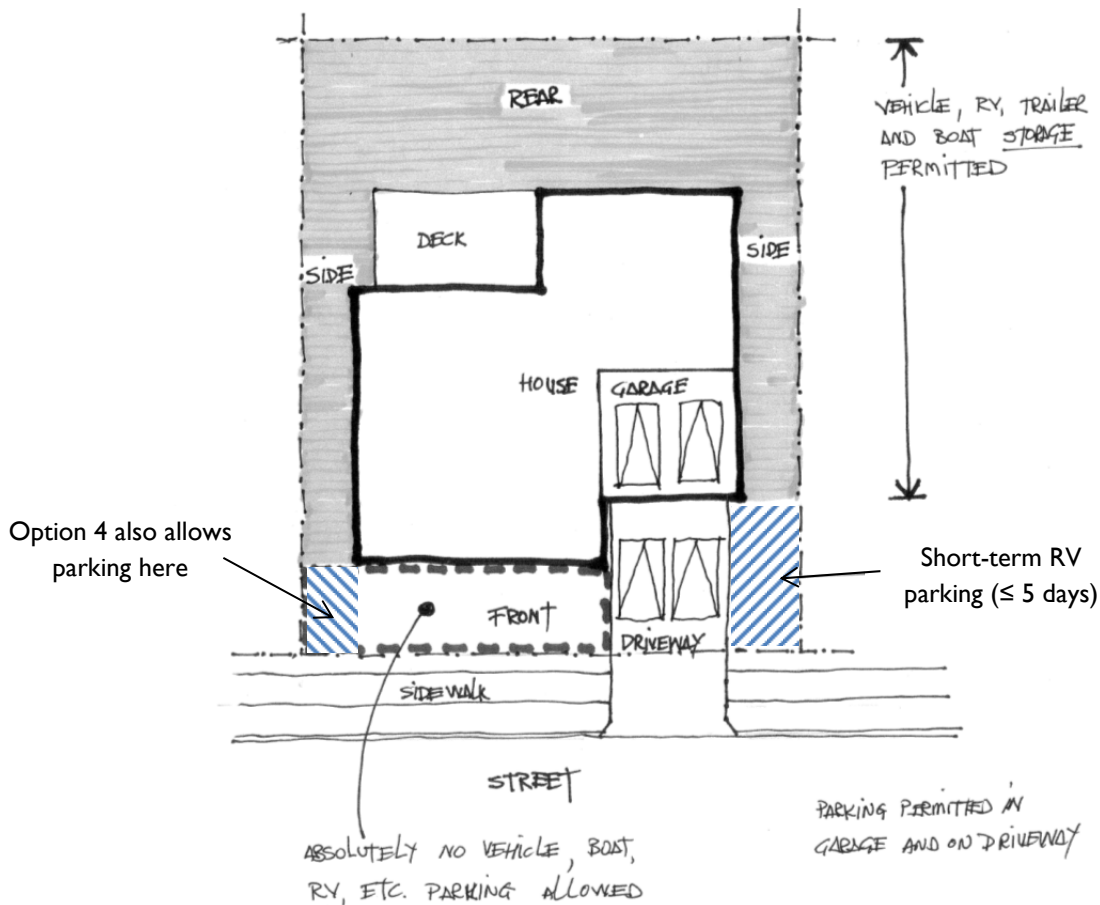


FIGURE C.

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

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

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

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

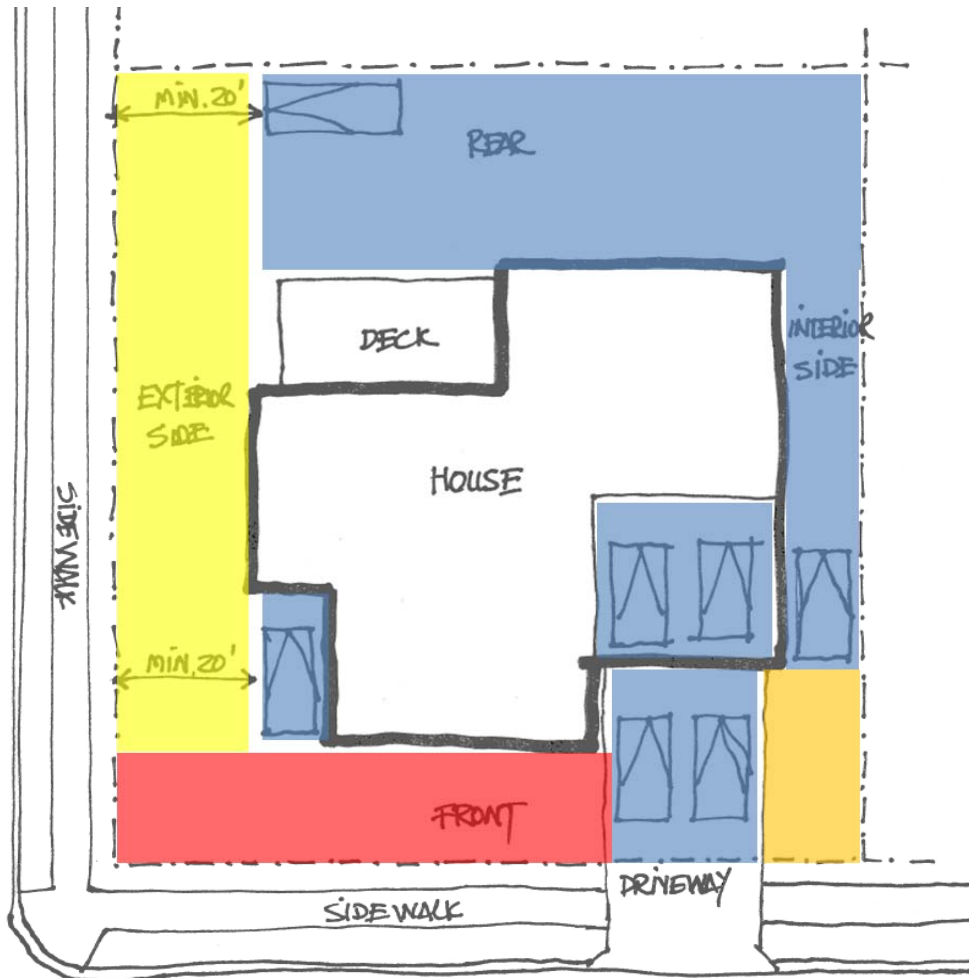


Where parking is allowed under today's rules

Where parking is proposed to be allowed OPTION 1

Where parking is proposed to be allowed OPTION 2

Another Alternative. Allow parking here? OPTION 3



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

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

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

- Page 50.80-20

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

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

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

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

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

- a. The owner, lessee, occupant or person having legal control of the property permits the use of the property for such overnight parking;
- b. The property is clearly posted with a sign(s). ~~Owners of such properties shall be prohibited from posting signs~~ indicating that overnight parking ~~camping~~ is permitted;
- c. Vehicles are only parked for the purpose of overnight parking for no more than one night and shall be moved from the property by no later than 10:00 am the following morning; and
- d. It shall be the responsibility of the property owner to ensure that the property is maintained in a clean and sanitary condition free from litter, trash or other waste in accordance with applicable City standards.

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

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

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

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

**OPTION 2:**

**10-50.80.090 Overnight Parking of RVs**

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

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

**10-50.80.1090 Development and Maintenance**

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

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

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

- Page 50.90-2

**10-50.90.020 Applicability**

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

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

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



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

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

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

- Page 50.90-7

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

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

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

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

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

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

- Page 50.90-8

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

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

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

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

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

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



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

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

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

- Page 50.90-15

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

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

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

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

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

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

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

## Division 10-50.100: Sign Standards

Page 50.100-8

### 10-50.100.020 Applicability

#### D. Exemptions

##### 11. Nonstructural Modifications and Maintenance

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

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

- Page 50.100-33

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

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

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

- Page 50.100-33

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

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

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

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

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

- Page 50.100-42

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

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

~~Sign Area~~ When placed outside of a business, signs that are an integral part of such machines shall be included in total allowable building mounted sign area.

~~Permitting~~ No Sign Permit required.

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

- Page 50.100-55

**10-50.100.090 Temporary Signs**

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

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

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

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

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

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

**UPDATE:**

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

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

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

**A. Flagstaff Central District**

**5. Standards**

**c. Temporary Signs**

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

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

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

- Page 50.100-69

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

	<b>Standard</b>	<b>Other Requirements</b>
Permitting	<del>No</del> Sign Permit required	

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

## Division 10-50.110 Specific to Building Types

- Page 50.110-2 to -3

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

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

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

- Page 50.110-3

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

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

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



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

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



- Page 50.110-7

## 10-50.110.050 Single-Family Estate

### Table B. Lot

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

Width	100' min.
Depth	100' min.

#### End Note

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

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

- Page 50.110-9

#### 10-50.110.060 Single-Family House

Table B. Lot

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

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

**End Note**

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

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

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

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

- Page 50.110-11

#### 10-50.110.070 Single-Family Cottage

Table B. Lot

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

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

**End Note**

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

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

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

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

- Page 50.110-13

#### 10-50.110.080 Bungalow Court

Table A. Description

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

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

**Table B. Lot**

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

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

**End Note**

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

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

**Table G. Common Open Space**

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

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

**Table H. Building Size and Massing**

**Miscellaneous**

Height ~~2+1/2~~ stories max.

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

**Table I. Miscellaneous**

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

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

- Page 50.110-15

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

**Table B. Lot**

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

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

**End Note**

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

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

**Table G. Common Open Space**

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

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



- Page 50.110-17

#### 10-50.110.100 Duplex, Stacked

**Table B. Lot**

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

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

**End Note**

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

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

**Table G. Common Open Space**

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

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

- Page 50.110-19

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

**Table B. Lot**

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

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

**End Note**

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

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

**Table G. Common Open Space**

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

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

- Page 50.110-20 (new)

#### 10-50.110.120 Stacked Triplex

Insert photographs and illustrations – ODI.

**A. Description**

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

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

## **B. Lot**

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

<u>Width</u>	<u>50' min.; 75' max.</u>
--------------	---------------------------

<u>Depth</u>	<u>100' min.; 150' max.</u>
--------------	-----------------------------

## **C. Number of Units**

<u>Units</u>	<u>3 max.</u>
--------------	---------------

## **D. Pedestrian Access**

<u>Main Entrance Location</u>	<u>Primary Street</u>
-------------------------------	-----------------------

<u>Each unit may have an individual entry that faces the street.</u>	
--	--

## **E. Allowed Frontages**

<u>Porch</u>
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<u>Stoop</u>
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## **F. Vehicle Access and Parking**

<u>Where an alley is present, parking and services shall be accessed from the alley.</u>	
--	--

<u>Parking spaces may be enclosed, covered or open.</u>	
---	--

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

## **G. Common Open Space**

<u>Area</u>	<u>15% of lot area min. and no less than 400 sf</u>
-------------	---

<u>Width</u>	<u>15' min.</u>
--------------	-----------------

<u>Depth</u>	<u>15' min.</u>
--------------	-----------------

<u>No private open space is required.</u>	
---	--

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

### **Main Body**

<u>Width</u>	<u>36' max.</u>
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### **Secondary Wing**

<u>Width</u>	<u>24' max.</u>
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### **Miscellaneous**

<u>Height</u>	<u>See transect zone in which the building is proposed.</u>
---------------	---

## **End Note**

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

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

*Other tasks as a result of this change:*

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

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

- Page 40.40-25

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

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

Add Stacked Triplex to this table.

- Page 40.40-31

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

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

Add Stacked Triplex to this table.

- Page 50.110-21

**10-50.110.120 Townhouse**

**Table B. Lot**

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

Width	18' min.
Depth	80' min.

**End Note**

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

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

**Table I. Miscellaneous**

**End Note:**

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

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

- Page 50.110-23

**10-50.110.130 Apartment House**

**Table B. Lot**

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

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

**End Note**

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

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

### Table G. Common Open Space

Area	15% of lot area min. <a href="#">and no less than 400 sf.</a>
Width	<del>152</del> 9' min.
Depth	<del>152</del> 9' min

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

- Page 50.110-25

### 10-50.110.140 Courtyard Apartment

#### Table B. Lot

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

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

##### [End Note](#)

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

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

- Page 50.110-25

### 10-50.110.150 Live/Work

#### Table B. Lot

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

Width	18' min.
Depth	80' min.

##### [End Note](#)

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

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

### Table G. Private Open Space

Area	15% of lot area min. <a href="#">and no less than 400 sf.</a>
Width	<del>152</del> 9' min.
Depth	<del>152</del> 9' min

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

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

Insert photographs and illustrations – ODI and Juniper Point.

#### **A. Description**

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

#### **B. Lot**

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

<u>Width</u>	<u>100' min.; 150' max.</u>
--------------	-----------------------------

<u>Depth</u>	<u>100' min.; 150' max.</u>
--------------	-----------------------------

#### **C. Number of Units**

<u>Units</u>	<u>8 min; 32 max.</u>
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#### **D. Pedestrian Access**

<u>Main Entrance Location</u>	<u>Primary Street</u>
-------------------------------	-----------------------

<u>Each unit may have an individual entry.</u>	
--	--

#### **E. Allowed Frontages**

<u>Porch</u>	<u>Forecourt</u>
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<u>Stoop</u>	
--------------	--

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

<u>Where an alley is present, parking and services shall be accessed from the alley.</u>
--

<u>Parking spaces may be enclosed, covered or open.</u>
---

<u>Garages may be detached or tuck-under<sup>1</sup>.</u>
---

#### **G. Common Open Space**

<u>Area</u>	<u>15% of lot area min.</u>
-------------	-----------------------------

<u>Width</u>	<u>40' min.</u>
--------------	-----------------

<u>Depth</u>	<u>40' min.</u>
--------------	-----------------

<u>No private open space is required.</u>
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#### **H. Building Size and Massing**

##### **Main Body**

<u>Width</u>	<u>200' max.</u>
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##### **Secondary Wing**

<u>Width</u>	<u>40' max.</u>
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##### **Miscellaneous**

<u>Height</u>	<u>See transect zone in which the building is proposed.</u>
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#### **End Note**

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

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

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

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

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

- Page 40.40-31

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

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

Add Apartment Building to this table.

- Page 40.40-37

**10-40.40.090 T5 Main Street Standards**

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

Add Apartment Building to this table.

- Page 50.110-29

**10-50.110.160 Commercial Block**

**Table B. Lot**

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

Depth 100' min.

**End Note**

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

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

**Table C. Number of Units**

~~Units — 2 Min.~~

Staff recommends that this standard should be deleted as it is unnecessary. While the commercial block building type may include residential units as either condominiums or apartments, there may be situations where in the downtown (T6) Transect Zone a multi-story building with only retail and office uses, or lodging uses, makes perfect sense.

## Division 10-50.120 Specific to Private Frontages

- Page 50.120-3

### Table 10-50.120.020.A Private Frontages General

*A comparison of Table 10-50.120.020.A with the Allowed Encroachment and Frontage Types in the Transect Zones revealed a minor inconsistency in the T5 Transect Zone. Table 10-50.120.020.A should, therefore, be corrected as follows:*

Gallery:           Add **T4** as a transect zone in which this private frontage type is permitted

- Page 50.120-9

### 10-50.120-080 Forecourt

#### A. Description

A portion of the main façade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas when it is designed with a hard surface and landscaping as an edge treatment. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

*This minor amendment clarifies that when a forecourt is used within an urban area for restaurant seating, a hard surface is necessary with landscaping only installed as an edge treatment. In an urban context, large landscaped areas are not appropriate.*

#### C. Miscellaneous

A short wall, ~~hedge~~, or fence shall be placed along the BTL where it is not defined by a building.

*Hedges are difficult to grow in Flagstaff because of our climate, and therefore, staff recommends that they be removed from this standard.*